
NOTICE OF PUBLIC MEETING
December 22, 2020- 6:30 PM

CITY OF BELLE ISLE
PLANNING AND ZONING BOARD REGULAR SESSION

1. Call to Order, Confirmation of Quorum
2. Invocation and Pledge to the Flag
3. Approval of P&Z Meeting Minutes
 - a. October 27, 2020
 - b. December 7, 2020, meeting canceled
4. **PUBLIC HEARING CASE#2020-11-019** – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.
5. **PUBLIC HEARING CASE#2020-11-021** – PURSUANT TO BELLE ISLE CODE SEC. 54-79 (F) (4), THE BOARD SHALL REVIEW AND TAKE ACTION ON PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE, FL, 32812, ALSO KNOWN AS PARCEL #17-23-30-0000-00-008.
6. **PUBLIC HEARING CASE#2020-11-006** – PURSUANT TO BELLE ISLE CODE SEC. 50-33 (2) (D), THE BOARD SHALL REVIEW AND TAKE ACTION FOR RECOMMENDATION TO CITY COUNCIL ON THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.
7. Other Business
 - a. Chair and Vice-Chair Nomination (Section 42-32): January 26, 2021
8. Adjournment

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based, Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.

ITEM 3

APPROVAL OF MINUTES

- a. P&Z Meeting minutes – October 27, 2020
- b. P&Z Meeting minutes – November 24, 2020 rescheduled
- c. P&Z Meeting minutes – December 7, 2020 meeting canceled



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
October 27, 2020 – 6:30 pm

Dan Langley City Attorney	David Woods Vice-Chairman District 1	Chris Shenefelt District 2	OPEN District 3	Randy Holihan Chairman District 4	Rainey Lane District 5	Andrew Thompson District 6	Leonard Hobbs District 7
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On Tuesday, October 27, 2020, the Belle Isle Planning & Zoning Board met in a Zoom virtual conference at 6:30 pm in the Belle Isle City Hall Council Chambers <https://us02web.zoom.us/j/82545554118> - Passcode: 8011531.

Board members present were: Chairman Holihan, Vice Chairman Woods, Board member Shenefelt, Board member Thompson, Board member Hobbs, and Board member Lane. Also present were Attorney Langley, City Manager Bob Francis, City Planner April Fisher, and City Clerk Yolanda Quiceno. Open Seat – District 3

1. Call to Order

Chairman Holihan called the meeting to order at 6:30 pm. Board member Hobbs gave the invocation and Pledge of Allegiance.

2. Approval of Minutes

- a. P&Z Meeting minutes – August 25, 2020
- b. P&Z Meeting Minutes – September 22, 2020

Vice-Chairman Woods moved to approve the minutes as presented.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

- 3. PUBLIC HEARING CASE #2020-09-007 - PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-84 (D) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SPECIAL EXCEPTION TO ALLOW ACTIVE RECREATIONAL USES ON PROPERTY ZONED OPEN SPACE DISTRICT AND PURSUANT TO BELLE ISLE CODE SEC. 54-84 (G) (2) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN FOR WALLACE PARK IMPROVEMENTS, SUBMITTED BY APPLICANT CITY OF BELLE ISLE, LOCATED AT E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

April Fisher, City Planner, requested Public Hearing Case #2020-09-007 be tabled from the agenda and continued indefinitely. She reported that the Board could not hear the case until the Special Exception Appeal has gone through the process with City Council.

Board member Lane moved to continue Public hearing 2020-09-007 indefinitely until the Special Exception Appeal has gone through the process with City Council.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

- 4. PUBLIC HEARING CASE #2020-10-001- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE WITH GATES IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANTS MICHAEL AND LISA GENTILE LOCATED AT 7606 DAETWYLER DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-020.

April Fisher reported that the application is for a fence in the front yard. The applicant is concerned about security. Based on the applicant's information, the staff recommends approval because of the deep lot configuration and security concerns. April Fisher said the applicant stated in his narrative that they would be installing a 6' black chain link fence with (2) 8' wide black aluminum gates across the front of the property.

Michael Gentile said he would like to install the same type of fence installed by his neighbors to his property's left and right. He further added that the fence will be installed behind the shrubs and will not be seen from the street.

Chairman Holihan opened for public comment.

There being none, he closed public comment and opened for Board discussion.

Vice-Chairman Woods said the plan has a good landscape buffer in front of the fence and will not be seen from the road. He said this is one of the areas the Board identified needing fences as part of an overlay district.

Vice-Chairman Woods moved pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) and Sec. 42-64 and Sec. 48-34 of the Belle Isle Land Development Code having been met TO APPROVE THE REQUESTED VARIANCE TO PLACE A FENCE WITH GATES IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANTS MICHAEL AND LISA GENTILE LOCATED AT 7606 DAETWYLER DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-8036-02-020.

Board member Lane seconded the motion, which passed unanimously 6:0.

- 5. PUBLIC HEARING CASE #2020-10-003- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (b) (5), Sec. 50-102 (b) (16) AND Sec. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE WITH GATE IN THE FRONT YARD AND SIDE YARD OF PROPERTY OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT DANIEL BARNES LOCATED AT 6838 SEMINOLE DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-090.

April Fisher reported that the application asks for a fence on a portion of the front yard. A few years ago, the Board approved a fence along the property's front through a variance. The applicant is seeking to add fencing on the side, and a portion of the side sits on the front yard plane. They have identified their issues to be for security. The property has an "L" shape configuration, and the house sits to the back, closer to the lake. The fence will be consistent with the design of the current fence. Based on the applicant's identification of security and meeting the code criteria, the staff recommends the request's approval.

Daniel Barnes said this would be a part two of the fence added in 2017. He had to take down the securing hedge, which was damaging the sprinkler system. This fence will allow him to get the property back to being secured and provide him privacy.

Chairman Holihan called for public comment.

The City Clerk stated that she received a letter from the neighbor Debra Donham who has requested to speak. She does not see her as an attendee and asks that the letter be accepted for the record. Chairman Holihan acknowledged the request and added the letter for the record.

Vice-Chairman Woods asked if the homeowner will be replacing the landscaping shrubs. Mr. Barnes said he would replace the landscaping, in the future, with different types of shrubs.

Board member Lane moved to approve variance #2020-10-003.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

City Manager Francis reminded both applicants that they would have to wait for 15-days before starting and construction.

OTHER BUSINESS

Due to the upcoming holidays, April Fisher suggested combining the November and December meetings to a December date. The board consensus was to approve the request.

After discussion, Vice-Chairman Woods moved to cancel the scheduled November 2020 meeting.

Board member Shenefelt seconded the motion, which passed unanimously 6:0.

Vice-Chairman Woods moved to reschedule December 22, 2020, to December 7, 2020.

Board member Hobbs seconded the motion, which passed unanimously 6:0.

ADJOURNED

There being no further business, Chairman Holihan moved to adjourn the meeting, unanimously approved 7:00 pm.

Yolanda Quiceno
City Clerk, CMC

**ITEM 4
MEMORANDUM**

TO: Planning and Zoning Board

DATE: December 22, 2020

PUBLIC HEARING CASE#2020-11-019 – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Background:

1. On November 18, 2020, Chris Heath submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Friday, November 27, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Monday, November 23, 2020.
4. The meeting scheduled for December 7, 2020, was canceled due to no quorum being present.
5. A Notice of Public Hearing legal advertisement was re-advertised in the Saturday, December 12, 2020, Orlando Sentinel.
6. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, December 8, 2020.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code SEC. 42-64, AND SEC. 30-82 of the Belle Isle Land Development Code having been met **TO APPROVE THE REQUESTED VARIANCE** FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4) AND SEC. 42-64 AND SEC 30-82, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] **having NOT been met; [may be used in addition to above or alone] TO DENY THE REQUESTED VARIANCE TO CONTINUE PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.**

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



December 1, 2020

Variance Application: 2120 Homewood Drive

Applicant Request: PUBLIC HEARING CASE#2020-11-019 – PURSUANT TO BELLE ISLE CODE SEC. 42-64, AND SEC. 30-82, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 30-73 (E), SEC. 30-133 (C) (3), AND SEC. 30-133 (C) (4), TO ALLOW CONTINUED PARKING OF TRAILERS ON A CURRENTLY VACANT RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CHRIS HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL, 32809, ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Existing Zoning/Use: R-1-AA/ vacant residential

Review Comments

This application seeks a variance to be able to continue to park trailers on a vacant single-family residential lot. The applicant has been parking three trailers on the lot since purchasing the property in 2017. In 2019, the City revised the code section regarding parking of motor vehicles on residential property, Chapter 30, through Ordinance 19-04. Added to this chapter of code, was a provision that *“no motor vehicles, recreational vehicles, watercraft or utility trailers, shall be parked or stored on any vacant property in the City.”* A copy of the ordinance is provided with this staff report.

The applicant is seeking relief from these new sections of the code to be able to continue parking the trailers until such time that he can build a single-family home on the lot.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

Staff Recommendation

The code requirements for parking on residential lots vary by the type of vehicle being parked. Sec. 30-73 clearly identifies that no vehicles can be parked on vacant lots. If a single-family residential lot is developed with a primary residence then the code stipulates where certain vehicles may be parked and the parameters for the parking spaces.

Sec. 30-73 stipulates that any vehicle parked on a residential lot must be on a prepared surface pursuant to the requirements of Sec. 30-133, identified below:

- A. Unless completely housed in a garage or other suitable structure, all watercraft, recreational vehicles and utility trailers parked, stored or kept in any residential district

shall be parked, stored or kept in the side yard or rear yard where accessible by alley, public or private road, or other legally permissible means.

B. Only one watercraft unit or watercraft trailer shall be parked, stored, or kept in the front yard of the property and shall be subject to the following restrictions:

- 1) No watercraft exceeding 25 feet in length or ten and one-half feet in height shall be permitted in the front yard.
- 2) No watercraft shall be permitted in the front yard unless placed upon a watercraft trailer.
- 3) The watercraft unit or trailer shall be parked on a prepared surface meeting the following criteria:
 - a) Surface constructed of concrete pavers, asphalt, gravel or mulch;
 - b) Located so that its longest edge is contiguous to the existing driveway unless the prepared surface is a covered carport;
 - c) Front edge of the prepared surface is not less than five feet from the paved sidewalk and not less than ten feet from the roadway pavement; and
 - d) When parked on the prepared surface, no part of the recreational unit, including, if applicable, a trailer hitch or outboard motor may extend closer than five feet to a paved sidewalk and not closer than ten feet to a roadway pavement.
- 4) No recreational vehicle or utility trailer shall be parked, stored or kept in the front yard of the property, or on any vacant or undeveloped property.

Additionally, there are criteria for prepared surface. The following criteria must be met for approval of the prepared surface:

- 1) The location of the surface must be adjacent to the existing driveway or placed in line with either outside edge of the existing structure.
- 2) The surface must be placed such that the vehicle, when parked, is perpendicular to the existing structure.
- 3) The front edge of the surface must be not less than five feet from the front property line.

Any vehicle parked in a front yard must be parked:

- 1) Completely on an approved prepared surface as described in this section.
- 2) At least three feet from any existing sidewalk.
- 3) At least three feet from any side lot line.
- 4) At least three feet from a non-sidewalk curb or roadway if no curb.

There are also general standards for designated parking areas in Sec. 30-133 (f):

- 1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, four-inch gravel or crushed rock, mulch, or other material approved by the city manager or city manager designee.

- 2) All areas designated as parking or driveway shall be completely contained within a permanent border.
- 3) The borders of any prepared parking surface constructed of gravel, crushed rock, mulch, or any other loose material approved by the city manager or city manager designee, shall be delineated with anchored man-made or natural landscape edging materials such that the parking area is clearly defined and the loose material contained so to prevent spreading and deterioration of the parking area.
- 4) The parking area must be accessible from the driveway and curb cut, if there is a curb. The parking space shall not be accessed by driving over the curb and/or sidewalk.
- 5) If in an area with an HOA (whether voluntary or mandatory), the HOA needs to approve the application.
- 6) All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property. Final determination of a parking surface's condition shall be at the discretion of the city manager or the city manager's designee.

When a variance is requested from the Board, consideration of Sec. 42-64 (1) d through g must be evaluated. The applicant has provided responses to these criteria for the Board's evaluation.

Because Ordinance 19-04 provided new regulations applicable to this situation, it would not be uncommon for a board to allow a temporary variance to provide reasonable time for a property owner to come into compliance with the code. If the Board chooses to do this, staff recommends that the applicant be required to obtain a permit and place the trailers on a prepared parking surfaces compliant with Sec. 30-133 (f) within an immediate timeframe. Additionally, the Board may consider the temporary variance being allowed for one year, which could provide time for the applicant to begin building a primary single-family home on the property, or make other arrangements for parking the trailers at another location.

ORDINANCE NO. 19-04

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 30 OF THE CITY CODE PERTAINING TO PARKING REGULATIONS; PROVIDING FOR DEFINITIONS, PARKING OF MOTOR VEHICLES, ISSUANCE OF CITATIONS, FINES, HEARINGS, APPEALS, PARKING ON THE PARKING STRIP, OCCUPANCY AND RENTAL OF VEHICLES, STANDARDS FOR DESIGNATED PARKING AREAS, FRONT YARD PARKING, PARKING SURFACE REQUIREMENTS, AND OTHER MATTERS RELATED TO VEHICLE PARKING WITHIN THE CITY; PROVIDING FOR CREATION OF RESIDENTIAL PARKING DISTRICTS, PROCESS FOR APPLICATION FOR AND CREATION OF SUCH, PERMITTING IN RESIDENTIAL PARKING DISTRICTS, PENALTIES, AND OTHER MATTERS RELATED THERETO; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle, Florida, finds that it is in the interests of the health, safety, and welfare of the residents of Belle Isle and the general public that Chapter 30 of the City Code be amended to strengthen and modify the City’s regulations pertaining to the parking of vehicles within the City.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. City Code Amendment. Sections 30-1, 30-73, 30-74, 30-76, 30-102, 30-104, 30-132, and 30-133 of the City Code are hereby amended, and new sections 30-83 and 30-84 are hereby created, all as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not referenced are not being modified).

Sec. 30-1. – Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the indicated meanings:

Abandoned vehicle means any vehicle, as defined in this section, which is in a wrecked or junked condition having no value, other than nominal salvage value, if any, which has been left abandoned and unprotected from the elements, and which has been left unattended, without the permission of the property owner, upon whose property such vehicle is located for more than 72 hours unless such vehicle is designated as not abandoned by the enforcement officer. Evidence of an abandoned vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Box truck means a truck with a box-like cargo area that sits on the frame of the vehicle.

Bus means a motor vehicle designed or constructed to carry more than 15 persons plus the driver.

Carport means an open-sided structure which is used primarily for the parking of vehicles which belong to the occupants of the principal building.

Commercial vehicle means any vehicle designed, equipped or used for trade meeting any of the following criteria:

- (1) Total signage in or on the vehicle exceeding four square feet in area; signage that shall be included in any measurement of the maximum area allowed shall include bumper stickers, magnetic signs, painted signs and flags. Signage that is affixed to the vehicle by the manufacturer or automotive dealer and which identifies the make, model, or dealer of the automobile shall not be included in the measurement;
- (2) Equipped with external modifications designed to be used in trade including, but not limited to, externally mounted tools, machinery, equipment, tool or equipment racks, and modifications used for the purpose of lifting objects or persons above the height of the vehicles;
- (3) Flatbed trucks, box trucks, and dump trucks;
- (4) Equipped to tow or transport other vehicles for hire;
- (5) Having a length greater than 21 feet;
- (6) Having a height greater than ten feet;
- (7) A vehicle that is marked as and used for the purpose of transporting of passengers for hire such as taxicabs, shuttle vans, and limousines. This definition would also apply to private vehicles for hire such as Uber, Lyft and other similar companies that hire private vehicles for transporting passengers;
- (8) Vehicles that are parked in a commercial parking lot or vehicles that pay a fee to park; or
- (9) Having a gross vehicle weight (GVW) of more than 10,000 pounds.

Construction equipment means heavy construction equipment commonly used in the construction industry for earth moving, highway construction or building construction. By way of example, and not by way of limitation, the term "construction equipment" includes bulldozers, front end loaders, backhoes, graders, power shovels, scrapers, compactors and trailers designed for the transportation of such equipment.

