



city council agenda

Agenda November 13, 2018 * 6:30 PM City Council Regular Session City Hall Chambers, 1600 Nela Avenue

Lydia Pisano Mayor	Kurt Ardaman City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Mike Sims District 4	Harv Readey District 5	Jim Partin District 6	Sue Nielsen District 7
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Welcome

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org.

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Mike Sims, Commissioner District 6
3. Mayor's State of the City Address
4. Consent Items
 - a. RESOLUTION 18-17 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE EMPLOYEES OF BELLE ISLE; PROVIDING FOR CONFLICTING RESOLUTIONS, AND PROVIDING AN EFFECTIVE DATE – Page 3
 - b. RESOLUTION 18-18 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018, PROVIDING AN EFFECTIVE DATE– Page 7
5. Citizen's Comments

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow “Request to Speak” form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.
6. Unfinished Business
 - a. Reimbursement of Attorney's Fees– Page 10
7. New Business
 - a. Discussion of proposed ordinance for Code Enforcement citations and alternate process– Page 13
 - b. **Discussion on a proposed ordinance to amend the Land Development Code to create commercial Planned Development (PD) zoning standards** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE– Page 21
 - c. **Discussion on a proposed ordinance for security alarms and false alarms**- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE ISLE, FLORIDA PROVIDING FOR THE REGULATION AND CONTROL OF SECURITY ALARMS; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS CONCERNING THE INSTALLATION, MAINTENANCE AND OPERATION OF ALARMS; PROVIDING FOR REGULATIONS CONCERNING FALSE AND NUISANCE ALARMS; PROVIDING FOR CORRECTIVE ACTION AND PENALTIES FROM FALSE ALARMS; PROVIDING FOR A CITATION PROCEDURE; PROVIDING FOR RESPONSE AND ENFORCEMENT BY LAW ENFORCEMENT OFFICERS; PROVIDING FOR THE PROHIBITION OF AUTOMATIC ALARM COMMUNICATION SYSTEMS; PROVIDING FOR THE LIMITATION OF LIABILITY; PROVIDING FOR THE DISPOSITION OF PENALTIES AND FINES; PROVIDING FOR INCLUSION INTO THE BELLE ISLE CITY

“If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.” (F. S. 286.0105). “Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting.” –Page 1 of 65

CODE; PROVIDING FOR LIBERAL NON-CONFLICTING CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE– Page 37

d. Discussion on final changes to Tree Ordinance– Page 57

8. Attorney's Report

9. City Manager's Report

a. Issues Log– Page 63

b. Chief's Report

10. Mayor's Report

a. Tree Lighting Event Update

11. Council Reports

12. Adjournment

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 2 of 65

1 **RESOLUTION NO. 18-17**

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING
3 THE DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE EMPLOYEES OF BELLE ISLE;
4 PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.
5

6 WHEREAS, the City Commission established a Retirement Plan and Trust
7 for the Employees of Belle Isle pursuant to Resolution 14-01 dated January 7,
8 2014; and

9 WHEREAS, the Retirement Plan and Trust agreement was executed on
10 January 7, 2014; and

11 WHEREAS, the plan was last amended on October 1, 2017 by Resolution 17-
12 24; and

13 WHEREAS, the Plan and Trust authorizes the City Council to amend the
14 Plan and Trust, in whole or in part, either retroactively or prospectively,
15 by delivering to the Trustee a written amendment in accordance with the
16 limitations set out in that section; and

17 WHEREAS, the City Council desires to amend the Plan and Trust in order
18 to change the employer contribution rate and service condition of the Plan
19 set forth by the adoption of the plan on January 7, 2014; and

20 WHEREAS, the effective date of this resolution shall be October 1,
21 2018, City non-elective employer contributions shall be 11% for civilian
22 general employees and 15% for law enforcement employees, and the service
23 condition shall consider an employee eligible upon the first of the month
24 following the date of hire.

25 NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BELLE ISLE, FL:

1 SECTION 1. The City Council of the City of Belle Isle, in its capacity
2 as the Trustee of the Retirement Plan and Trust for the employees of Belle
3 Isle hereby approves the changes as set out forth below, with additions to
4 the Plan and Trust indicated by underlining (underlining) and deletions by
5 strike through (~~stricken through~~).

6
7 **SERVICE CONDITION**

8 An Employee is eligible if he or she has completed:

9 Other: ~~Eligible upon first of the month following 30 days of employment~~

10 Other (must specify): Eligible upon the first of the month following the date
11 of hire

12
13 **PARTICIPATING EMPLOYER CONTRIBUTIONS**

14 A Participating Employer may make Non-elective Contributions and/or Matching
15 Contributions as specified below. Non-elective Contributions and Matching
16 Contributions that are tied to Payroll Periods (as defined in this Adoption
17 Agreement) must be remitted to the Plan Administrator no later than 15
18 business days after the Payroll Period. Annual Contributions must be remitted
19 to the Plan Administrator no later than 15 business days after the end of the
20 Plan Year. A Participating Employer may establish different classes of
21 Employees for contribution purposes in this Adoption Agreement. The
22 Participating Employer hereby elects to make Contributions as follows (choose
23 one or both as applicable):

1 Non-elective Contributions - Participating Employer Non-elective
2 Contributions will be made on the following basis (must specify):

3 ~~9.5% employer contribution for civilian general employees, 12.5%~~
4 ~~for law enforcement employees~~
5 11% employer contribution for civilian general employees
6 15% employer contribution for law enforcement employees

7
8 Section 2. The City Council of Belle Isle hereby empowers the
9 Chairperson or its appointee of the City of Belle Isle with the authority to
10 execute such documents and agreements as are required to effectuate this
11 amendment of the Plan.