Emergency vehicle means, by way of example and not by way of limitation, fire department vehicles, police and sheriff vehicles, and other state, county, city and public service corporation vehicles when used to protect people or property that is in imminent physical danger.

Enforcement officer means the city manager or any other person appointed by the city to enforce this chapter.

Front Yard means the area extending across the front of a lot between the side lot lines and being a minimum horizontal distance between the street line and the principal building.

Garage means an accessory building or an accessory portion of the main building, designed and/or used for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Junked vehicle means any vehicle, as defined by this section, which is wrecked, dismantled or partially dismantled, in derelict condition, inoperative, regardless of whether or not the same has lawfully affixed thereto an unexpired license plate or a current motor vehicle safety inspection certificate. Evidence of a junked vehicle may include, but is not limited to, factors such as: vehicle being inoperative as evidenced by vegetation underneath as high as the vehicle body or frame, having refuse or debris collected underneath or the vehicle being used solely for storage purposes, or having one or more flat tires for more than three days in succession; or incapable of functioning as a motor vehicle in its present state.

Motor home means a self-propelled vehicle which is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Motor vehicle means any vehicle which is self-propelled and/or designed to travel along the ground and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, mopeds, buggies, trucks, tractors, go-carts, golf carts, utility trailers, campers, all-terrain vehicles and trailers. However, for the purposes of division 2 of article III only, the term "motor vehicle" also means any vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Official traffic control device means any sign, signal, marking or device, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Owner means any person or other entity in whose name the legal title of the vehicle or equipment is registered, or if the vehicle or equipment is the subject of a lease or conditional sales agreement. The lessee or person or other entity with the right of purchase upon performance of the condition stated in the agreement and with the immediate right of possession.

Park or parking means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this article.

Parking Strip means that portion of the City Right-of-Way (ROW) located between the curb (or edge of pavement) and sidewalk (or if no sidewalk then the property line).

Pickup camper or coach means a device which is designed or constructed to be mounted on an automobile to allow for temporary human habitation generally in conjunction with recreational, camping or travel use.

Private property means any real property within the city which is privately owned and which is not public property as defined in this section.

Public property means any street, highway, land and improvements owned by the city and includes buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar publicly owned facility or property.

Public service vehicle means, by way of example and not by way of limitation, garbage trucks used to service the citizens of the city and school buses.

Recreational equipment means and includes, but is not limited to, boats, boat trailers and recreational vehicles.

Recreational vehicle means any vehicle which is designed or constructed primarily for temporary human habitation in conjunction with camping, traveling and other recreational activities. By way of example and not by way of limitation, recreational vehicle includes travel trailer, truck camper, motor home, pickup camper or coach (designed to be mounted on automobile or trucks), private motor coach, and cases or boxes which are designed to be used for transporting recreational equipment. A standard van or SUV that has been commercially converted for use as a camper, also referred to as a Class B motor home or conversion vehicle, shall not be considered a recreational vehicle for the purposes of this chapter, so long as the overall length does not exceed 20 feet and the overall height does not exceed nine feet.

Residential district means any single-family residential, two-family residential or multiple-family residential district as defined and delineated in the zoning ordinance and maps of the city.

Residential parking district means a distinct geographical zone established by the City Council in a residential area in accordance with Section 30-84 of the City Code within which certain regulations apply with respect to parking on public streets.

Semitrailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping without motive power designed to be coupled to or drawn by a motor vehicle and designed or constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

Severely rusted vehicle means any vehicle which is rusted on at least 50 percent of its body exterior, excluding its windows, windshield, and underside.

Stand or standing means the halting of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this article.

Standard cover means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle in question.

Stop or stopping means any prohibited halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or official traffic control device.

Tractor-trailer means a combination trucking unit consisting of a tractor hooked up to a full trailer or a semitrailer.

Trailer means any vehicle, including, but not limited to, those engaged in construction, lawn maintenance and/or landscaping in excess of 15 feet in length, without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle.

Travel trailer means a vehicle mounted on wheels which is designed or constructed to be towed and which is designed or constructed primarily for temporary human habitation in conjunction with recreational camping or travel use.

Truck camper means a truck equipped with a device designed or constructed to be loaded onto or affixed to the bed or chassis of the truck and which device is designed or constructed primarily for temporary human habitation in conjunction with recreational, camping or travel use.

Utility trailer means any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and not a recreational vehicle.

Vehicle means any motor vehicle, recreational vehicle, or watercraft, as defined in this section.

Watercraft means any vessel which is used or capable of being used as a means of transportation on water, including but not limited to motorboats (inboard and outboard), personal watercraft (such as jet skis), airboats, sailboats, canoes, and catamarans.

Wrecked vehicle means any vehicle, as defined in this section, which has unrepaired damage over at least ten percent of the vehicle body; has missing or broken body parts which are material parts, such as lights, bumpers, fenders, panels, glass; has parts that are attached to the vehicle or covered with tape; has exposed a primer coat or coat of paint other than a final coat; is severely rusted; or which has been smashed, destroyed, disabled, burned, or seriously damaged such that it is inoperable or incapable of being safely moved under its own power.

Sec. 30-73. - Parking of motor vehicles on residential property.

(a) Any motor vehicle when parked on residential property shall be parked on the driveway or on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 30-133(d-g). No motor vehicle shall be permitted to be parked on the right-of-way between the edge of the street and private property lines within residential areas.

(b) The parking of any vehicle on or over any sidewalk adjacent to any residential lot is prohibited.

~~(c) The maximum number of motor vehicles kept outside of the garage of any residential dwelling shall be limited, as follows:~~

- ~~(1) A maximum of four motor vehicles may be kept on the property of a residential dwelling having two bedrooms.~~
- ~~(2) A maximum of five motor vehicles may be kept on the property of a residential dwelling having three bedrooms.~~
- ~~(3) A maximum of six motor vehicles may be kept on the property of a residential dwelling having four or more bedrooms.~~

~~(d) The number of bedrooms in a dwelling unit shall be determined by the property information published by the Orange County property appraiser's office.~~

~~(e) The city council shall have the power to grant a special exception allowing additional parking of motor vehicles on a particular parcel provided that the parcel exceeds 0.75 acres in size and provided further that the location of all parking shall be at least 100 feet from any public road.~~

~~(f)(c)~~ The city manager shall, in his discretion, have the right to issue a waiver of the enforcement of this section for a period not to exceed 24 hours for good cause shown by the property owner, such good cause to include, by way of example and not by way of limitation, special gatherings such as parties, meetings, etc.

(d) For residences with a valid building permit, this section shall not apply to contractors working at the residence.

(e) No motor vehicles, recreational vehicles, watercraft or utility trailers shall be parked or stored on any vacant property in the City.

Sec. 30-74. - Issuance of citation; schedule of fines.

(a) When any vehicle is left parked, stopped or standing in violation of any statute of the state or county ordinance or ordinance of the city on any public property, the enforcement officer is authorized to issue a civil citation to any occupants of the vehicle or by attaching the citation or a copy thereof to the vehicle itself.

~~(b) The amount of such civil penalty shall be as follows:~~

~~(1) One hundred fifty dollars for each violation of any offense, except for the offense listed in subsection (b)(2) of this section;~~

~~(2) Two hundred fifty dollars for each offense relating to unlawful parking in handicapped designated spaces.~~

(b) The amounts and classes of such civil penalty(ies) shall be set and may be amended by resolution of the City Council, including but not limited to adoption of a schedule of fines..

~~(c) This schedule of fines may be periodically amended by ordinance of the city.~~

Sec. 30-76. - Fines and hearings.

(a) *Payment of fines; issuance of receipts.* The city manager shall accept payment of civil penalties for parking violations and issue receipts therefor.

(b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of ~~\$150.00~~ \$50.00 in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing ~~before the city council with the City Manager.~~ Such hearing shall be set for no later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing, at which the person cited shall have the opportunity to present evidence and be represented by legal counsel. At the completion of the hearing, the ~~city council~~ City Manager shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the ~~city council~~ City Manager overturns the parking violation, the fee of ~~\$150.00~~ \$50.00 shall be

refunded to the person that paid such fee within five working days of the City Manager's decision, unless the decision of the City Manager is appealed to the City Council.

(c) *Appeal of City Manager Decision:* Any person who received a parking citation may appeal the decision of the City Manager to the City Council. If appealed to the City Council, the payment stated in (b) above will not be refunded to the person. The person may within five working days after issuance of the denial by the City Manager file a written request for a hearing before the City Council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$50.00 shall be refunded to the person that paid such fee within five working days of the City Council's decision.

(e)(d) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$25.00 penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$10.00 shall be assessed incident to this notification process.

(d)(e) *Summons for failure to respond, charges.* If a response is not made within the time period specified in the notice of summons, a summons for failure to respond will be issue to the registered owner of the motor vehicle commanding an appearance before a hearing officer. In addition to all other costs, fines and administrative fees assessed by the county, a service of process charge in the amount allowed by state statute will be assessed by the city manager for each summons issued.

(e)(f) *Hearing on charge of failure to comply.* After issuance of summons, a hearing on the charge of failure to comply shall be scheduled and such charge prosecuted by the city attorney in the county court.

(f)(g) *Waiver of rights to contest citation.* Any person who fails to respond to the original parking violation citation within the time period specified on such citation shall be deemed to have waived the right to contest the merits of such parking violation.

Sec. 30-83. - Parking of motor vehicles on Parking Strip.

(a) The vehicle may have at most its passenger-side wheels on the parking strip when parking.

(b) There shall be no parking in or upon the parking strip on major collector roads.

(c) Official government vehicles and public utility vehicles on service calls are exempt from this section. Official government vehicles include any contractor hired by the City or other governing agency.

Section 30-84 Residential Parking Districts

(a) Establishing the District. The City Council has the authority, on its own motion or upon approval of a petition from a majority of the residents of the district or proposed district, to adopt a resolution designating, repealing, setting the geographical boundaries of, and/or revising residential parking districts, and to establish the parking restrictions for public roads that shall apply within such districts. Such restrictions may include but are not limited to the days, hours, and circumstances under which parking is allowed upon public roads, and exemptions thereto.

(b) Designation Criteria and Requirements.

(1) A residential parking district may be designated if the following criteria and requirements are satisfied:

(i) All of the property in the proposed district not owned by or dedicated to the City is zoned R-1, R-1-A, R-1-AA, R-1-AAA, R-2, or R-3; and

(ii) The City will measure the streets in the proposed district to determine the number of parking spaces on the streets. For the purpose of this evaluation, a legal parking space is twenty (20) linear feet.

(iii) During the proposed hours of restricted parking, the number of vehicles of non-residents of the district parked legally or illegally on a street in the district is equal to thirty percent (30%) or more of the legal on-street parking capacity of the street. The percentage of non-resident parking is determined by averaging the results of at least two surveys conducted on different days and at different times of the day but within the proposed hours of restricted parking.

(iv) The City Council determines in its sole discretion that establishment of the proposed residential parking district will serve the public health, safety, and welfare based on consideration of the following factors: 1) the need to reduce or prevent cluttering of city streets caused by parking; 2) the particular characteristics of the neighborhood(s) contained in the proposed residential parking district; 3) safety concerns including but not limited to access by emergency vehicles; 4) aesthetic concerns; 5) convenience to residents of the district and/or outside the district; and 6) other issues bearing upon the public health, safety, and welfare.

(2) The survey referenced in this subsection (b) may be conducted by the proponents of the district, or by a person designated by the City Manager, provided that the City shall not be required to accept the results of any survey conducted by the proponents of the district where the City Manager or City Council determine that such survey is unreliable, inaccurate, or otherwise unacceptable for any reason.

(3) The proposed hours of restricted parking cannot be any greater than the most restrictive hours of restricted parking in any adjacent residential parking district

(c) Public Hearing. The City Council shall hold a public hearing on any proposed designation, revision, or repeal of a residential parking district. The public hearing shall be held only after the City Manager has determined that the proposed district could satisfy the criteria for designation and notice has been sent to the residents in the proposed district and within two hundred feet (200 ft.) of the proposed district. Once the district is approved, the City Manager is responsible for administration of the district and permits in accordance with the Council's

approval of the district and any other directions by the City Council. No person shall have any right to the creation, designation, continuation, revision, or repeal of any residential parking district, and any action by the City regarding such shall not be subject to appeal or challenge.

(d) Parking Restriction in Residential Parking Districts.

(1) The parking restrictions for each residential parking district will be established by resolution of the City Council, subject to the requirements of this Section.

(2) The permits are valid only during the hours of restricted parking. The specific hours will be set in the resolution establishing the residential parking district.

(3) It is unlawful for any person to park any motor vehicle or trailer or allow any motor vehicle or trailer to be parked on any public street in a residential parking district for more than the time allowed by or otherwise in violation of the parking restrictions established for that district or street, unless the motor vehicle is displaying a valid residential parking permit, temporary parking district permit, or visitor pass for that parking district.

(4) Residential parking permit holders must comply with all other parking regulations in effect.

(e) Residency Required for a Permit. Residential parking district permits shall only be issued to residents of the parking district. For purposes of this Section, a resident is a licensed driver who resides in a dwelling unit approved for residential occupancy and who is the owner of or a tenant in the dwelling unit or who can demonstrate by some other means the right of occupancy.

(f) Permit Application.

(1) Only a resident of a residential parking district may apply for a residential parking district permit. The application shall be submitted to City Hall on forms approved by the City Manager, or City Manager's designee. The application for a permit shall contain information to verify that the applicant is a resident of the district for which the application has been made. The information must include:

1. Applicant's name, address, operator permit (driver's license) number, and date of issue.

2. Vehicle owner name, address, vehicle registration certificate number, and date of issue.

3. The make, model, color, state of registration, and license number of the vehicle(s) to be registered.

4. Proof of residency if the address or the operator permit or vehicle registration is not in the residential parking district for which the application is made.

5. Any other information required by the City Manager to determine if a residential parking permit should be issued.

(2) A parking permit will not be issued for any motor vehicle for which one or more unpaid parking tickets or citations have been issued by the Belle Isle Police Department for

parking or traffic violations. The permit shall be issued when the applicant meets the requirements specified in this and any other applicable section of the City Code and has paid the required fee.

(3) Upon approval of a permit application, a residential parking district permit will be issued to the approved resident(s) for all of the residents' vehicles.

(4) In addition to the residential parking permit, each dwelling unit in a residential parking district with an approved application shall receive three (3) short-term visitor passes.

(g) Temporary Permits; Hardship Permits.

(1) Temporary Parking District Permits. Temporary parking district permits are available for specific functions, including parties, graduations, weddings, and other appropriate events as determined by the City Manager or City Manager's designee. An application for temporary permits shall be made by the resident of the district on a City application form approved by the City Manager or City Manager's designee. Temporary parking permits may be issued for 24 hours or other period of time up to seven (7) days, as determined by the City Manager.

(2) Hardship Permits. When the designation of a residential parking district adversely impacts another City resident because their residence is not situated within the residential parking district and because they do not have on-street or off-street parking, such adversely impacted resident may petition the City Manager for a residential parking district permit.

(i) In order to approve a permit under this subsection (2), the City Manager must find that all of the following have been met:

a. That the applicant is a resident as defined in this section;

b. That a portion of the property upon which the applicant's residence is located is within one hundred (100) feet of the residential parking district;

c. That the property upon which the applicant's residence is located does not abut a street where on-street parking is allowed;

d. That there is little or no off-street parking and there is no ability to readily develop the property to provide for legal off-street parking, as determined by the City Manager.

(ii) The City Manager shall make a decision on the application within thirty (30) days of submission. An applicant whose application has been approved by the City Manager shall be considered a resident of the residential parking district for purposes of permitting under this section.

(h) Permit Fee and Term.

(1) Permit fees for residential parking district permits are established by resolution of the City Council. The fee is payable at the time of application. The fee is charged to cover the cost of printing the permit and administering the program.

(2) The permit term for each residential parking district is set forth in the resolution establishing the residential parking district.

(3) Residential parking permits may be renewed by residents upon presentation of the expired permit and payment of the fee on or before the expiration of the permit term.

(4) If application is made after the mid-point of the term of a parking permit, the fee will be one half (1/2) of the established fee.

(i) Display of Permits. Residential parking district permits must be displayed and visible on the driver's side rear window of the vehicle. Short-term visitor passes and temporary passes must be displayed and visible on the driver's side dash of the vehicle.