12 SECTION 3. All Resolutions or parts of Resolutions, in conflict with
13 this Resolution are hereby repealed.

14 SECTION 4. This Resolution shall be effective October 1, 2018.

15
16 Adopted by the City Council on this 13th day of November, 2018.

17
18 _____
19 LYDIA PISANO, MAYOR

20 Attest: _____

21 Yolanda Quiceno, City Clerk

22
23 _____
24 Approved as to form and legality

25 City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do
4 hereby certify that the above and foregoing Resolution No. 18-17 was duly and
5 legally passed and adopted by the Belle Isle City Council in session
6 assembled, at which session a quorum of its members were present on the
7 _____ day of November, 2018.

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Yolanda Quiceno, City Clerk

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1 **RESOLUTION NO. 18-18**

2 A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET
3 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER
4 30, 2018, PROVIDING AN EFFECTIVE DATE.
5

6 WHEREAS, pursuant to Resolution 17-21, the City of Belle Isle has
7 adopted the budget for fiscal year 2017-2018 and pursuant to Resolutions 18-
8 01 and 18-14, has amended the budget for fiscal year 2017-2018; and

9 WHEREAS, the City of Belle Isle has determined that the Budget for FY
10 2017/2018 should be amended due to the City not receiving reimbursement from
11 FEMA for Hurricane Irma in the timeframe anticipated; and

12 WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget
13 amendment to be adopted in the same manner as the original budget.

14 Now, therefore, the City Council of the City of Belle Isle, Florida
15 hereby resolves:

16 Section 1. The budget for the City of Belle Isle, Florida for fiscal
17 year 2017/2018 is hereby amended by Attachment "A". The Attachment is hereby
18 incorporated into this Resolution by reference thereto.

19 Section 2. This Resolution shall take effect upon its adoption.
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1 Adopted by the City Council on this 13th day of November, 2018.

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LYDIA PISANO, MAYOR

5 Attest:

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Yolanda Quiceno, City Clerk

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Approved as to form and legality

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Kurt Ardaman, City Attorney

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13 STATE OF FLORIDA

14 COUNTY OF ORANGE

15 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do

16 hereby certify that the above and foregoing Resolution No. 18-18 was duly and

17 legally passed and adopted by the Belle Isle City Council in session

18 assembled, at which session a quorum of its members were present on the

19 _____ day of November, 2018.

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21

22 Yolanda Quiceno, City Clerk

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ATTACHMENT A
 CITY OF BELLE ISLE
 FY 2017-2018
 BUDGET AMENDMENT
 RESOLUTION 18-18

ACCOUNT NO.	DESCRIPTION	ORIGINAL BUDGET	BUDGET AMENDMENTS			AMENDED BUDGET
			RESOLUTION # 18-01	RESOLUTION #18-14	RESOLUTION #18-18	
GENERAL FUND 001						
REVENUES						
001-331-100	FEMA Reimbursement - Federal	0	0	881,345	(876,699)	4,646
001-331-110	FEMA Reimbursement - State	0	0	86,962	(86,188)	774
EXPENDITURES						
RESERVES						
		\$ 1,692,615	\$ (464,499)	\$ (891,840)	\$ (962,887)	\$ 1,126,316



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: November 13, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Reimbursement of Attorney Fees for Individual Elected Officials

Background: At October 16, 2018 Council meeting, this item was tabled by the City Council. At the October 4, 2018 meeting, the City Council adopted the policy for reimbursement of attorney fees. There are three Commissioners who are requesting reimbursement of their attorney fees from the SAO investigation (Commissioner Readey - \$807; Commissioner Gold - \$2,550, and Commissioner Nielsen - \$20,000).

There has been some discussion on retroactive payment and that it should not be allowed. For the record, Commissioners Readey and Gold requested reimbursement of their fees and handed in itemized receipts prior to my arrival as City Manager; however no payments were made. The decision was to wait for the new City Manager to arrive and have me make that decision. My decision was to bring the matter to the City Council, as I felt this was not a routine reimbursement, such as a travel voucher or meal receipts. Therefore Commissioners Gold and Readey payments would not be considered retroactive.

I have requested a more detailed itemization of Commissioner Nielsen's request from her attorney; however I have had no response as of November 7th. If I receive a response, I will send it out under separate email to the Council.

Staff Recommendation: The staff recommendation is to read the policy guidelines, read the appropriate state statutes (FS 286.011 and FS 111.07), and decide on if the requests of Commissioners Gold, Readey, and Nielsen meet the criteria. The City Attorney will also give an opinion on this matter.

Suggested Motion: I move that we reimburse Commissioners Readey, Gold and Nielsen for their attorney fees for the amounts listed.

Alternatives: Do not pay them or pay some of the request.

Fiscal Impact: \$23,357

Attachments: FS 286.011 and 111.07

286.011 Public meetings and records; public inspection; criminal and civil penalties. –

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission,

agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

111.07 Defense of civil actions against public officers, employees, or agents.--Any agency of the state, or any county, municipality, or political subdivision of the state, is authorized to provide an attorney to defend any civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents for an act or omission arising out of and in the scope of his or her employment or function, unless, in the case of a tort action, the officer, employee, or agent acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Defense of such civil action includes, but is not limited to, any civil rights lawsuit seeking relief personally against the officer, employee, or agent for an act or omission under color of state law, custom, or usage, wherein it is alleged that such officer, employee, or agent has deprived another person of rights secured under the Federal Constitution or laws. Legal representation of an officer, employee, or agent of a state agency may be provided by the Department of Legal Affairs. However, any attorney's fees paid from public funds for any officer, employee, or agent who is found to be personally liable by virtue of acting outside the scope of his or her employment, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee, or agent. If any agency of the state or any county, municipality, or political subdivision of the state is authorized pursuant to this section to provide an attorney to defend a civil action arising from a complaint for damages or injury suffered as a result of any act or omission of action of any of its officers, employees, or agents and fails to provide such attorney, such agency, county, municipality, or political subdivision shall reimburse any such defendant who prevails in the action for court costs and reasonable attorney's fees.



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: November 13, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance to Provide Alternative Process and Procedure for Code Enforcement Citations

Background: The current Code Enforcement process and procedures follow FS 162.01 to 162.13. Under these procedures, the Code Enforcement Officer notifies the record owner of the offending property in writing and demand that such owner cause the condition to be remedied. The notice is given by both physical posting on the property in the title of "property owner" and by delivery to the owner or owners as their names and addresses are shown upon the records of the county property appraiser. Then there is a time period before the violation can go to the special magistrate for action. Any time during this process, if the owner corrects the deficiency, then the notice goes away. This can cost the City time and money.

In speaking with the City Attorney's Office, there is a supplemental process to the procedures that the City can use to cite a violator and have that person pay a fine within 10 days just as they would a parking ticket. The City Staff believes that this is a better way to handle code violations in a more expeditious manner.

Staff Recommendation: Discuss the new procedures and process. If it's the direction Council would want to take, then move forward with passing the proposed ordinance.

Suggested Motion: None Needed. Just consensus to move forward

Alternatives: Do not approve ordinance and continue the process as it is.

Fiscal Impact: TBD

Attachments: Proposed Ordinance

ORDINANCE NO.: 18-_____

AN ORDINANCE OF THE CITY OF BELLE ISLE CREATING A NEW ARTICLE III IN CHAPTER 14 OF THE CITY CODE RELATING TO SUPPLEMENTAL CODE ENFORCEMENT CIVIL CITATION PROVISIONS AND REGULATIONS; PROVIDING ALTERNATIVE PROCESSES AND PROCEDURES FOR CODE ENFORCEMENT CITATIONS; PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES; PROVIDING A POST-DEPRIVATION HEARING PROCESS AND PROCEDURES; PROVIDING ADDITIONAL APPELLATE JURISDICTION POWERS TO BE EXERCISED BY THE SPECIAL MAGISTRATE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, sections 162.13 and 162.21(8), Florida Statutes, provide that Florida municipalities are not limited to the specific code enforcement alternatives set forth therein, and Florida municipalities are not prohibited from enforcing their local codes of ordinances by any other means; and

WHEREAS, certain code violations of an itinerant or transient nature, of a limited duration, those amenable to one-time penalties as opposed to per day penalties and fines, those occurring on public property, on properties not owned or occupied by the alleged violators, or otherwise not amenable to enforcement through pre-deprivation or pre-penalty notice and an opportunity to correct such violations are largely not enforced or are unenforceable by existing city code provisions and code enforcement procedures; and

WHEREAS, the City Council has determined that the creation of a supplemental and alternative code enforcement civil citation process may address the above-referenced code violations that have evaded review or were otherwise not subject to readily compliance and enforcement alternatives given the circumstances relating to particular violations.

NOW, THEREFORE, BE IT ORDAINED by the City Council 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. Amendment. Chapter 14 of the City Code of Ordinances is amended to create a new Article III entitled Supplemental Code Citation Process, which shall read as follows:

ARTICLE III. –Supplemental Code Citation Process

Sec. 14-40. Supplemental code enforcement citation process.