(j) Expiration of Permits.

(1) A permit expires and is void at the end of the permit term if not renewed within 7 days of the end of the term.

(2) A permit expires and is void when the owner or user of a permitted vehicle no longer resides within the district or when the vehicle for which the permit is issued is sold, transferred, demolished or otherwise no longer used by the resident to whom the permit was issued, unless transferred in accordance with the following section.

(3) Expired permit stickers must be removed from the vehicle upon permit expiration and expired short term visitor passes and temporary permits must be returned to City Administration.

(k) Permit Transfers and Replacement.

(1) A permit may be transferred to a new vehicle when the vehicle for which the permit was originally issued is sold, transferred, demolished, or in any other manner rendered unusable to the resident. The permittee shall notify the City of a change in status of the motor vehicle and complete an application for the new vehicle.

(2) A replacement permit may be obtained when a permit is lost or stolen. The application for a replacement permit shall be the same as the application for an original permit.

(3) A permit may not be transferred or replaced for any vehicle for which one or more parking tickets or traffic citations have been issued and are unpaid.

(l) Penalties.

(1) Violation of any provision of this policy is a parking violation. Each time a permit is used in violation of this chapter is considered a separate offense.

(2) If the registered owner of the permit does not make payment within ten (10) days of the violation, the permit will be void and a new permit will not be issued for the vehicle until the fine is paid in full.

(3) Fines will be set by a resolution of the City Council.

(m) City personnel under the direction of the City Manager are authorized to create, erect, and install any signage or other facilities as necessary or advisable to inform the public of the parking restrictions within a residential parking district.

Sec. 30-102. - Regulation of parking and storing.

(a) Except as provided in subsection (c), no person or other entity shall park or store or permit the parking and storing of any commercial vehicle or construction equipment upon any public property located in the city, including, but not limited to, public streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green space areas, public and private drainage/retention areas and other utility areas, and planting areas between sidewalks and curbs. Under this section, the term "public" includes, but is not limited to, the state, county, city, homeowners' associations, condominium associations and the community.

(b) Except as provided in ~~subsection (c)~~this section, no person or other entity shall park or store, or permit the parking or storing of any commercial vehicle or construction equipment on private property in a residential district other than in an enclosed building.

(c) Subsections (a) and (b) shall not apply to any owner, operator or person in charge of such commercial motor vehicle or construction equipment when making deliveries or performing labor or services during such time as such labor or services are being performed; nor shall they apply to a public utility (including electric power, gas, water, sewer, telephone and cable television) repair vehicle, that is kept by an employee of such utility for emergency purposes.

(d) Any motor vehicle when parked on commercial property shall be parked on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 50-72 (d).

(e) No tractor-trailer, construction vehicle, or other commercial vehicle parked within 100 feet of the residential property shall have its engine, motor, generator, or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m. except when the vehicle is being moved into or out of the parking area.

(f) Subsections (a) and (b) shall not apply to employees of a company that needs to respond to emergencies (electrician, plumber, tow truck) provided that the commercial vehicle is parked fully in the driveway and does not block the sidewalk or create other obstructions parked at the residence; however, prior authorization must be obtained from the City Manager or City Manager's designee.

Sec. 30-104. - Procedure.

(a) *Issuance of citation.* When any commercial vehicle is stored or parked in violation of this division, the enforcement officer is authorized to issue a civil citation by personally delivering it to any occupant of the commercial vehicle or by attaching the citation or a copy thereof to the commercial vehicle. With respect to a violation of section 30-102(d), the enforcement officer is authorized to also issue a civil citation to the owner of the property upon which the offending vehicle is parked.

(b) *Payment of fines; issuance of receipts.* The city clerk or the city clerk's designee shall accept payment of civil penalties for the violation of this division and shall issue receipts therefor.

(c) *Hearing and Appeal request procedure.* Any person cited under this division may challenge such citation in accordance with Subsections 30-76(b)-(c) of this Code, subject to all

~~requirements thereunder, within five working days after issuance of the citation, request an appeal in writing before the city council. Such appeal shall be set at a regular or special meeting to be held no later than 60 days after the filing of such request. The person cited shall be given written notice of the appeal. Such appeal will be noticed for date, time and place at least five working days prior to the actual appeal. At the completion of the appeal, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed. Any fine sustained, in whole or in part, by the city council must be paid within five working days after the date of the appeal at which the fine was sustained. Such appeal hearing requires a fee of \$35.00 to cover administrative costs of the hearing. Should the council overturn the citation, such fee will be refunded. However, should the council uphold the citation, the original fine will stand, in addition to the administrative fee.~~

(d) *Delinquent fee, notice of summons for failure to respond.* If any person cited under this division fails to pay the required fine within five working days after the date of issuance of the citation, or five working days after the date of the appeal hearing, provided that the appeal is timely requested; the city clerk shall assess a delinquent fee of \$10.00 per day against the registered owner of the commercial vehicle for each working day that the fine remains delinquent until the fine and all other fees and costs due under this division are paid in full. In addition to assessment of delinquent fees, the city clerk shall send a notice of summons by certified mail to the registered owner of the commercial vehicle, informing such owner of the citation of the owner's failure to comply with the citation, and shall assess the owner costs in the amount of \$25.00 for the sending of the notice. The notice shall direct the owner to pay the fine and all other fees and costs due under this division within ten days of the date of the notice. The notice shall inform the owner that, if payment is not made within the ten-day period, the owner will be charged with violation of this division and a summons will be issued commanding the owner to appear before the county court to answer and defend against those charges.

(e) *Summons for failure to respond, charges.* If a payment is not made within the time period specified in the notice of summons, a summons will issue commanding an appearance before a judge of the county court and a service of process charge of \$25.00 per summons shall be assessed.

(f) *Waiver of right to contest citation.* Any person who fails to respond to a citation issued under this division within the time specified on such citation and in the manner provided in this section shall be deemed to have waived the right to contest the merits of such citation.

Sec. 30-132. - Regulation of parking and storing.

(a) It shall be unlawful for any person or other entity to park or store recreational vehicles, watercraft or utility trailers upon any public property located in the city, including, but not limited to, public: streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green-space areas, public and private drainage/retention areas and other utility areas and planting areas between sidewalks and curbs unless expressly allowed as indicated by signage erected by the city. Under this section, the term "public" includes, but is not limited to, the state, county or city.

(b) Except as provided by section 30-133, it shall be unlawful for any person to park or store recreational units on private property in any residential district except temporarily while actually engaged in loading or unloading persons or property for a time period not to exceed 48 hours and only with a temporary parking permit issued by the city manager.

(c) No recreational vehicles or watercraft parked in any residential district within 50 feet of another residence shall have its engine, motor, generator or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m.

(d) No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water) while stored at a residence, except that if the owner of the property has a valid building permit for extensive remodeling or renovation of the residence and the residence cannot be inhabited due to such remodeling or renovation, then the property owner may use a recreational vehicle for a temporary dwelling until the remodeling or renovation is complete. The resident must provide the City with a valid building permit.

(e) No vehicle shall be used as a short-term rental.

Sec. 30-133. - Parking of watercraft, recreational vehicles, and utility trailers in residential areas, front yard parking, and parking surfaces.

(a) *Purpose.* The purpose of this section is to provide for public safety and general welfare of the city in preserving its residential character, by limiting and restricting the parking and storage of watercraft, recreational vehicles and utility trailers within the residential districts of the city.

(b) *Parking and storing in residential districts generally.* Unless completely housed in a garage or other suitable structure, all watercraft, recreational vehicles and utility trailers parked, stored or kept in any residential district shall be parked, stored or kept in the side yard or rear yard where accessible by alley, public or private road, or other legally permissible means.

(c) *Front yard regulations.* Only one watercraft unit or watercraft trailer shall be parked, stored, or kept in the front yard of the property and shall be subject to the following restrictions:

(1) No watercraft exceeding 25 feet in length or ten and one-half feet in height shall be permitted in the front yard.

(2) No watercraft shall be permitted in the front yard unless placed upon a watercraft trailer.

(3) The watercraft unit or trailer shall be parked on a prepared surface meeting the following criteria:

- a. Surface constructed of concrete pavers, asphalt, gravel or mulch;
- b. Located so that the watercraft unit or trailer is contiguous to the existing driveway unless the prepared surface is a covered carport;
- c. Front edge of the prepared surface is not less than five feet from the paved sidewalk and not less than ten feet from the roadway pavement; and
- d. When parked on the prepared surface, no part of the recreational unit, including, if applicable, a trailer hitch or outboard motor may extend closer than five feet to a paved sidewalk and not closer than ten feet to a roadway pavement.

(4) No recreational vehicle or utility trailer shall be parked, stored or kept in the front yard of the property, or on any vacant or undeveloped property.

(d) *Criteria for prepared surface.* The following criteria must be met for approval of the prepared surface:

(1) The location of the surface must be adjacent to the existing driveway or placed in line with either outside edge of the existing structure.

(2) The surface must be placed such that the vehicle, when parked, is perpendicular to the existing structure or aligned as approved by the City Manager or City Manager designee for practical minimal visual obstruction.

(3) The front edge of the surface must be not less than five feet from the front property line.

~~(4) Accepted prepared surface materials are: concrete, asphalt or concrete pavers. The prepared surface should cover the entire area under the vehicle.~~

(e) Any vehicle parked in a front yard must be parked:

(1) Completely on an approved prepared surface as described in this section.

(2) At least three feet from any existing sidewalk

(3) At least three feet from any side lot line

(4) At least three feet from a non-sidewalk curb or roadway if no curb.

(f) General standards for designated parking areas:

(1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, 4" gravel or crushed rock, mulch, or other material approved by the City Manager or City Manager designee.

(2) All areas designated as parking or driveway shall be completely contained within a permanent border.

(3) The borders of any prepared parking surface constructed of gravel, crushed rock, mulch, or any other loose material approved by the City Manager or City Manager designee, shall be delineated with anchored man-made or natural landscape edging materials such that the parking area is clearly defined and the loose material contained so to prevent spreading and deterioration of the parking area.

(4) The parking area must be accessible from the driveway and curb cut, if there is a curb. The parking space shall not be accessed by driving over the curb and/or sidewalk.

(5) If in an area with an HOA (whether voluntary or mandatory), the HOA needs to approve the application.

(6) All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property. Final determination of a parking surface's condition shall be at the discretion of the City Manager or the City Manager's designee.

(g) Permit Needed:

(1) A permit is required for all front lawn parking

(2) Permit must be signed by the property owner. Tenants are not allowed to sign a permit on behalf of the property owner.

(3) The City Manager or City Manager designee will administer the permit process.

(4) If part of an HOA, if the HOA does not allow front yard parking, then the application will be denied.

(5) In granting or denying a permit for front lawn parking, the City Manager or City Manager's designee shall consider the following criteria: 1) the number and type of the vehicles proposed to be parked; 2) the duration of the proposed parking; 3) the particular characteristics of the property, the surrounding properties, and the neighborhood; 4) aesthetic and safety concerns; 5) other matters bearing upon the welfare, health, and safety of the surrounding residents and general public.

(h) *Parking on public road right-of-way.* No watercraft, recreational vehicle or utility trailer shall be permitted to be parked in the public road right-of-way unless it is attached to a motor vehicle, or in the case of recreational vehicles it is capable of self-propulsion; and in no event shall any watercraft, recreational vehicle or utility trailer be permitted to be parked in the public road right-of-way for a period exceeding 24 hours. No watercraft, recreational vehicle or utility trailer shall be permitted to be parked on the right-of-way between the edge of pavement and private property lines within residential and commercial areas. No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water) while parked on a public road right-of-way, except in accordance with Section 30-132(d).

SECTION 3. Codification. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective date. This ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

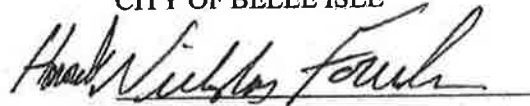
FIRST READING: June 18, 2019

SECOND READING: July 2, 2019

ADOPTED this 2nd day of July, 2019, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	<u>✓</u>		
Anthony Carugno			<u>✓</u>
Karl Shuck	<u>✓</u>		
Mike Sims	<u>✓</u>		
Harvey Readey			<u>✓</u>
Jim Partin	<u>✓</u>		
Sue Nielsen	<u>✓</u>		

CITY COUNCIL
CITY OF BELLE ISLE

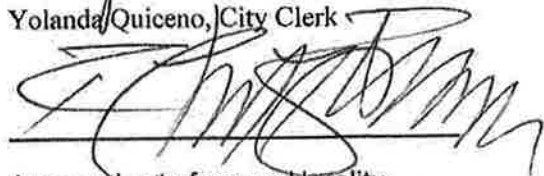


Nicholas Fouraker, Mayor

ATTEST:



Yolanda Quiceno, City Clerk



Approved as to form and legality
For Use and Reference only by the City
Kurt Ardaman, City Attorney

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 11/18/2020

P&Z CASE #: 2020-11-019

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: 12/07/2020

APPLICANT: Chris Heath

OWNER: Chris Heath

ADDRESS: 2120 Homewood Dr
Belle Isle, FL 32809

PHONE: 321-229-0772

Cmheath33@yahoo.com

PARCEL TAX ID #: 19-23-30-5888-06-310

LAND USE CLASSIFICATION: _____ ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: Request to allow continued parking of trailers in existing position on vacant lot (subject to new code placed)

SECTION OF CODE VARIANCE REQUESTED ON: SECTION 30-133

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

APPLICANT'S SIGNATURE *Chris Heath*

OWNER'S SIGNATURE *Chris Heath*

FOR OFFICE USE ONLY:

FEE: \$150.00

11/19/2020 #261
Date Paid Check/Cash

Hep
Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

Variance Request – Application Supplement

*Standards of Variance Justification	Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?
Not Self-Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i.e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.
Purpose and Intent Section 42-64 (1) g	The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)

*For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, you do not have to comply with Sec. 42-64 (1) d and (1) f.

To: City of Belle Isle, FL

From: Chris Heath

Subject: Request for variance to continue parking of trailers at my vacant property located at 2120 Homewood Dr. Belle Isle, FL 32809

Dear all, I am writing this request to request a “variance” to allow continued parking of several trailers located on my vacant property located at 2120 Homewood Dr. Pertinent details of this request include the following:

- This property was purchased by Chris Heath and Zuzana Kovacova on May 22, 2017 with intention to eventually build a custom home on the property. There is an existing boat dock on the property for which my personal ski boat and pontoon boat are attached to. The trailers for the boats are parked on the north side of the property, rather “deep” into the lot. The trailers have been here since shortly after purchase of the lot and well before the new code of “section 30-73” was established.
 - Of note, I am currently working on plans with architect/engineer/builder to start the building of the home and these trailers will likely be removed as construction begins.
- I also purchased a “Utility trailer” that functions as a storage shed just for the lot. This 7 x 12ft enclosed utility trailer serves to store the items (lawn mower, yard tools, etc) I use to maintain the property and keep it looking nice for the surrounding neighbors.
- Summary of the 3 items stored on the lot:
 - 7’ x 12’ white enclosed utility trailer, V-nose (Freedom) – Of note, would request this trailer to remain at the property through construction of the new home. This will be removed/sold at time of completion of the new home.
 - Boat trailer for 23ft ski boat (trailer only) – to be stored under cover once house built
 - Boat trailer for 28ft pontoon boat (trailer only) – will be removed once house build
- Despite many requests for storage/parking of items of my property, I have never allowed this to ensure integrity/beauty of the property to the city and neighbors.
- I was initially contacted by Bob Francis in Feb 2020 related to the violation of the code. After a phone discussion and multiple email exchanges, Bob notified me that I could continue parking the trailers until further notice. In Nov 2020, I received a notice of violation from Robyn Winters with code enforcement again detailing of the violation. Upon several email exchanges again, Bob suggested the best route would be to request a variance to continue the trailer parking at my property. I am sending this memo and supporting documents in support of the variance.
- Enclosed supporting material:
 - Pictures of the property from code enforcement showing the location of the trailers on the property (deep into the lot, and neatly placed on the very side/north of the property)
 - Letters from both adjacent neighbors (Brandon Carr and Colleen Soto) supporting their allowance for continued parking of the existing trailers.