(a) Generally. It is the intention that this article shall provide a cumulative alternative to existing city code provisions and existing Florida law regarding the enforcement of the city’s code of ordinances. Pursuant to this article, all city code inspectors and code enforcement officers may issue civil citations to alleged violators of the city’s code of ordinances. Such citations shall be in a form prescribed by the city and shall contain:

- (1) the date and time of issuance of the citation;
- (2) the name and address of the person to whom the citation is issued;
- (3) the date and time the civil code infraction was committed;
- (4) the facts constituting reasonable cause;
- (5) the number or section of the code or ordinance violated;
- (6) the name and authority of the code inspector or code enforcement officer;
- (7) the procedure for the person to follow in order to pay the civil penalty or to contest or appeal the citation;
- (8) the applicable civil penalty relating to the violation and citation;
- (9) a conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to contest or appeal the citation, then such person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty authorized by law.

(b) Fees and penalties; Citation payment due date. A violation of the city’s code of ordinances shall be punishable under this article by a fine or penalty of up to \$400.00 per violation. Fees for violations shall be due and payable within ten (10) business days from the date of service by U.S. Mail of city written notification or ten (10) business days from the date of hand delivery or posting on the relevant personal property of the violator which constituted the violation or where the violation originated, as applicable, providing notification of the imposition of the fees and penalties set forth herein. The fees and penalties set forth herein are separate and apart from any additional fines, penalties, or remedial measures that the city may assess or impose for violations of this article under federal or Florida law, this code of ordinances, or otherwise as provided herein.

(1) Classification penalties. All violations of city codes or ordinances and the applicable civil penalties under this article shall be classified as follows:

<u>Classification Penalty</u>	<u>Civil Penalty</u>
<u>Class I</u>	<u>\$50.00</u>
<u>Class II</u>	<u>\$100.00</u>
<u>Class III</u>	<u>\$200.00</u>
<u>Class IV</u>	<u>\$300.00</u>
<u>Class V</u>	<u>\$400.00</u>

In the event the particular code or ordinance violated does not set forth the appropriate classification penalty, then such violation shall be punishable as a Class I violation.

(2) Repeat violations. Each successive repeated violation of a particular code or ordinance section shall be subject to a civil penalty for the next higher violation classification. For example, a second violation of a Class I violation will be fined as a Class II violation, a third violation of a Class I violation will be fined as a Class III violation, and so on.

(3) Subsequent codes and ordinances; amendments. City codes and ordinances subsequently enacted or amended may set forth the applicable civil penalties for violations by designating the appropriate violation classification as provided in subsection (1) of this section. In the event no classification is set forth therein, then violations shall be designated Class I violations.

(c) Appeal of fines and fees. Any person determined by the city to be in violation of any provision of the city’s code of ordinances that is cited or assessed penalties under this article may appeal the imposition of any fee or penalty imposed by filing a written request for appeal to the special magistrate within fifteen (15) business days of service or hand delivery of the city’s written citation or notification that imposes any fines or fees relating to a violation of the city’s code of ordinances. The written request for appeal shall also be filed with the city’s code enforcement department or its designees. The written request for appeal must contain a short statement of the grounds for the appeal. The special magistrate, exercising appellate jurisdiction over the matter, shall hear the appeal within sixty (60) days after the filing of the written request for appeal and shall give notice of the hearing to the appellant and the city’s code enforcement department or its designees. The appellant shall pay to the city a fee prescribed by the city commission to cover the administrative costs of such an appeal.

(d) Discretionary authority of special magistrate on appeal. The special magistrate may reduce or waive the fees or penalties imposed based upon appellant's presentation of evidence and testimony relating to any efforts taken to correct the violation(s) in a timely manner, the gravity of the violation(s), and any previous violations committed by the appellant in the previous twelve (12) month period. The city shall be permitted a reasonable opportunity to present its own evidence regarding the reasonableness of any fees imposed and to rebut any evidence or argument presented by the appellant.

(e) Past due fees and penalties for violations occurring on private property. In the event that the fees imposed in accordance with this article are not paid when due for any reason, including but not limited to mistake or inadvertence, the city shall have the right to collect such fees and charges relating to violations occurring on private property as follows:

(1) The city shall serve, by certified mail-return receipt requested and regular U.S. Mail, a notice of non-payment upon the violator and the current owners of the property based on the ownership information appearing on the Orange County Property Appraiser's website. Provided the city sends the notice of non-payment, the violator and/or current owner's failure to receive delivery of such notice of non-payment shall not invalidate or otherwise impact the city's ability to collect the outstanding amount owed through the recording of a lien, maintenance of foreclosure proceedings, or any other remedies provided by Florida law.

(2) The notice of non-payment shall contain:

(i) a description or address of the property from which the violation originated or upon which the violation occurred;

(ii) advise the violator and/or property owner of the amount due and the fee and/or charges that were not paid; and

(iii) advise that in the event the fees and/or charges are not paid within thirty (30) calendar days from the date of the notice of non-payment, that a notice of lien against the applicable property upon which the violation originated or upon which the violation is located may be recorded in the official records of the county and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.