Thank you,

Chris Heath

January 27th, 2020

To: City of Belle Isle / Bob Francis

From: Brandon Carr (Owner of 2112 Homewood Drive)

Subject: trailer parking violation at 2120 Homewood Drive

Dear City of Belle Isle,

Today I was contacted by Chris Heath, the owner of the vacant lakefront property immediately next door to my house. Chris notified me that he was given notice that the parking of his enclosed trailer and 2 boat trailers are in violation of a newer code by the city. These "vehicles" are parked deeper into the lot and immediately next to my property (close to the property line).

I am writing this letter in support of Chris Heath that he reached out to me prior to parking these items on the vacant property (including planned location) when purchased several years ago. I will attest that I have never had an issue with the location of these items or the general upkeep of the property at 2120 Homewood Dr.

As the neighbor most immediately affected (closest to my property) by the location of these items, I am writing this letter to confirm that I continue to have no issue with the location of Chris' personal items. I am in full support of allowing Chris to continue parking these existing personal items (utility trailer and 2 boat trailers) should the city of Belle Isle approve an exception or waiver to this new policy.

Regards,

A handwritten signature in black ink, consisting of the letters 'BC' followed by a horizontal line extending to the right.

Brandon Carr

January 27, 2020

To: Belle Isle

To whom it may concern. I am the owner at 2206 Homewood Drive, and directly next door to Chris Heath. Today he notified me that he was contacted by Belle Isle and notified that the trailer(s) he has parked in his vacant lot are now of violation to city code. In case it helps, I am writing this letter in support of Chris to keep the existing trailers he has parked in his vacant property. Chris has always been a courteous neighbor and despite not living here has maintained his property in excellent condition. I personally have no issue with the current condition of the property and am in support of Chris being able to leave his trailers as is should Belle Isle be able to provide an exemption.

Thank you,



Colleen Soto



CITY OF BELLE ISLE FLORIDA

4.

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Date: November 5, 2020

Certified Receipt: 7020-1290-0001-1238-1548

Property Address: 2120 Homewood Drive
Belle Isle, FL 32809

Property Owner: Christopher Heath
Zuzana Kovacova
640 S. Lake Formosa Drive
Orlando, FL 32803-1818

Parcel I.D. 19-23-30-5888-06-310

Violation(s)

CC Chap 30, Sec 30-73(e) – No motor vehicle, recreational vehicles, watercraft or utility trailers shall be parked on any vacant property in the city.

- Two watercraft trailers and one utility trailer parked on this vacant property. These must be removed by compliance date (11/29/2020).

Compliance Date: November 19, 2020

Dear Property Owner:

The property listed above has been issued a Notice of Violation of one or more city ordinances. Tax records show that you are the owner of record of this property. Florida statutes state that the property owner is responsible for violation(s) that occur on their property. The violation(s) and date for compliance are stated on the attached notice. If the violation(s) are not in compliance by the specified date, it will be necessary to schedule this matter to be heard by the City of Belle Isle Code Enforcement Special Magistrate.

Florida Statute 162.09 states that "fines imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation. If the Special Magistrate finds the violation to be irreparable or irreversible in nature it may impose a fine not to exceed \$5,000 per violation."

In all cases presented to the Code Enforcement Special Magistrate, the City will request the Special Magistrate impose an administrative cost of \$ 100.00. It is in your best interest to resolve this violation(s) prior to being summoned to a hearing.

Please contact me with any questions or concerns you may have.

Sincerely,

Robyn Winters
Code Enforcement Officer
City of Belle Isle
1600 Nela Avenue
Belle Isle, FL 32809
407-851-7730

Attachments

31

11/05/2020 12:13



11/05/2020 12:13



**ITEM 6
MEMORANDUM**

TO: Planning and Zoning Board

DATE: December 22, 2020

PUBLIC HEARING CASE#2020-11-021 – PURSUANT TO BELLE ISLE CODE SEC. 54-79 (F) (4), THE BOARD SHALL REVIEW AND TAKE ACTION ON PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE, FL, 32812, ALSO KNOWN AS PARCEL #17-23-30-0000-00-008.

Background:

1. In October 2020, Hosanna Building Contractors submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Friday, November 27, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Monday, November 23, 2020.
4. The meeting scheduled for December 7, 2020, was canceled due to no quorum being present.
5. A Notice of Public Hearing legal advertisement was re-advertised in the Saturday, December 12, 2020, Orlando Sentinel.
6. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, December 8, 2020.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code SEC. 54-79 (F) (4) of the Belle Isle Land Development Code having been met **TO APPROVE** PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE, FL, 32812, ALSO KNOWN AS PARCEL #17-23-30-0000-00-008.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 54-79 (F) (4), the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: **[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] having NOT been met; [may be used in addition to above or alone] TO DENY THE PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE, FL, 32812, ALSO KNOWN AS PARCEL #17-23-30-0000-00-008.**

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



April Fisher, AICP
PRESIDENT
407.494.8789
fisherpds@outlook.com

December 1, 2020

Site Plan Review: 5050 Conway Road (revision to approved site plan)

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 54-79 (F) (4), THE BOARD SHALL REVIEW AND TAKE ACTION ON PROPOSED AMENDMENTS TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE, FL, 32812, ALSO KNOWN AS PARCEL #17-23-30-0000-00-008.

Existing Zoning/Use: Retail Commercial District (C-1)/ Vacant Gas Station with Convenience Store

Staff Application Review

The applicant has revised their previously approved site plan to address some constraints during the engineering design. The proposed site plan revision is required to come back before the Planning and Zoning Board for approval. The property is located within the jurisdiction of the City of Belle Isle with a zoning designation of Retail Commercial District (C-1).

Sec. 54-79 of the City Code identifies requirements for the C-1 zoning district. Medical office and pharmacies are allowed as permitted uses. Site plan review and approval is required, however, by the Planning and Zoning Board before a building permit may be issued (Sec. 54-79 (f)(4)).

Staff Review

The proposed plan revisions comply with the code and the variance requests approved by the Board at their September 22, 2020 public hearing. The applicant has provided the revised site plan and landscaping plan. Specifically, the changes to the plan include relocating the dumpster to allow easier access, a parking space was added at the front of the building, additional landscaping detail is provided, minor radius changes are provided to the islands and curbs, and the exact coordinates of the new entry/egress have been added.

Consistent with the previously approved site plan, there are additional conditions, however, that need to be considered by the Planning and Zoning Board in determining whether to approve the site plan application. These conditions are identified in the Staff Recommendations section below.

Staff Recommendations

For the Board’s consideration, it is within the Board’s purview to require conditions applicable to approval of a proposed site plan. Staff recommends that the following considerations as conditions to be placed upon an approval of the proposed site plan:

1. A separate dumpster permit shall be required as part of the building permit process, that meets design standards provided in the Code. The applicant has indicated the proposed location for the dumpster and provided information on the size of the dumpster proposed.
2. The applicant seeks to close the existing curb cut abutting Conway Road, as indicated on the site plan. The applicant has provided a copy of communication with the FDOT indicating the procedure to effectuate this. As a condition of approval, the applicant must provide the approval from the FDOT to close the curb cut prior to receiving building permit approval.
3. A landscaping plan consistent with Sec. 50-76 shall be provided for review with the building permit application. This shall include an irrigation plan.
4. Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-79 (f) (2) shall be provided for review with the building permit application.
5. A lighting plan with foot-candle information shall be required as part of the building permit application process, if new exterior lighting is proposed, to ensure no light pollution occurs onto adjacent residential properties.
6. A separate sign permit application is required.

With these conditions, staff recommends approval of the proposed revised site plan for the medical office and pharmacy.

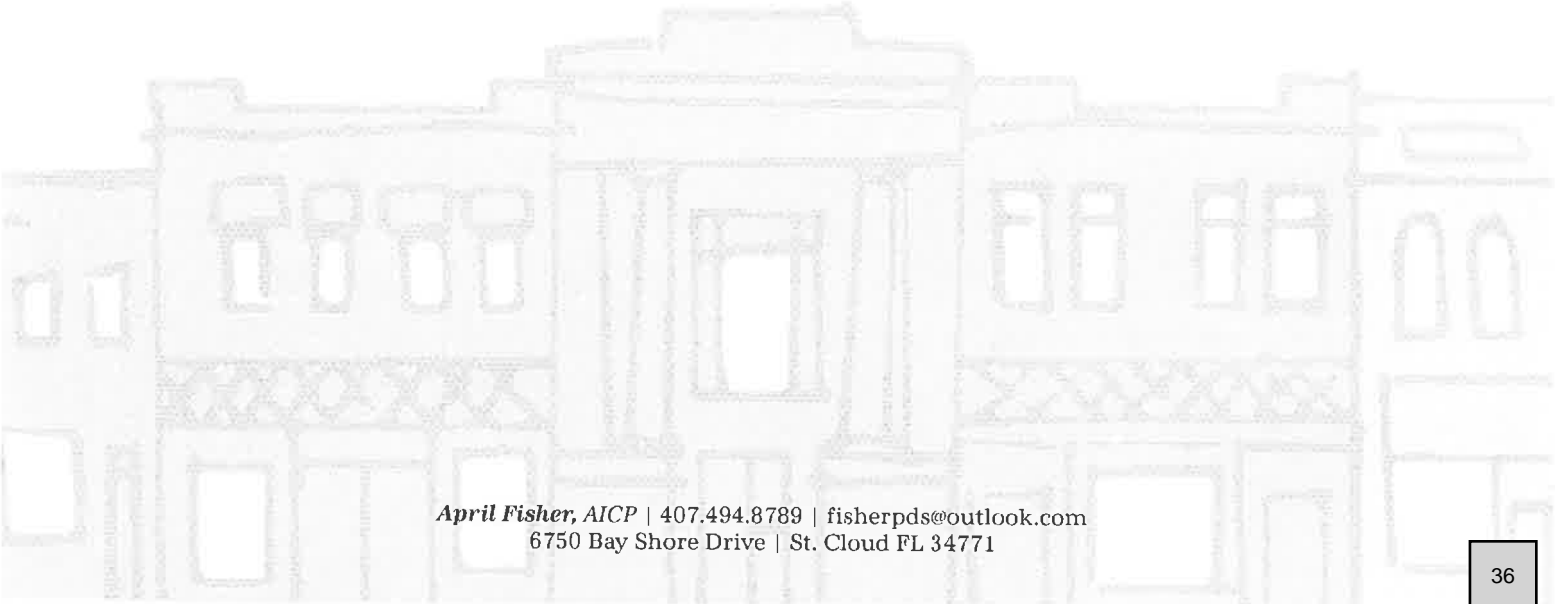
The Board may consider any of these conditions or apply others as deemed appropriate by the Board. Please note that if additional plans or agreements are requested, the Board may want to review these prior to granting approval of a site plan.

Upon approval of a site plan, it becomes part of the building permit and may be amended only by the Planning and Zoning Board.

Next Steps

The Board may approve the proposed site plan application as it is, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Sec. 42-71.



SITE IMPROVEMENT PLANS

5050 S CONWAY ROAD

MEDICAL PLAZA

BELLE ISLE, FLORIDA 32812



SEPTEMBER 2020

PARCEL ID: 17-23-30-0000-00-008

PROJECT TEAM:

CIVIL ENGINEER:
 LAURENCE POLINER
 RCE CONSULTANTS, LLC
 617 ARVERN DRIVE
 ALTAMONTE SPRINGS, FL 32701
 407-452-8633

SURVEYOR:
 STEVEN E. BLANKENSHIP, P. S. M.
 ATLANTIC SURVEYING
 308 S. DILLARD ST
 WINTER GARDEN, FLORIDA 34787
 407-656-4993

UTILITY SERVICE PROVIDERS

POTABLE WATER	CITY OF DEBARY
WASTEWATER	CITY OF DEBARY
POWER	DUKE ENERGY



VICINITY MAP
N.T.S.

SHEET INDEX	
SHEET	DESCRIPTION
C-1	COVER SHEET
C-2	NOTES AND SPECIFICATIONS
C-3	SITE PLAN
C-4	GRADING PLAN
C-5	SWPP PLAN
C-6	EROSION CONTROL DETAILS
C-7	CONSTRUCTION DETAILS
C-8	SITE PHOTOMETRIC PLAN
C-9	PHOTOMETRIC DETAILS
	LANDSCAPE PLAN
	IRRIGATION PLAN
	BOUNDARY/TOPOGRAPHIC SURVEY

LEGAL DESCRIPTION:

FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, RUN SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 1338.57 FEET TO THE SOUTHEAST CORNER OF THE SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 89 DEGREES 50 MINUTES 25 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4; A DISTANCE OF 53.0 FEET; THENCE RUN SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, A DISTANCE OF 656.0 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, A DISTANCE OF 120.0 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 19 SECONDS WEST, A DISTANCE OF 130.0 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 120.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 25 SECONDS EAST, A DISTANCE OF 130.0 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,600 SQUARE FEET (0.36 ACRES), MORE OR LESS.



RCE CONSULTANTS, LLC

617 ARVERN DRIVE
 ALTAMONTE SPRINGS, FL 32701
 LARRY@RCECONSULTANTS.NET

REV.	DATE	DESCRIPTION	REV.

5050 S CONWAY RD

COVER SHEET

DRAWN:
LMP
 DESIGNED:
DM
 CHECKED:
LMP
 PROJECT #
46_2020

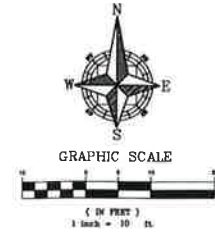
Laurence Poliner
 98874
 RCE CONSULTANTS, LLC
 Co. of State of Florida 12937

PROJECT DATA

PROPOSED PROJECT AREA	9,000 Sq. Ft.	0.18 Acres
BUILDING	27,820 Sq. Ft.	0.64 Acres
PAVEMENT/CURB	3,358 Sq. Ft.	0.08 Acres
SIDEWALKS/CONC.	12,813 Sq. Ft.	0.29 Acres
RETENTION	41,889 Sq. Ft.	1.01 Acres
GREEN AREA	36,525 Sq. Ft.	0.83 Acres
TOTAL AREA	128,405 Sq. Ft.	2.97 Acres