(3) If the amount set forth in the notice of non-payment is not paid within thirty (30) days from the date of the notice of non-payment, then the outstanding balance owed to the city shall accrue interest at the rate of twelve percent (12%) per annum until such amount is paid in full; the city may proceed to record a notice of lien against the applicable property in the official records of the county, which, once recorded, shall constitute a lien against the property described therein; and a copy of the notice of lien

shall be served by U.S. Mail to the violator and the property owner at the same addresses as set forth in subsection (2) above.

(4) After the expiration of sixty (60) days from the date of recording of the notice of lien, a suit may be filed to foreclose said lien. Such foreclosure proceedings shall be instituted and prosecuted in conformity with the Florida statutory provisions regarding foreclosure proceedings and procedures. The city shall also have the right to bring an action for monetary judgment to collect past due amounts owed.

(5) The violator and the owner shall be responsible, jointly and severally, for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of liens, and in actions to foreclose such liens or actions for monetary judgments.

(6) The collection and enforcement procedures set forth in this subsection shall be cumulative with and in addition to any applicable procedures provided in any other ordinance of the city, any applicable Florida law, or any agreement. Failure of the city to follow the procedures set forth in this subsection shall not constitute nor be construed as a waiver of the city's rights to proceed under any other ordinance of the city, in accordance with Florida law, or pursuant to any agreement.

(f) *Past due fees and penalties for violations not occurring on private property.* In the event that the fees imposed in accordance with this article are not paid when due for any reason, including but not limited to mistake or inadvertence, the city shall have the right to collect such fees and charges relating to violations not occurring on private property as follows:

(1) The city, in its discretion, may file suit for the recovery of any fees and penalties issued pursuant to this article or otherwise obtain a monetary judgment to collect past due amounts owed, initiate code enforcement proceedings relating to the violation, or pursue any other additional fines, penalties, or remedial measures that the city may assess or impose for violation of this article under federal or Florida law, this code of ordinances, or otherwise as provided herein. In such event the violator shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs incurred by the city in the collections of any such past due fees and penalties for violations not occurring on private property.

(2) The collection and enforcement procedures set forth in this subsection shall be cumulative with and in addition to any applicable procedures provided with and in addition to any applicable procedures provided in any other ordinance of the city, any applicable Florida law, or any agreement. Failure of the city to follow the procedures set forth in this subsection shall not constitute nor be construed as a waiver of the city's

rights to proceed under any other ordinance of the city, in accordance with Florida law, or pursuant to any agreement.

SECTION 4. Codification. This Ordinance shall be incorporated into the Code of Ordinances of the City of Belle Isle, Florida. 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 or the Code of Ordinances of the City of Belle Isle, Florida may be freely made.

SECTION 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2018

SECOND READING: _____, 2018

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL
CITY OF BELLE ISLE

Lydia Pisano, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

S:\DL\Clients\Belle Isle, City of\General B900-29001\Supplemental Code Citation Process Ordinance\Supplemental Code Citation Process Ordinance - 10-26-18.docx



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: November 13, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Land Development Code Change for Commercial Planned Developments

Background: At April 24, 2018 P&Z meeting, the P&Z Board discussed changing the Land Development Code (LDC) to allow for Planned Development (PD) in the commercial zones and recommended that these changes be made to the LDC.

At the present, the code only addresses residential plan developments. If the City seeks to make a change with a commercial development the City is restricted to changes except in the variance process. It is common to have PD regulations for residential developments as well as commercial. The City cannot condition straight zoning but the City can condition Planned Development's which are tied to a development order.

The amendments provide the mechanism to do this and remove language regarding residential densities that is part of the City's Comprehensive Plan and do not belong in the land development code. Having comprehensive plan language also in the land development code could create internal conflicts between the documents if the text of the Comprehensive Plan is amended.

Even though the City has very little commercial zones, if more commercial land is annexed in to the City in the future, this change would be beneficial to allow for flexibility in commercial development and residential projects when appropriate.

Staff Recommendation: Accept the recommendations of the P&Z Board and direct the City staff to advertise the proposed ordinance for a first reading at the next Council Meeting.

Suggested Motion: I move that we accept the recommendations of the P&Z Board and direct the City staff to advertise the proposed ordinance for a first reading at the next Council Meeting.

Alternatives: Do not accept the P&Z recommendations

Fiscal Impact: None

Attachments: Except from P&Z Meeting Minutes (April 24)
City Planner Memo
Draft Ordinance 18-05



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

Zoning Application: Amendments to the Land Development Code to create commercial planned development zoning standards

Review Comments

These are City-initiated amendments to the Land Development Code (LDC) to create commercial planned development zoning standards. The City of Belle Isle LDC currently has standards for residential planned development but not for commercial. It is in the best interest of the City to have development flexibility with both residential and commercial projects when deemed appropriate.

The amendments provide the mechanism to do this and remove language regarding residential densities that is part of the City's Comprehensive Plan and do not belong in the land development code. Having comprehensive plan language also in the land development code could create internal conflicts between the documents if the text of the Comprehensive Plan is amended.

Staff Recommendation

Staff recommends approval of the proposed Planned Development District amendments and Ordinance 2018-05. At their April 24, 2018 meeting, the Planning Board recommended approval of the proposed amendments.

City of Belle Isle
Planning & Zoning Board Regular Session Minutes
April 24, 2018 – 6:30pm

Dan Langley City Attorney	David Woods Vice Chairman District 1	Chris Shenefelt District 2	Shawn Jervis District 3	Gregg Templin District 4	Rainey Lane District 5	Russell Cheezum District 6	Nicholas Fouraker Chairman District 7
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On Tuesday, April 24, 2018 the Belle Isle Planning & Zoning Board met in a regular session at 6:30pm in the Belle Isle City Hall Council Chambers. Present was Chairman Fouraker, Board member Shenefelt, Board member Jervis, Board member Lane and Board member Templin and Board member Cheezum. Absent was Vice Chairman Woods.

Also present was City Manager Bob Francis, Attorney Rick Geller, City Planner April Fisher and City Clerk Yolanda Quiceno.

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

Chairman Fouraker read Ordinance 18-05 by title.

April Fisher gave a brief overview of Ordinance 18-05 and said it is an amendment to the City’s Land Development Code to allow for commercial planned developments. At the present, the code only addresses residential plan developments. If the City seeks to make a change with a commercial development the City is restricted except in the variance process. It is common to have PD regulations for residential developments as well as commercial. There is text that is recommended to be stricken because it references Compressive Plan language that may cause an internal conflict. The City cannot condition straight zoning but the City can condition Planned Development’s which are tied to a development order.

April Fisher recommended removal of item Section 54-77(c)(4) – Communications towers and antennas due to cautionary purposes and should not be listed as an automatic use.

Attorney Geller stated some of the other cities he has represented typically have a tower as a recommended use.

Board member Lane motioned to recommend approval of the proposed Planned Development District amendments and Ordinance 18-05 to City Council and the deletion of Section 54-77(c)(4)- Communications towers and antennas.

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

ORDINANCE No.: 18-05

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Part II of Chapter 163 of the Florida Statutes requires the City's local planning agency to review proposed land development regulations and make recommendations to the City's governing body as to their consistency with the City's Comprehensive Plan; and

WHEREAS, the City of Belle Isle Planning and Zoning Board serves as local planning agency for the City; and

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the City's Local Planning Agency, has been presented with the proposed revised planned development district regulations incorporated by reference in this Ordinance; and

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on April 24, 2018; and

1 **WHEREAS**, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency,
2 at the April 24, 2018, public hearing, found the revised regulations to be consistent with the City of Belle Isle
3 Comprehensive Plan and recommended that the City Council adopt the revised planned development district
4 regulations; and

5
6 **WHEREAS**, the City Council held two (2) public hearings on _____, and _____, to receive public
7 comments, and considered the recommendation of the Planning and Zoning Board and the proposed planned
8 development district regulations; and

9
10 **WHEREAS**, the Board has found and determined that the adoption of the proposed revised planned
11 development district regulations will foster and preserve the public health, safety and welfare and aid in the
12 harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

13
14 **NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS,**

15 **Section 1. Recitals**

16 The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part
17 of this ordinance.

18
19 **Section 2. Land Development Code Amendment**

20 Chapter 54, Article III of the City Land Development Code Section 54-77 is hereby amended, as follows:

21 **Sec. 54-77. - Planned development district PD.**

22 (a) *Intent and purpose of district.* The intent and purposes of the planned development district are
23 as follows:

1 (1) To provide for planned residential or commercial development communities, compatible with
2 surrounding areas, consistent with the density or intensity permitted under the comprehensive plan,
3 containing a variety of ~~residential~~ structures and diversity of building arrangements. Under no
4 circumstances does this district permit ~~residential~~ densities or intensities greater than that available
5 under the land use classification for that property.

6 (2) To allow diversification of uses, structures and open spaces in a manner compatible with existing
7 and permitted uses on abutting properties.

8 (3) To reduce improvement costs through a more efficient use of land and smaller networks of
9 utilities and streets than is possible through application of conventional zoning districts.

10 (4) To ensure that development will occur according to limitations of use, design, density, coverage
11 and phasing as set forth on an approved final development plan.

12 (5) To preserve the natural amenities and environmental assets of the land by encouraging the
13 preservation and improvement of scenic and functional open areas.

14 (6) To encourage an increase in the amount of usability of open space areas by permitting a more
15 economical and concentrated use of building areas than would be possible through conventional
16 ~~subdivision~~ development practices.

17 (7) To provide maximum opportunity for application of innovative concepts of site planning in the
18 creation of aesthetically pleasing ~~living~~ environments on properties of adequate size, shape and
19 location.

20 (b) *Definitions.* For the purposes of the planned development district, the following definitions shall
21 apply:

22 (1) *Open space* means the gross acreage exclusive of buildings, vehicular accessways and parking
23 areas.

(2) *Recreation space* means any open space having a minimum size of 10,000 square feet, a minimum average dimension of 100 feet and a minimum dimension of 50 feet, and improved for recreational use. Improved trails and paths may also qualify as recreation space.