REQUIRED PARKING CALCULATION
 1 SPACE PER 150 SF
 8,000 SF X 150 SPACES/SF = 53 SPACES

PROPOSED PARKING COUNT
 PARKING PROVIDED: 53 SPACES TOTAL
 49 STANDARD SPACES & 4 HANDICAPPED SPACES



**5050 CONWAY MEDICAL CENTER
 SITE PLAN
 BELLE ISLE, FLORIDA 32812**

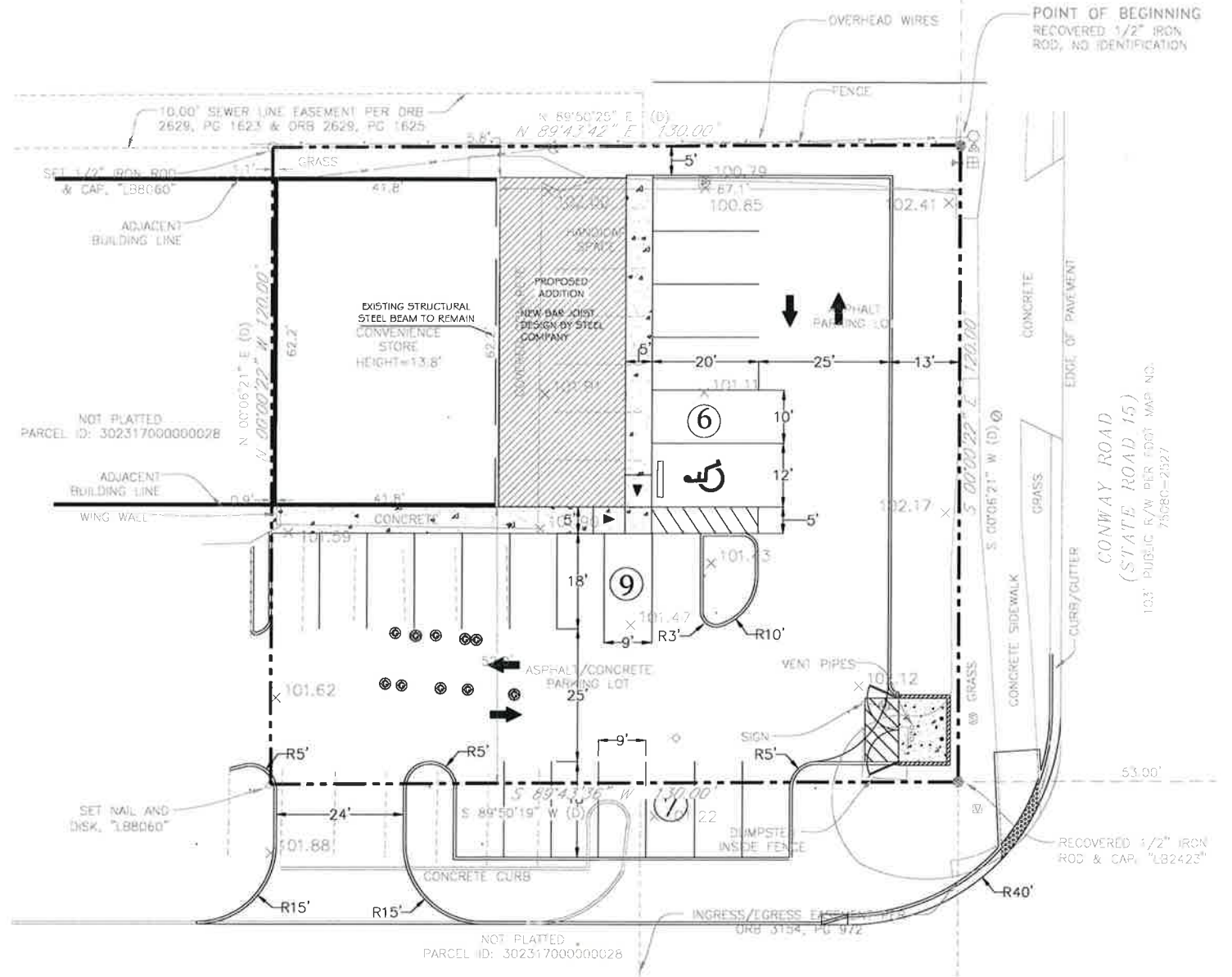
NO.	DATE	REVISION / SCALE

RCE CONSULTANTS, LLC
 611 Arroyo Drive
 Altamonte Springs, FL 32714
 Phone: 407-482-8033
 FAX: 407-482-8034
 LAUREN@RCECONSULTANTS.COM

Engineer of Record

Lauren Palmer
 #5974
 RCE CONSULTANTS, LLC
 Certificate of Authorization #0007

PROJECT #
 48-3020
 DRAWN LMP CHECKED LMP
 DATE: OCT 2020
 SHEET: C-3
 SCALE: 1"=10'
 SITE PLAN



LEGEND:

- NEW CONCRETE
- NEW ASPHALT
- EXISTING CONCRETE
- PROPOSED BUILDING
- ③ PARKING SPACES

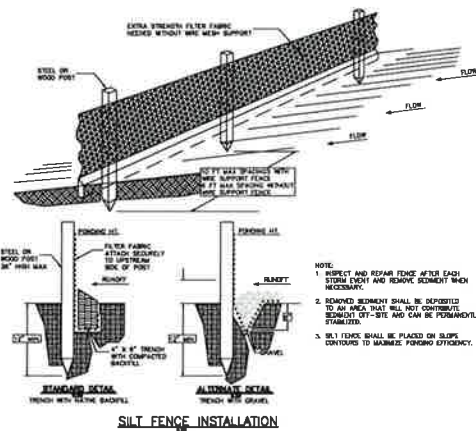
EROSION CONTROL NOTES

DURING ALL PHASES OF CONSTRUCTION THE SITE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS SHALL EXERCISE MEASURES TO PREVENT THE EROSION OF SOILS DUE TO THE ACTION OF THE WATER AND WIND. THE CONTRACTORS SHALL USE THE FOLLOWING MEASURES TO ACCOMPLISH THIS OBJECTIVE:

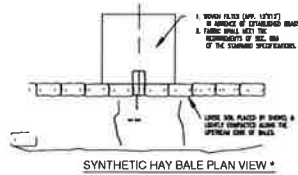
- A. SURFACE PROTECTION**
- CLEARING SHALL BE LIMITED SO AS TO EXPOSE THE SMALLEST POSSIBLE AREA OF LAND FOR THE SHORTEST POSSIBLE TIME.
 - EXPOSED AREAS SHALL BE IMMEDIATELY GRADED AND PROTECTED WITH TEMPORARY OR PERMANENT COVER, SUCH AS SOIL, SEED AND MULCH, CROPVETCH, LESPEDEZA OR CREEPER. NEWLY GRADED CHANNELS OR STEEP SLOPES WILL REQUIRE THE USE OF FIBROUS MATTING, NETTING OF SEEDS AND MULCHED AREAS, OR THE STAKING OR SHINGLING OF SOD WHILE VEGETATION IS BECOMING ESTABLISHED.
- B. RUN-OFF CONTROL**
- LONG AND/OR STEEP SLOPES WILL REQUIRE CONTOUR BENCHING AND FURROWING, OR BERMS TO REDUCE RUN-OFF VELOCITIES.
- C. SEDIMENT TRAPPING**
- THE TRAPPING OF ERODED PARTICLES WILL BE ACCOMPLISHED BY THE DIVERSION OF RUN-OFF TO SEDIMENT BASINS, EXCAVATION TRAPS, BERMS, STAKED SYNTHETIC HAY BALES, OR FLOATING SILT CURTAINS.
 - THE PROPOSED RETENTION AND/OR DETENTION POND(S) OR WITH ANY ENVIRONMENTAL BERM(S) REAR YARD SWALE(S) SHALL BE CONSTRUCTED FIRST. THE POND(S) AND OUTFALL STRUCTURE(S) MUST BE COMPLETE AND OPERATIONAL PRIOR TO THE PLACEMENT OF ANY IMPERVIOUS SURFACE.
 - TRAPPING DEVICES SHALL BE PERIODICALLY INSPECTED DURING DRY PERIODS AND AFTER EACH RAINFALL EVENT BY THE SITE CONTRACTOR. TRAPPING DEVICES SHALL BE REPLACED IF DETERMINED TO BE INCAPABLE OF PERFORMING INTENDED FUNCTION OF SEDIMENT TRAPPING.
 - TRAPPING DEVICES SHALL REMAIN IN PLACE UNTIL A VEGETATIVE COVER HAS ESTABLISHED SUFFICIENTLY TO STABILIZE THE SOILS AND PREVENT EROSION.
- D. SOIL MOISTURE**
- THE CONTRACTOR SHALL HAVE AVAILABLE ON THE CONSTRUCTION SITE A WATER SOURCE CAPABLE OF APPLYING WATER TO DRY EXPOSED SOIL. IN ORDER TO PREVENT WIND EROSION, THE APPLICATION RATE AND MANNER SHALL BE SUCH THAT SOIL MOISTURE IS ATTAINED AND NO SURFACE RUN-OFF IS CREATED.
- E. RESPONSIBILITY**
- THE CONTRACTOR SHALL BE HELD RESPONSIBLE UNTIL THE CERTIFICATE OF COMPLETION IS ISSUED. AFTER THAT, THE OWNER WILL BE RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER COLLECTION AND RETENTION SYSTEM.

CONSTRUCTION SEQUENCE

- SET UP ON-SITE PRE-CONSTRUCTION CONFERENCE WITH CITY/COUNTY & ENGINEER.
- INSTALL SILT FENCE, INLET PROTECTION, SEDIMENT TRAPS, DIVERSION DITCHES, TREE PROTECTION, AND OTHER MEASURES AS SHOWN ON PLANS, CLEARING ONLY AS NECESSARY TO INSTALL THESE DEVICES.
- THE CONTRACTOR SHALL DILIGENTLY AND CONTINUOUSLY MAINTAIN ALL EROSION CONTROL DEVICES AND STRUCTURES. CONTACT CYCORP ENGINEERING IF ADDITIONAL MEASURES ARE REQUIRED DUE TO SITE-SPECIFIC CONDITIONS.
- STABILIZE SITE AS AREAS ARE BROUGHT TO FINISHED GRADE.
- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY/COUNTY AND THE WATER MANAGEMENT DISTRICT, AND NPDES CRITERIA.

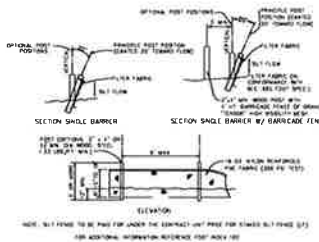
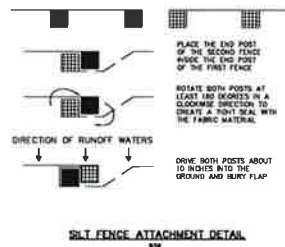


SILT FENCE INSTALLATION

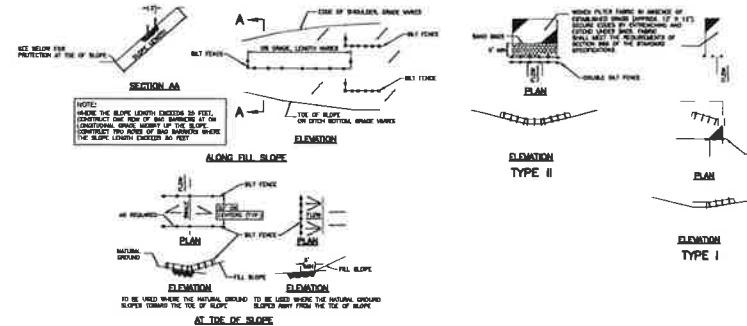
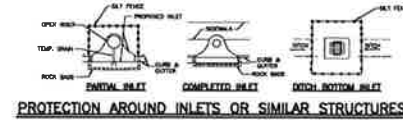


GENERAL NOTES:

- SEDIMENT SHALL BE REMOVED AND TRAP RESTORED TO ITS ORIGINAL DIMENSIONS WHEN THE SEDIMENT HAS ACCUMULATED TO 1/2 THE DEPTH OF THE TRAP.
- REMOVED SEDIMENT SHALL BE DEPOSITED IN A SUITABLE AREA AND IN SUCH A MANNER THAT IT WILL NOT ERODE.
- THE STRUCTURE SHALL BE INSPECTED AFTER EACH STORM EVENT BY THE FINANCIALLY RESPONSIBLE PARTY OR THE AGENT AND REPAIRS MADE AS NECESSARY.
- CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER THAT TRAFFIC AND WATER POLLUTION ARE MINIMIZED.
- THE SEDIMENT TRAP SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE DRAINAGE BARRIERS ARE FULLY STABILIZED.



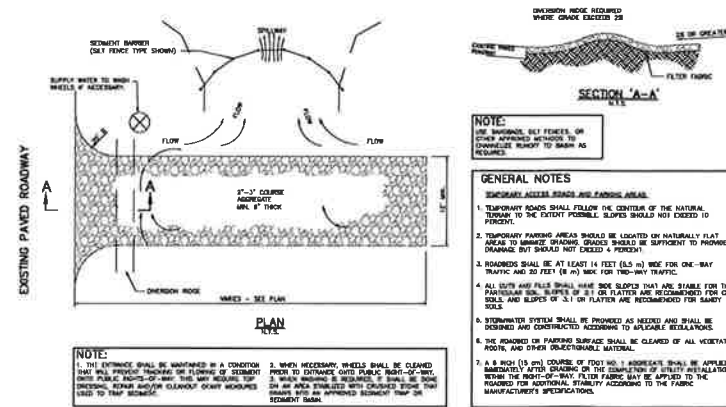
STAKED TURBIDITY BARRIER



BARRIERS FOR FILL SLOPES

BARRIERS FOR UNPAVED DITCHES

BARRIERS LAYOUT DETAIL



TEMPORARY GRAVEL CONSTRUCTION EXIT



**5050 CONWAY MEDICAL CENTER
EROSION CONTROL DETAILS
BELLE ISLE, FLORIDA 32812**

NO.	REVISION / ISSUE DATE	BY

RCE CONSULTANTS, LLC
617 Avenue Drive
Altamonte Springs, FL 32714
Phone No. 407 428 8433
LARRY@RCECONSULTANTS.COM

Engineer of Record

Laurie Palmer
VSRP
RCE CONSULTANTS, LLC
Certificate of Authorization 12007

PROJECT #

4E-2020

DRAWN/IMP CHECKED/IMP

DATE

OCT 2020

SHEET

C-6

EROSION CONTROL DETAILS

THIS DOCUMENT PREPARED
BY AND RETURN TO:

**Anthony C. Ngo, Esq.
Unified Legal Group, P.A.
941 W. Morse Boulevard, Suite 100
Winter Park, FL 32789**

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT (this "Amendment") is made this 9th day of November, 2020, by and between SJS BELLE ISLE COMMONS, LLC, a New Jersey limited liability company (hereinafter designated as "FIRST PARTY"), and D-LAND LLC, a Florida limited liability company (hereinafter designated as "SECOND PARTY");

WITNESSETH:

WHEREAS, FIRST PARTY is the owner of Parcel 1, annexed hereto and incorporated herein by reference as Schedule 1, in Orange County, Florida; and

WHEREAS, SECOND PARTY is the owner of Parcel 2, annexed hereto and incorporated by reference as Schedule 2, in Orange County, Florida; and

WHEREAS, FIRST PARTY and Shayona of Orlando LLC, a Florida limited liability company, predecessor-in-interest to ownership of Parcel 2 to SECOND PARTY, entered into that certain Agreement dated September 4, 2019 and recorded in the Public Records of Orange County, Florida, under Document #20190602974 (the "Agreement"), which provides certain cross-parking rights to the parties; and

WHEREAS, SECOND PARTY desires to perform certain alterations and FIRST PARTY agrees to such alterations to the existing parking area and the parking lot ingress and egress area along the southerly boundary line of Parcel 2, which touches and concerns Parcel 1; and

WHEREAS, FIRST PARTY and SECOND PARTY desire to amend the Agreement pursuant to the provisions set forth herein; and

NOW, THEREFORE, in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00), which is acknowledged paid by SECOND PARTY and received by FIRST PARTY, and the promises and covenants contained herein, the parties hereto hereby covenant and agree as follows:

1. **Recitals; Definitions.** The foregoing recitals are true and correct and are incorporated herein by this reference. All capitalized terms used in this Amendment shall have the same meaning ascribed thereto in the Agreement, unless a contrary intent is indicated herein.

2. **Alteration to Existing Parking Area and Parking Lot Ingress and Egress Area.** FIRST PARTY permits SECOND PARTY, at SECOND PARTY'S sole cost and expense, to alter the existing parking area and parking lot ingress and egress area located along the southerly boundary line of Parcel 2, which touches and concerns Parcel 1, in accordance with the diagram attached hereto as "**Exhibit A**" (the "Permitted Alterations"). The Permitted Alterations shall be performed in a good and workmanlike manner and in accordance with all applicable codes, rules, laws, and regulations.

3. **Indemnity.** SECOND PARTY agrees to indemnify, defend, and hold harmless FIRST PARTY from and against any and all claims for damages which may arise out of or result from the Permitted Alterations, to the extent such claim (or claims) for damages does not (or do not) arise out of or result from the actions (including inaction) of FIRST PARTY or any of FIRST PARTY'S owners, agents, or representatives.

4. **Maintenance Upon Completion of Alterations.** Upon completion of the Permitted Alterations, each party shall be responsible for the repair and maintenance of the Common Area, as set forth in the Agreement.

5. **Headings.** Section titles or headings contained in this Amendment are inserted only as a matter of convenience and for reference and shall not in any way, define, limit, extend, or describe the scope or intent of this Amendment, or any provision hereof, or otherwise affect the interpretation of this Amendment in any way.

6. **Counterparts.** This Amendment may be executed in separate counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

7. **Ratification of Agreement.** All provisions of the Agreement not modified (whether explicitly or implicitly) by this Amendment will remain in full force and effect according to its terms. To the extent the terms of this Amendment conflict or are inconsistent with the terms of the Agreement, the provisions of this Amendment shall supersede and control.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

[SIGNATURE PAGES FOLLOW]

[SIGNATURE PAGE – FIRST PARTY]

IN WITNESS WHEREOF, the undersigned has duly executed and delivered this Amendment as of the date first written above.