(c) *Uses permitted.* The following uses shall be permitted in the planned development district if designated on an approved final development plan:

- (1) Attached and detached single-family dwelling units.
- (2) Attached multifamily dwelling units.
- (3) ~~Public areas compatible to residential uses and limited to the use only, of the residences of the proposed district.~~
- (4) Communication towers and antennas.
- (5) Commercial uses consistent with the C-1 or C-2 zoning district.

(d) *Site development standards.* Site development standards in the planned development district shall be as follows:

~~(1) The criteria for establishing the densities and height of structures based upon land use classification are as follows:~~

Maximum Units per Net Acre		
Net Density (units/acre)	Maximum Height (feet)	Land Use Classification
3.5 or less	35	Low Density Residential
3.6 to 5.5	35	Low Density Residential
5.6 to 10.0	30	Medium Density Residential
10.0 or more	30	High Density Residential

-

1 (2) The following site development standards shall apply, unless specifically waived by finding of the
2 board and the council that the unique characteristics of the development in question make
3 unnecessary the application of one or more of these provisions in order to carry out the intent and
4 purposes of the planned development district:

5 a. The natural topography, soils and vegetation should be preserved and utilized, where possible,
6 through the careful location and design of circulation ways, buildings and structures, parking areas,
7 recreation areas, open space and drainage facilities. Removal of mature trees shall be compensated
8 through regulations in the tree section.

9 b. All planned development districts shall conform to chapter 50, article III, for landscaping, parking
10 and other development standards.

11 c. In residential planned developments, a minimum of 25 percent of the gross area of the project
12 shall be designated for recreation and open space. Recreation areas shall include, by way of example
13 not by way of limitation, swimming pools, tennis courts, playgrounds and fitness courses. Open space
14 shall include, by way of example not by way of limitation, lakes, wetlands, fields, and picnic areas.
15 Open space shall not include areas required to meet setbacks, retention ponds and parking areas. All
16 recreation and open space areas used to meet the 25 percent shall be located in areas retained in
17 common ownership. Adequate provisions shall be made to eliminate problems of noise and lights to
18 adjacent property.

19 d. The proposed lighting, access points or activities resulting in high noise levels, and location or
20 arrangement of structures should not be detrimental to existing or future adjacent land uses or to the
21 existing or future development of the neighborhood.

22 e. Streets to be dedicated to the public shall be designed and built in accordance with the
23 appropriate sections of the subdivision regulations. Streets and driveways shall be constructed in
24 accordance with adopted road construction specifications and designed to provide for the free
25

1 movement and safety of vehicular traffic, and to provide safe, efficient and convenient access to land
2 uses within the development and to roadways adjacent to the development. The local, collector and
3 arterial street system must provide adequate access to the development, and properly accommodate
4 traffic generated by the development. Local streets shall provide access within the planned
5 development district in a manner that will discourage through traffic and provide for convenient
6 accessibility to parking areas serving each group of units.

7 f. Wherever practicable, vehicular and pedestrian passageways shall be separated. A system of
8 walkways and bicycle paths between buildings, common open spaces, recreation areas, community
9 facilities and parking areas shall be distinctively designed and adequately lighted where appropriate
10 for nighttime use.

11 g. Central water, sewage, and stormwater management systems, and utility lines and/or easements
12 shall be provided in accordance with the appropriate sections of the subdivision regulations.

13 h. All land shown on the final development plan as common open space, private parks and
14 recreation facilities shall be subject to deed restrictions which ensure the payment of future taxes and
15 the maintenance of areas and facilities for a safe, healthful and attractive living environment.

16 i. In order to protect the lakes and canals from destructive activities, no roadways, buildings or other
17 permanent structures shall be permitted within 50 feet of the normal high-water elevation ~~(86-9)~~ of
18 the lakes or canals. Nature walkways, benches and tables are not considered permanent for these
19 purposes.

20 (e) *Approval procedure.* The review and approval procedure for a planned development district shall
21 be as follows:

22 (1) *Preapplication conference.* The applicant shall confer with a panel of appropriate city
23 departments prior to submitting an application for a zoning change to the PD district. The conference
24 is intended to give the applicant an opportunity to discuss the proposed development and to benefit
25

1 from comment by city officials before undertaking the required work program. The panel shall include
2 the following: planning and development, city manager, mayor and administrative services personnel.
3 The city engineer and city attorney shall also be included on the panel. Other local governments
4 and/or state agencies may also be asked to serve on the panel on an as-needed basis. The planning
5 and development department shall coordinate the conference, and ensure all other departments and
6 the applicant are notified of the time and place of the conference.

7 (2) *Preliminary concept plan.* Applications for PD districts shall be accompanied by a preliminary
8 concept plan and supporting documents that properly present necessary basic data:

- 9 a. Location and size of entire proposed development.
- 10 b. Existing topographic character of the land.
- 11 c. Existing and proposed land use classifications.
- 12 d. Table showing existing and proposed use by type, density and building sizes.
- 13 e. Location of existing and proposed streets and roadways.
- 14 f. Identification of areas to be dedicated to the public.
- 15 g. Identification of areas for recreation and open space.
- 16 h. Typical examples of each building type proposed.
- 17 i. Location of proposed buildings.
- 18 j. Surrounding zoning.
- 19 k. Other information from the preapplication conference.