Signed, sealed, and delivered in our presence:

FIRST PARTY:

By: [Signature]
Print Name: Kurt NIEDRIST

SJS BELLE ISLE COMMONS, LLC,
a New Jersey limited liability company

By: [Signature]
Print Name: Gloria FRIEDMAN

By: [Signature]
Print Name: STEPHEN CRASITR
Title: MANAGING MEMBER

STATE OF NEW JERSEY ;
COUNTY OF BURLINGTON ;

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 9TH day of NOVEMBER, 2020, by STEPHEN CRASITR who holds the title of MANAGING MEMBER of SJS BELLE ISLE COMMONS, LLC, a New Jersey limited liability company, and is personally known to me or has produced _____ identification.

By: [Signature]
Notary Public

Dina M. Zornes
Print Name: NOTARY PUBLIC OF NEW JERSEY
My Commission Expires: April 11, 2022

(NOTARY SEAL)

[SIGNATURE PAGE – SECOND PARTY]

IN WITNESS WHEREOF, the undersigned has duly executed and delivered this Amendment as of the date first written above.

Signed, sealed, and delivered in our presence:

SECOND PARTY:

By: [Signature]
Print Name: Srithana Trujillo

D-LAND LLC,
a Florida limited liability company

By: [Signature]
Print Name: Martina Rivas

By: [Signature]
Print Name: AN D DANG
Title: President

STATE OF Florida ;
COUNTY OF Orange ;

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 11 day of November, 2020, by An D Dang who holds the title of _____ of D-LAND LLC, a Florida limited liability company, and is personally known to me or has produced FL ID identification.



(NOTARY SEAL)

By: [Signature]
Notary Public

Print Name: Maricely Herra
My Commission Expires: 10-2-23

MORTGAGEE'S JOINDER IN AND CONSENT TO AMENDMENT TO EASEMENT

Seacoast National Bank, a National Banking Association, whose address is 815 Colorado Avenue, Stuart, Florida 34994 ("Mortgagee"), is the successor-in-interest to Valley National Bank, a National Banking Association and current owner and holder of that certain mortgage recorded in Official Records Book 10927, page 6479, of the Public Records of Orange County, Florida covering certain real property referred to herein as Parcel 1, which is annexed hereto and incorporated herein by reference as Schedule 1.

For good and valuable consideration paid by the record owner of said real property, receipt whereof is hereby acknowledged, Mortgagee hereby joins in and consents to the Amendment to Easement modifying that certain instrument dated September 23, 1980 and recorded in Official Records Book 3154, Page 971, of the Public Records of Orange County, Florida.

6 IN WITNESS WHEREOF, Mortgagee has caused these presents to be executed on this day of November, 2020.

Signed, sealed, and delivered in our presence:

MORTGAGEE:

By: [Signature]
Print Name: David Beckley

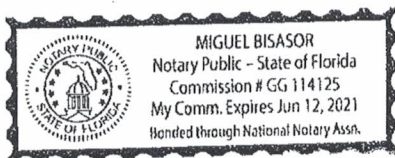
SEACOAST NATIONAL BANK,
a National Banking Association

By: [Signature]
Print Name: Jack M. Brown

By: [Signature]
Print Name: Lajuan Messer
Title: SVP

STATE OF Florida ;
COUNTY OF Broward ;

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 6 day of November, 2020, by Lajuan Messer who holds the title of Senior V.P. of SEACOAST NATIONAL BANK, a National Banking Association, and is personally known to me or has produced Driver's license identification.



By: [Signature]
Notary Public
Print Name: Miguel Bisasar

(NOTARY SEAL)

My Commission Expires: _____

SCHEDULE 1

PARCEL 1

From the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 17, Township 23 South, Range 30 East, run thence N. 00° 06' 24" E. along the centerline of Conway Road, a distance of 782.73 feet; thence S. 89° 50' 19" W. a distance of 53.00 feet to a Point on the West right-of-way line of said Conway Road, thence S. 00° 06' 24" W, along said right-of-way line a distance of 120.00 feet for a point of beginning; thence continue S. 00° 06' 24" W. a distance of 25.00 feet; thence S 89° 50' 19" W. a distance of 400.00 feet; thence N 00° 06' 24" E. a distance of 145.00 feet; thence N 89° 50' 19" E. a distance of 270.00 feet; thence S. 00° 06' 24" W. a distance of 120.00 feet; thence N. 89° 50' 19" E. a distance of 130.00 feet to the point of beginning.

SCHEDULE 2

PARCEL 2

From the NE corner of the NW 1/4 of the SE 1/4 of Section 17, Twp 23 South, Rng 30 East, run S 00° 06' 21" W along the E line of said NW 1/4 of the SE 1/4 a distance of 1338.57 ft. to the SE corner of said NW 1/4 of the SE 1/4; thence S 89° 50' 25" W along the S line of said NW 1/4 of the SE 1/4 a distance of 53 ft; run thence S 00° 06' 21" W a distance of 556 ft. to the Point of Beginning; from the Point of Beginning continue thence S 00° 06' 21 W a distance of 120 ft; thence S 89° 50' 19" W a distance of 130 ft; thence N 00° 06' 21" E a distance of 120 ft; thence N 89 50' 25" E 130 ft; to the Point of Beginning.

ITEM 5

MEMORANDUM

TO: Planning and Zoning Board

DATE: December 22, 2020

PUBLIC HEARING CASE#2020-11-006 – PURSUANT TO BELLE ISLE CODE SEC. 50-33 (2) (D), THE BOARD SHALL REVIEW AND TAKE ACTION FOR RECOMMENDATION TO CITY COUNCIL ON THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.

Background:

1. On November 4, 2020, Murphy Development, Inc. submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Friday, November 27, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Monday, November 23, 2020.
4. The meeting scheduled for December 7, 2020, was canceled due to no quorum being present.
5. A Notice of Public Hearing legal advertisement was re-advertised in the Saturday, December 12, 2020, Orlando Sentinel.
6. Letters to the abutting property owners within 300 feet of the subject property were mailed on Tuesday, December 8, 2020.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, the criteria of SEC. 50-33 (2) (D) of the Belle Isle Land Development Code having been met **TO RECOMMEND APPROVAL** TO CITY COUNCIL OF THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code SEC. 50-33 (2) (D), AND SUBSECTIONS: **having NOT been met TO DENY THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.**

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



April Fisher, AICP
PRESIDENT
407.494.8789
fisherpds@outlook.com

December 1, 2020

Site Plan Review: 7710 Daetwyler Drive

Applicant Request: PUBLIC HEARING CASE#2020-11-006 – PURSUANT TO BELLE ISLE CODE SEC. 50-33 (2) (D), THE BOARD SHALL REVIEW AND TAKE ACTION FOR RECOMMENDATION TO CITY COUNCIL ON THE PROPOSED INFORMAL SUBDIVISION, SUBMITTED BY APPLICANT MURPHY DEVELOPMENT, INC., LOCATED AT 7710 DAETWYLER DRIVE, ORLANDO, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-0000-00-013.

Existing Zoning/Use: R-2/ Vacant Residential

Staff Application Review

This application is for an informal subdivision. Three single-family lots are proposed to be created out of the one parcel. The property is located within the jurisdiction of the City of Belle Isle with a zoning designation of Multiple-Family Dwelling District (R-2).

Sec. 54-76 of the City Code identifies requirements for the R-2 zoning district. Single-family lots are allowed as permitted uses. An application for a proposed informal subdivision is required to be reviewed by the Planning and Zoning Board, with a recommendation made to City Council for final action.

Staff Review

The proposed subdivision plat complies with the code with respect to lot size requirements. The minimum lot width requirement for the R-2 zoning district is 60 feet. The minimum lot width provided in the proposed plat is 78.33 feet.

Consistent with the previously approved site plan, there are additional conditions, however, that need to be considered by the Planning and Zoning Board in determining whether to approve the site plan application. These conditions are identified in the Staff Recommendations section below.

Staff Recommendations

Staff recommends approval of the proposed informal subdivision.

Next Steps

The Board may recommend approval of the proposed informal subdivision application as it is, recommend approval with specific conditions, or recommend denial of the application. This recommendation is then provided to City Council for formal action. City Council may uphold the Board’s recommendation, modify conditions, or reverse the recommendation of the Board.

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

INFORMAL/FORMAL SUBDIVISION APPLICATION

DATE: 4/20/2020

CASE #: 2020-11-006

A fee of \$1000+ for an Informal Subdivision and \$5000+ for a Formal Subdivision (ORD Sec 54-171). Plus cost of special studies and engineering review fees. Belle Isle, FL Code of Ordinances CH 54, ART IV, DIV 4, SEC 54-171-175	
Address or location of subdivision 7710 Daetwyler Dr Orlando, FL 32812	Owner name Murphy Development, Inc.
	Owner phone 407-256-0957
	Owner address 2601 E Michigan St. Orlando, FL 32806
Engineer's name (Formal Subdivision)	Attorney/Consultant Name N/A
Engineer phone (Formal Subdivision)	Attorney/Consultant phone N/A
Engineer address (Formal Subdivision)	Surveyor (Informal Subdivision) Ireland & Associates Surveying, Inc.
Engineer Email (Formal Subdivision)	Zoning of property Square footage of property R-2 114,634 SQ FT
<i>Belle Isle, FL Code of Ordinances Sub Part B Land Development Code, CH 50 Performance and Designs Regulations, ART II Subdivision Regulations Sec 50-31 through 50-38</i>	

Information needed for review:

- Application for Informal/Formal Subdivision. **FOR AN INFORMAL SUBDIVISION PLEASE PROVIDE ITEM #2 and #9 ONLY.**
- A plat map drawn to scale and certified by a licensed surveyor or engineer, including the following information:
 - Existing and proposed parcels;
 - Existing structures and their setbacks;
 - Square footage of each parcel;
 - Lot line measurements and bearings;
 - Existing and/or proposed access;
 - Existing and proposed easements;
 - All creeks, streams, wetlands, steep slopes and any other sensitive areas including buffers and setbacks;
 - Existing topography of the land indicated by contours of two-foot intervals for slopes less than 20 percent and five-foot intervals for slopes of 20 percent or greater.
 - Contours must be shown 25 feet past the property line when possible;
 - Appropriate approval and signature blocks;
- A conceptual road, drainage and utility plan;
- A letter from the appropriate water supplier serving the area of the subdivision certifying connections;
- Certificate of sewer availability or alternate sewage disposal plan approved by Orange County Health Department
- Certificate of fire hydrant availability;


- Preliminary drainage report appropriate to the site;
- A statement from the applicant that, if a bond is posted in lieu of completion of required improvements before recording the plat, the applicant grants a right of entry to the bonding company and to the city to complete any work subject to the performance bond;
- FOR FINAL PLAT APPROVAL.** Title certification as required by F.S. Chapter 177, issued within 10 days before final approval is scheduled, and showing that taxes are current and that required easements for private roads, if any, have been established of public record and that the applicant has an ownership interest in the land at the time of granting approval.
- A completed environmental checklist when required.
- Completed applications for other applicable permits if the permits are to be processed with the short subdivision, or copies of issued permits if they have been previously approved.
- Reports and studies from professionals employed by the applicant, providing information on environmentally sensitive areas, as applicable.
- Informal/Formal subdivisions shall proceed according to Chapter 54-Zoning Districts and Regulations of the City of Belle Isle Municipal Code and all applicable state regulations.**

X The applicant hereby states that the property for which this hearing is requested has not been the


subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

 X By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies. Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the



APPLICANT'S SIGNATURE



OWNER'S SIGNATURE

FOR OFFICE USE ONLY:	FEE	<u>\$1,000.00</u>	<u>11/05/2020</u>	<u>60048</u>	<u>HWP</u>
	Amount		Date Paid	Check/Cash	Rec'd By
Recommendation of Planning Board: Approve: _____ Deny: _____ Approve with conditions: _____					
Council Action: Approve: _____ Deny: _____ Approve with conditions: _____					

CITY OF BELLE ISLE
BUILDING DEPARTMENT
RCD: 

DOC # 2020055350
10/23/2020 11:36 AM Page 1 of 4
Rec Fee: \$35.50
Deed Doc Tax: \$11,900.00
Mortgage Doc Tax: \$0.00
Intangible Tax: \$0.00
Phil Diamond, Comptroller
Orange County, FL
Re: To: SIMPLIFILE LC

This Instrument was prepared by and after recording return to:

James N. Carlin Jr., Esq
Fassett, Anthony & Taylor, P.A.
1325 West Colonial Drive
Orlando, FL 32804
7828-2 (dmh)

Parcel ID. No. 29-23-30-0000-00-013

Purchase Price: \$1,700,000.00
State Documentary Stamps: \$ 11,900.00

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed effective as of this 30th day of October, 2020, by **7710 DAETWYLER, LLC, a Florida limited liability company**, with a mailing address of 6413 Pinecastle Boulevard, Unit #3, Orlando, Florida 32809 (hereinafter referred to as the "**Grantor**") to **MURPHY DEVELOPMENT, INC., a Florida corporation**, with a mailing address of 2601 East Michigan Street, Orlando, Florida 32806 (hereinafter referred to as the "**Grantee**");

(Wherever used herein the terms "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, partnerships [including joint ventures], public bodies and quasi-public bodies.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does grant, bargain, sell, alienate, remise, release, convey and confirm unto the Grantee all that certain land situate in Orange County, Florida more particularly described as follows:

See Exhibit "A" attached hereto (the "Property").

TOGETHER with all of the Grantor's interest in and to all tenements, hereditaments, easements and appurtenances, including riparian rights, if any, belonging or in anywise appertaining to the Property.

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

AND the Grantor does hereby covenants with the Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey this Property; that the Grantor hereby fully warrants title to the Property and Grantor will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other; and that the Property is free and clear of all encumbrances except for ad valorem taxes, and easements, restrictions, conditions and other matters of record; provided, however, that reference herein shall not act to reimpose the same.

SIGNATURE PAGE TO SPECIAL WARRANTY DEED

Signed, sealed and delivered in the presence of:

WITNESSES:

[Signature]
Print Name: Deborah M. Henderson

[Signature]
Print Name: James N. Cook, Jr.

7710 DAETWYLER, LLC,
a Florida limited liability company

By: *[Signature]*
CHRISTOPHER M. COMINS, Manager

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 21 day of October, 2020 by Christopher M. Comins, as Manager of 7710 Daetwyler, LLC, a Florida limited liability company. He is personally known to me or has produced (type of identification) as identification.

*R. Davis
Horse*

[Signature]

Notary Public

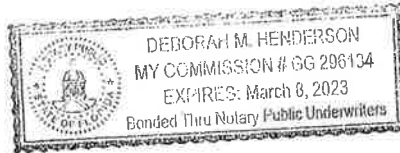


EXHIBIT "A"

TRACT 1

That part of the South 75 feet of the North 235 feet of the South One Half of Government Lot 3, of Section 29, Township 23 South, Range 30 East, Orange County, Florida, lying West of the County Paved Road.

TRACT 2

Beginning at a point which is 825.5 feet South and 1792.85 feet West of the Northeast corner of Government Lot 3, of Section 29, Township 23 South, Range 30 East, Orange County, Florida, said Point of Beginning, being in the original government meander line of the Easterly Shore of "Lake Conway"; run with the said original government meander line South 3 degrees 57 minutes West, 75.18 feet to a point in the South line of the South 75 feet of the North 235 feet of the South Half of Government Lot 3; thence with the extension of said South line, Westerly 64.0 feet to a 4" x 4" concrete monument set on the 86.4 foot contour line as established from the United States Coast and Geodetic Survey Datum; thence with said 86.4 foot contour line North 0 degrees 29 minutes West, 75.0 feet to a point in the North line of the South 75 feet of the North 235 feet of the South Half of said Government Lot 3, extended Westerly; thence with North line Easterly 70.0 feet to the Point of Beginning.

TRACT 3

The North 160 feet of the South One Half of Government Lot 3, of Section 29, Township 23 South, Range 30 East, Orange County, Florida, lying West of the County Road.

TRACT 4

Beginning at a point 666.53 feet South and 1784.45 feet West of the Northeast corner of Government Lot 3, Section 29, Township 23 South, Range 30 East, Orange County, Florida, said point being at the intersection of the original government meander line of Lake Conway with the projected South line of Lot 7, Block 2, of Silver Beach Subdivision, as per Plat thereof recorded in Plat Book L, page 72, of the Public Records of Orange County, Florida, said Point of Beginning being Westerly along the projection of the South line of said Lot 7 and 66.9 feet from the original Southwest corner of Lot 7, Block 2 of Silver Beach Subdivision, run thence with the original government meander line South 3 degrees 57 minutes West, 160.38 feet to a concrete monument in the South line of the North 160 feet of the South Half of Government Lot 3; thence with said line West, 70.0 feet to a 4" x 4" concrete monument set in the 86.4 foot contour line as established by the United States Coast and Geodetic Survey datum; thence with the said 86.4 contour line, North 15 degrees 33 minutes East, 166.08 feet to a 4" x 4" concrete monument in the South line of Silver Beach Subdivision; thence with said line East 36.5 feet to the Point of Beginning.

LESS that part of Tracts 3 and 4 being more particularly described as follows:

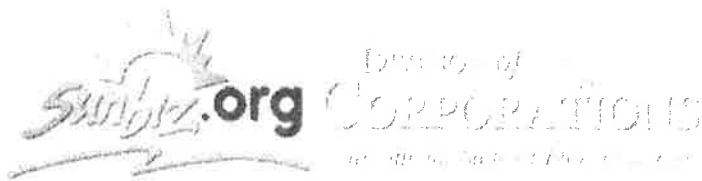
Land description created: A tract of land situated in Section 29, Township 23 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Beginning at a point at the intersection of the original government meander line of Lake Conway with the projected South line of Lot 7, Block 2 of Silver Beach Subdivision, as per Plat thereof recorded in Plat Book L, page 72, of the Public Records of Orange County, Florida, said Point of Beginning being Westerly along the projection of the South line of said Lot 7 and 66.9 feet from the original Southwest corner of said Lot 7; thence run North 89 degrees 38 minutes 25 seconds West along the North line of the South Half of Government Lot 3 being the projected South line of said Silver Beach Subdivision, for a distance of 45.47 feet to a point of intersection with the normal high water line of Lake Conway; thence along said normal high water line the following course and distance: South 10 degrees 58 minutes 06 seconds West, 7.89 feet; South 26 degrees 24 minutes 46 seconds East, 17.24 feet; South 10 degrees 37 minutes 44 seconds West, 47.43 feet; South 12 degrees 35 minutes 16 seconds West, 17.64 feet; South 13 degrees 16 minutes 08 seconds West, 13.50 feet; thence South 89 degrees 38 minutes 25 seconds East, parallel with said North line of said South Half of Government Lot 3, a distance of 143.52 feet; thence North 10 degrees 37 minutes 44 seconds East, a distance of 101.84 feet to a point of intersection with said North line; thence North 89 degrees 38 minutes 25 seconds West along said North line, 107.31 feet to said Point of Beginning.

TRACT 5:

A tract of land situated in Section 29, Township 23 South, Range 30 East, Orange County, Florida, being more particularly described as follows:

Beginning at a point at the intersection of the original government meander line of Lake Conway with the projected South line of Lot 7, Block 2 of Silver Beach Subdivision, as per Plat thereof recorded in Plat Book L, page 72, of the Public Records of Orange County, Florida, said Point of Beginning being Westerly along the projection of the South line of said Lot 7 and 66.9 feet from the original Southwest corner of said Lot 7; thence run North 89 degrees 38 minutes 25 seconds West along the North line of the South Half of Government Lot 3, being the projected South line of said Silver Beach Subdivision, for a distance of 45.47 feet to a point of intersection with the normal high water line of Lake Conway; thence along said normal high water line the following course and distance: South 10 degrees 58 minutes 06 seconds West, 7.89 feet; South 26 degrees 24 minutes 46 seconds East, 17.24 feet; South 10 degrees 37 minutes 44 seconds West, 47.43 feet; South 12 degrees 35 minutes 16 seconds West, 17.64 feet; South 13 degrees 16 minutes 08 seconds West, 13.50 feet; thence South 89 degrees 38 minutes 25 seconds East, parallel with said North line of said South Half of Government Lot 3, a distance of 143.52 feet; thence North 10 degrees 37 minutes 44 seconds East, a distance of 101.84 feet to a point of intersection with said North line; thence North 89 degrees 38 minutes 25 seconds West along said North line, 107.31 feet to said Point of Beginning.



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Profit Corporation
MURPHY DEVELOPMENT, INC.

Filing Information

Document Number	P04000120075
FEI/EIN Number	20-1512935
Date Filed	08/18/2004
Effective Date	08/18/2004
State	FL
Status	ACTIVE

Principal Address

2601 EAST MICHIGAN STREET.
ORLANDO, FL 32806

Changed: 08/27/2012

Mailing Address

2601 EAST MICHIGAN STREET
ORLANDO, FL 32806

Changed: 08/27/2012

Registered Agent Name & Address

JEFF, MURPHY
2601 EAST MICHIGAN STREET
ORLANDO, FL 32806

Address Changed: 04/30/2013

Officer/Director Detail

Name & Address

Title P

MURPHY, JEFF K
2601 EAST MICHIGAN STREET
ORLANDO, FL 32806

MURPHY, TRACY L
2601 EAST MICHIGAN STREET
ORLANDO, FL 32806

6.

Annual Reports

Report Year	Filed Date
2018	04/02/2018
2019	04/18/2019
2020	06/22/2020

Document Images

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STEPHEN F. BROOME, P.A.

920 1/2 DELANEY AVENUE
MAILING ADDRESS: P.O. BOX 560185
ORLANDO, FL 32856-0185

STEPHEN F. BROOME
ATTORNEY AT LAW

TELEPHONE (407) 420-2122
FACSIMILE (407) 420-2129

November 5, 2020

TO: The City of Belle Isle, 1600 Nela Ave, Orlando, Florida 32809

With the understanding that this opinion of title is furnished to the city of Belle Isle as inducement for the platting of the property, it is hereby certified that I have examined the title up to and including **October 30, 2020 at 8:00 a.m.**, inclusive of the following described property:

The Property located at 7710 Daetwyler Drive, Orlando, FL 32812, Parcel Identification number **29-23-30-0000-00-013**, (the "Property") described as follows:

THE NORTH 235 FEET OF THE SOUTH 1/2 OF GOVERNMENT LOT 3 LYING WEST OF DAETWYLER DRIVE (A.K.A. COUNTY ROAD 528A), AS RECORDED IN LARKINVILLE U.S.A., PLAT BOOK 15, PAGE 16, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA, BEING A PORTION OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, RUN NORTH 89°37'28" EAST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 2646.65 FEET TO A POINT, SAID POINT BEING THE CALCULATED SOUTH 1/4 CORNER OF SAID SECTION; THENCE DEPARTING AFORESAID SOUTH LINE AND ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION RUN NORTH 00°12'39" WEST, A DISTANCE OF 1763.57 FEET TO A POINT ON SAID EAST LINE OF THE WEST 1/2 OF SAID SECTION; THENCE DEPARTING SAID EAST LINE RUN SOUTH 89°47'21" WEST, A DISTANCE OF 1352.37 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID DAETWYLER DRIVE (A.K.A. COUNTY ROAD 528A), SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LARKINVILLE U.S.A. AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID LARKINVILLE U.S.A., RUN

SOUTH 89°56'19" WEST, A DISTANCE OF 509.00 MORE OR LESS TO THE WATERS EDGE OF LAKE CONWAY, BEING POINT "X";

THENCE RETURNING TO THE POINT OF BEGINNING RUN NORTH 00°01'25" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 235.00 FEET TO A POINT; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE RUN SOUTH 89°56'19" WEST, A DISTANCE OF 474.00 MORE OR LESS TO THE WATERS EDGE OF LAKE CONWAY; THENCE ALONG SAID WATERS EDGE RUN SOUTHWESTERLY A DISTANCE OF 238 FEET MORE OR LESS TO AFORE DESCRIBED POINT "X".

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

Murphy Development, Inc., a Florida Corporation

SUBJECT TO the following encumbrances, liens and other exceptions:

1. RECORDED MORTGAGES, ASSIGNMENTS AND MODIFICATIONS:

a.) There are no outstanding Mortgages, Assignments of Mortgage or Modifications against the property.

2. RECORDED CONSTRUCTION LIENS, CONTRACTS, LIENS AND JUDGMENTS:

There are no outstanding construction liens, contracts, liens or judgments against the property.

3. UNDERLYING RIGHTS OF WAY, EASEMENTS OR PLATS AFFECTING SAID PROPERTY ARE AS FOLLOWS:

A. Easement in favor of Florida Power Corporation recorded November 8, 1967 in Official Records Book 1680, Page 618, Public Records of Orange County, Florida.

B. Agreement and Covenant by and between Charles D. Weaver and Roberta A. Weaver and Orange/Seminole Cablevision, a Division of American Television and Communication Corp. recorded August 29, 1980 recorded in Official Records Book 3135, Page 200, Public Records of Orange County, Florida.

4. OTHER INFORMATION REGARDING SAID PROPERTY INCLUDES:

A. Reservations unto the State of Florida for oil, gas, minerals fissionable materials as contained in deed recorded September 14, 1953 in Deed Book 955, Page

660, Public Records of Orange County, Florida; right of entry released pursuant to Florida Statute 270.11.

B. 2020 Ad valorem taxes on said property are Payable for Tax Parcel I. D. Number 29-23-30-000000013.

I HEREBY CERTIFY that I have reviewed all of the aforementioned encumbrances and exceptions. Therefore, it is my opinion that the following party must join in the Agreement in order to make the agreement a valid and binding covenant on the lands described herein:

Murphy Development, Inc., a Florida corporation

The following is a description of the aforementioned evidence of title:

First American Title Insurance Company Property Information Report For The Filing Of A Subdivision Plat In Orange County, Florida, File No. 2037-5038170, effective through October 30, 2020 at 8:00 A.M.,

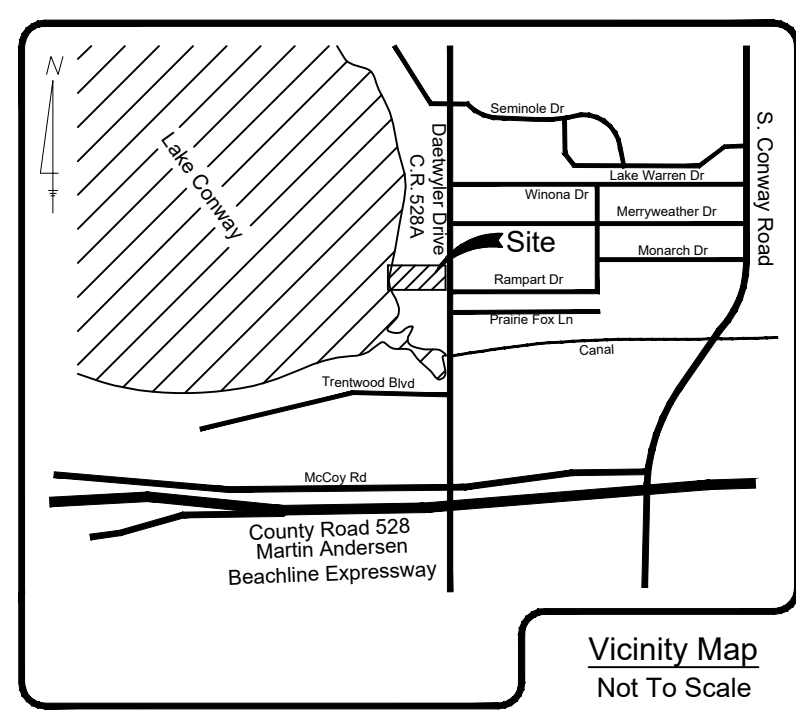
I HEREBY CERTIFY that the legal description contained in this opinion is the proper description to be utilized in the recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law, duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 5th day of November, 2020.



Stephen F. Broome
920 1/2 Delaney Ave.
Orlando, FL 32806
Florida Bar No. 281794
(407) 420-2122



LEGAL DESCRIPTION:
THE NORTH 235 FEET OF THE SOUTH 1/2 OF GOVERNMENT LOT 3 LYING WEST OF DAETWYLER DRIVE (A.K.A. COUNTY ROAD 528A), AS RECORDED IN LARKINVILLE U.S.A., PLAT BOOK 15, PAGE 16, OF THE OFFICIAL RECORDS OF ORANGE COUNTY, FLORIDA; BEING A PORTION OF NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID LARKINVILLE U.S.A., RUN SOUTH 89°56'19" WEST, A DISTANCE OF 509.00 MORE OR LESS TO THE WATERS EDGE OF LAKE CONWAY, BEING POINT "X";

THENCE RETURNING TO THE POINT OF BEGINNING RUN NORTH 00°01'25" WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 235.00 FEET TO A POINT; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE RUN SOUTH 89°56'19" WEST, A DISTANCE OF 474.00 MORE OR LESS TO THE WATERS EDGE OF LAKE CONWAY; THENCE ALONG SAID WATERS EDGE RUN SOUTHWESTERLY A DISTANCE OF 238 FEET MORE OR LESS TO AFORE DESCRIBED POINT "X".

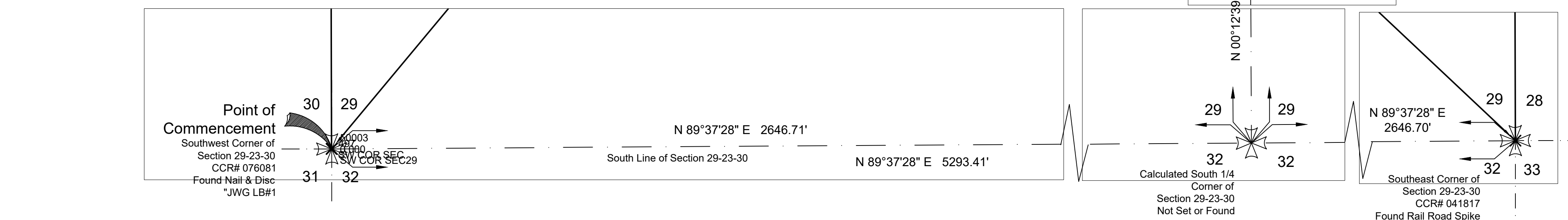
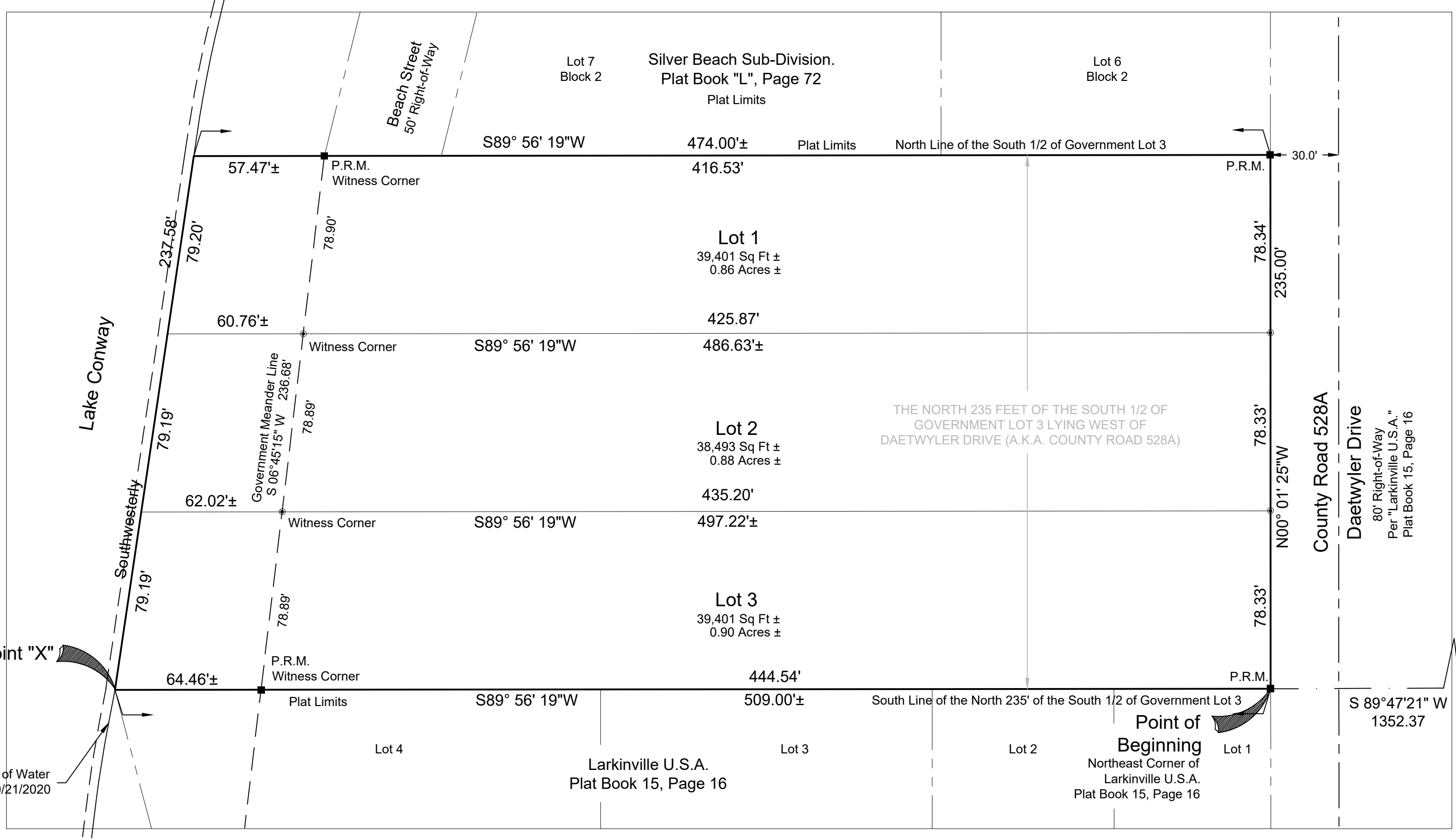
CONTAINING 115,483.01 SQ FT ±, OR 2.65 ACRES±.

- Legend-
- N.R. - Non-Radial
 - P.I. - Point of Intersection
 - R.W. - Right-of-Way
 - R.P. - Radius Point
 - CCR - Certified Corner Record
 - C.M. - Concrete Monument
 - P.R.M. - Permanent Reference Monument
 - - Set Iron Rod & Cap LB# 7623
 - - Set 4"x4" Concrete Monument LB# 7623
 - - Set Nail and Disk LB# 7623
 - ⊕ - Centerline
 - N.T.S. - Not to Scale
 - P.C. - Point of Curvature

Ireland & Associates
Surveying, Inc.

Patrick K. Ireland, PSM 6637/LB 7623
800 Currency Circle / Suite 1020
Lake Mary, Florida 32746
www.irelandssurveying.com

Office-407.678.3366
Fax-407.320.8165



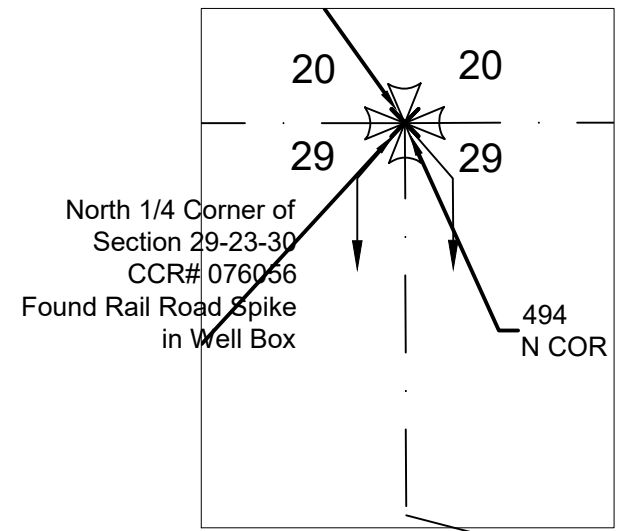
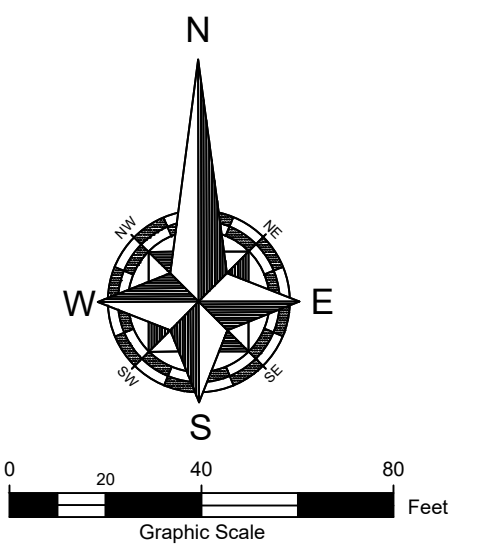
- NOTES:
- ALL LOT CORNERS SHOWN HEREON ARE TO BE SET IN ACCORDANCE WITH CHAPTER 177.091(9) FLORIDA STATUTES.
 - BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, MORE PARTICULARLY BEING THE LINE BETWEEN CCR# 076081 AND CCR# 0041817, BEING NORTH 89°37'28" EAST.
 - PER CHAPTER 177.091(28) FLORIDA STATUTES: ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE, AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION.

XXXXXXXXXXXX

THE NORTH 235 FEET OF THE SOUTH 1/2 OF GOVERNMENT LOT 3 LYING WEST OF DAETWYLER DRIVE (A.K.A. COUNTY ROAD 528A) BEING A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4

LYING IN

SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST
CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA



XXXXXXXXXXXXXXXXXXXXXXXXXXXX

DEDICATION

KNOW ALL BY THESE PRESENTS,
BEING THE OWNER IN FEE SIMPLE OF THE LANDS DESCRIBED IN THE FOREGOING CAPTION TO THIS PLAT, DOES HEREBY DEDICATE SAID LANDS AND PLAT FOR THE USES AND PURPOSES THEREIN EXPRESSED, NO PORTION OF THIS PLAT IS DEDICATED TO THE PUBLIC.

Owner:
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
By:XXXXXXXXXXXXXXXXXXXX
Its:XXXXXXXXXXXXXXXXXXXX
Signed in the Presence of:

Print:
Print:

The foregoing instrument was acknowledged before me by means of:
 physical presence or online notarization, this ____ day of _____, 2020, by

IN WITNESS WHEREOF, I have hereto set my hand and seal on the above date.

NOTARY PUBLIC _____
My Commission Expires _____

QUALIFICATION STATEMENT OF SURVEYOR AND MAPPER

KNOW ALL BY THESE PRESENTS, That undersigned, being a professional surveyor and mapper that has prepared the foregoing plat and was made under my direction and supervision and that the plat complies with all of the survey requirements of Chapter 177, Florida Statutes; and that said land is located in the City of Orlando, Orange County, Florida.

Dated: _____ Signed: _____
PSM 6637 Patrick K. Ireland
Surveyor's Registration Number Ireland & Associates Surveying
L.B. 7623 800 Currency Circle Suite 1020
Legal Entity's Certificate of Authorization Number Lake Mary, Florida 32746

CERTIFICATE OF APPROVAL BY MUNICIPALITY

THIS IS TO CERTIFY, That on the _____, the _____ approved the foregoing plat.
MAYOR PRO TEM _____
ATTEST: _____ City Clerk

CERTIFICATE OF APPROVAL BY CITY PLANNING OFFICIAL

Examined and Approved: _____ Date: _____
City Planning Official: _____

CERTIFICATE OF APPROVAL BY CITY ENGINEER

Examined and Approved: _____ Date: _____
City Engineer: _____

CERTIFICATE OF REVIEW BY CITY SURVEYOR

Reviewed for conformity to Florida State Statute 177
City Surveyor: _____ Date: _____

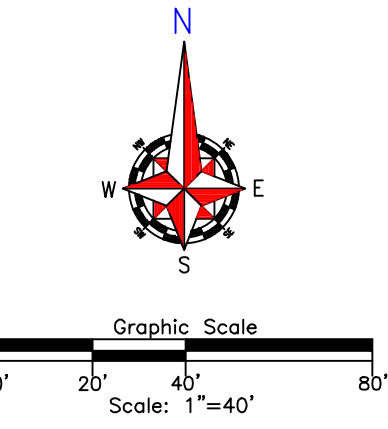
CERTIFICATE OF COUNTY COMPTROLLER

I HEREBY CERTIFY that the foregoing plat was recorded in the Orange County Official Records on _____
as File No. _____
County Comptroller in and for Orange County, Florida
By _____

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

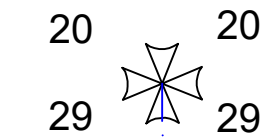
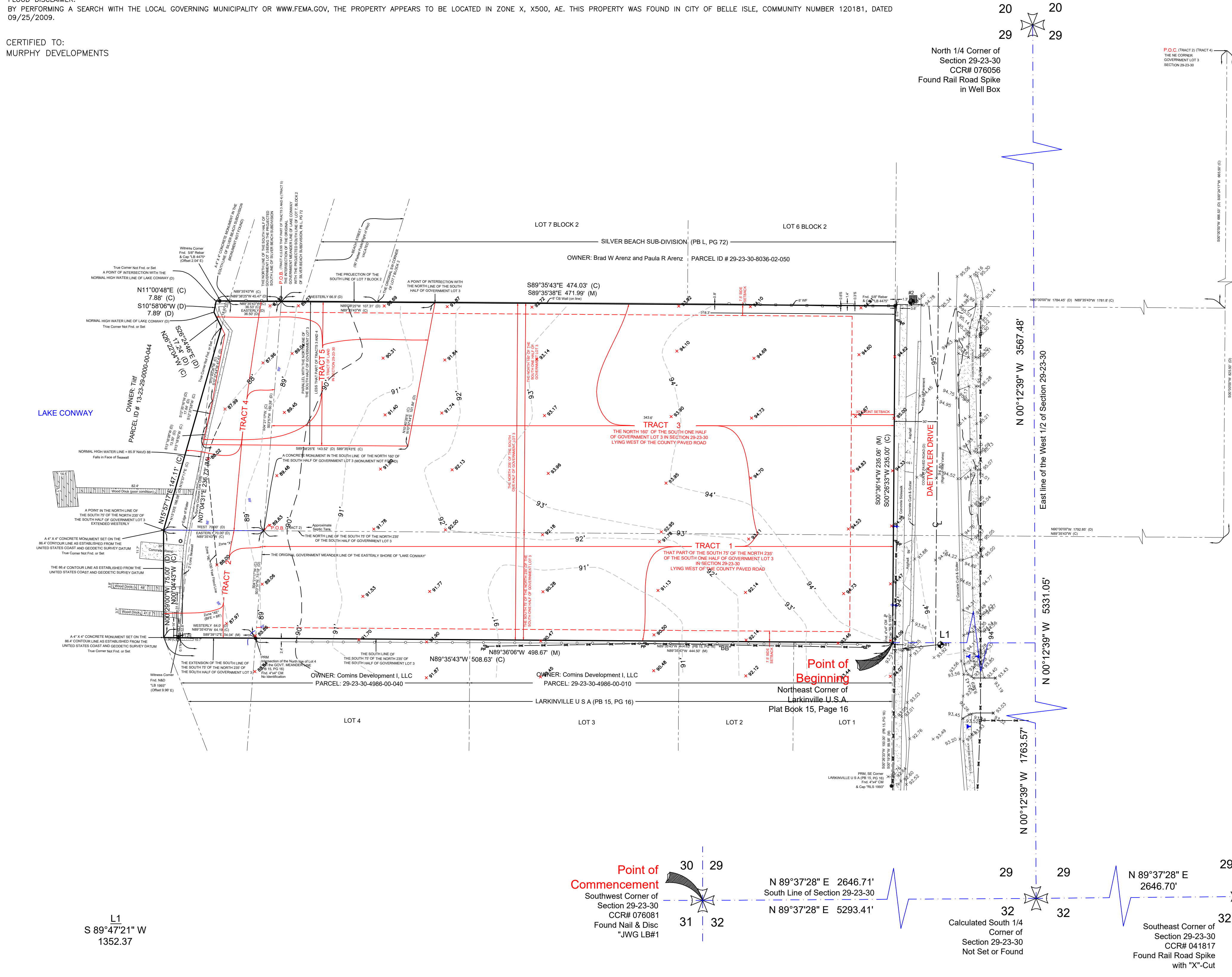
Boundary & Topographic Survey

Legal Description:
TRACT 1: THAT PART OF THE SOUTH 75 FEET OF THE NORTH 235 FEET OF THE SOUTH ONE HALF OF GOVERNMENT LOT 3, OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, LYING WEST OF THE COUNTY PAVED ROAD...
TRACT 2: BEGINNING AT A POINT WHICH IS 825.5 FEET SOUTH AND 1792.85 FEET WEST OF THE NORTHEAST CORNER OF GOVERNMENT LOT 3, OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, SAID POINT OF BEGINNING, BEING IN THE ORIGINAL GOVERNMENT MEANDER LINE OF THE EASTERLY SHORE OF "LAKE CONWAY"...



FLOOD DISCLAIMER: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X, X500, AE. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 09/25/2009.

CERTIFIED TO: MURPHY DEVELOPMENTS



North 1/4 Corner of Section 29-23-30 CCR# 076056 Found Rail Road Spike in Well Box

- Legend: BOLLARD, Calculated, Centerline, Concrete Block, Concrete Monument, Conc., Description, Drainage Easement, Easement, F.E.M.A., Federal Emergency Management Agency, FFE, Finished Floor Elevation, Found, Iron Pipe, Length (Arc), Measured, Nail & Disk, Non-Roofed, Official Records Book, Plat, Plat Book, Wood Fence, Point of Curvature, Page, Point of Intersection, Point of Beginning, Point on Line, Permanent Reference Monument, Point of Tangency, Radius, Radial, Rebar & Cap, Roofed Dirt, Recovered, Roofed, Set 3/4" Rebar & Cop. LB 7623, Screened Porch, Typical, Utility Easement, Delta (Central Angle), Chain Link Fence, Back Flow Preventer, Concrete Block, Cable Riser, Cleanout, Curb Inlet, Dumpster Pad, Electric Box, Electric Meter, Air Release Valve, Telephone Cabinet, FDOT Storm Manhole, Fire Department Connection, Fiber Optic Cable, Fiber Optic Cable Box, Fire Hydrant, Guy Anchor, Handicap Parking, Handicap Ramp, Gas Meter, Gas Valve, Grease Trap, Light Pole, Mitered End Section, SIGN, PARKING SPACES, Concrete Power Pole, Wood Power Pole, Sanitary Manhole, Sanitary Valve, Setback, Storm Inlet, SIGNAL POLE TELEPHONE MANHOLE, Storm Manhole, TELEPHONE BOX, TELEPHONE RISER, TRAFFIC LIGHT POLE, TRAFFIC SIGNAL POLE, TRANSFORMER, Gas Valve, Water Meter, Storm Junction Box, END OF INFORMATION

- Utility Line Legend: Buried Water Line, Buried Fiber Optic Cable, Buried Telephone Line, Buried Gas Line, Buried Sanitary Line, Buried Unknown Utility

Benchmark Information: Orange County Datum Elevation: 91.3499' 2 1/2" Orange County Brass Disk in Headwall on East Side of Daetwyler for B-6 Canal (Elevations are based upon NAVD 88 Datum)
Site Benchmark Information: #1 Nail & Disk "Benchmark LB7623" Elevation: 92.49' #2 Box Cut in Drainage Inlet Elevation: 94.62'

Revision: Update Survey - 10/30/20 - TCD
Field Date: 09/10/18 Date Completed: 09/13/18
Drawn By: TCD File Number: IS-23148
Notes: Survey is Based upon the Legal Description Supplied by Client. All adjacent Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Mistakes. Subject to my Measurements and/or Restrictions of Record. Surveying Basis shown hereon, is Assumed and Based upon the Line Denoted with a "WB". Building Ties are NOT to be used to reconstruct Property Lines. Fence Ownership is NOT determined. All lot Overlaps, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted. All Spot Elevations and/or Horizontal Locations are approximate and MUST be verified by appropriate Utility Location Companies. Note: This Survey is not intended for use as a Title Commitment. Written Verification will be given at the User's Sole Risk and Without Liability to the Surveyor. Building hereon shall be Constructed to give ANY RIGHTS or Benefits to Anyone Other than those of the Client. Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NOTHER known by NDS given to the Surveying Company at the time of the Engineer's Survey. Ireland & Associates Surveying, Inc. and the signing surveyor assume NO LIABILITY for the Accuracy of the Determination.