20 The applicant shall also identify the present ownership of all land included in the development, the
21 expected sequence of development, and define the objectives and intent of the PD district. The
22 concept plan should provide enough detail to enable all reviewers to understand the way in which the
23 proposed development will function.

1 Since the review of the concept plan is conducted in a similar manner as proposed subdivision plats,
2 the concept plan may serve as the preliminary plat when platting is required, so the review can be
3 done simultaneously.

4 (3) *Approval of preliminary concept plan and PD district.* The board and the council shall review the
5 PD district concept plan the same as a rezoning. Specifically, the notice requirement for a concept plan
6 shall adhere to the same public hearing requirements as a zoning change. If a PD district concept plan
7 is approved by the council, the city manager shall change the zoning map to designate the property as
8 PD district, and indicate the date of approval.

9 (4) *Development plan.* Within nine months after preliminary concept plan approval, the applicant
10 shall submit a development plan and supporting documents. The review is conducted in the same
11 manner as proposed subdivision plats. If platting is required, the final plat shall be submitted
12 simultaneously with the development plan. Development plans shall include the following
13 information:

- 14 a. Provisions for necessary improvements such as water, sewer, and drainage facilities as well as
15 systems for firefighting and street lighting.
- 16 b. The location and dimensions of all rights-of-way or easements for streets, pedestrian ways,
17 utilities, watercourses, and greenways, as well as proposed subdivision of land.
- 18 c. The relationship of building locations, arrangements, uses and heights to open areas, streets,
19 pedestrian ways, landscaping, property lines and adjacent uses.
- 20 d. Areas proposed to be conveyed, dedicated, or reserved for recreation and open space, and/or
21 public uses.
- 22 e. Covenants/restrictions, conditions, agreements, and grants which govern the use, maintenance,
23 and continued protection of the PD district and common areas.

1 f. Specified design standards applicable to various portions of the PD district as approved by the
2 council.

3 If the applicant fails to obtain approval of the development plan within one year after approval of the
4 concept plan, the zoning classification shall revert to its previous zoning classification. However, if the
5 previous zoning classification is not compatible with the existing and/or future land use classification
6 for that property, the city shall administratively rezone the property to an appropriate zoning
7 classification. The applicant may apply to the council once for an extension of this deadline for a time
8 period not to exceed one year.

9 (5) *Approval of the development plan.* The council shall review the development plan for substantial
10 compliance with the concept plan and other designated requirements. Upon approval by the council
11 at a public hearing, the city manager shall designate said approval and date on the official zoning map
12 for the PD district included in the approved development plan. After the effective date of such
13 approval, the use of land and the construction, modifications, or alterations of any buildings,
14 structures or other improvements within the planned development will be governed by the approved
15 development plan rather than other standards.

16 (6) *Amendments to concept or development plans.* Substantial proposed changes in requested uses,
17 densities, development sequences or other specifications of the concept or development plan may be
18 allowed only after a public hearing and an approval from the council based upon a recommendation of
19 the board. Any changes shall be noted on the official zoning map. Minor proposed changes,
20 alterations, or modifications that do not change the requested uses, densities, or development
21 sequences shall be reviewed and approved by the mayor based upon a recommendation of the
22 director of planning and development.

23 (7) *Construction requirements.* Approved development plans shall remain in full force and effect for
24 as long as the applicant carries on substantial, continuous development. The term "substantial" shall
25

1 mean that physical improvements are visible and continuous shall mean that the developer
2 commences construction in accordance with approved plans within 12 months of approval, and does
3 not cease development for a period longer than 60 days. The council shall have the authority to grant
4 an extension of this time period for up to 12 months, provided a written request is filed with the
5 mayor at least 30 days prior to the expiration of the time period. If the applicant either fails to carry on
6 substantial, continuous development or obtain an extension from the council within one year after
7 approval of the development plan, the zoning classification shall revert to its previous zoning
8 classification. If the previous zoning classification is not compatible with the existing and/or future
9 land use classification for that property, the department shall administratively rezone the property to
10 an appropriate zoning classification.

11 (8) *Breach of agreement.* An unapproved deviation from the accepted development plan shall in
12 addition to all other violations under the Land Development Code and Code of Ordinances constitute a
13 breach of agreement between the applicant and the city. Such deviation may cause the city to
14 suspend construction until such time as the deviations are corrected or the development plan is
15 appropriately modified by the applicant and approved by the council. Failure to correct unauthorized
16 deviations shall be cause for the development plans to be revoked. Construction shall cease and no
17 certificate of occupancy shall be issued until a modified development plan is approved or the
18 deviation is corrected.

19
20 **SECTION 3. Severability**

21 If any section, subsection, sentence, clause, phrase, word, provision or portion of this Ordinance is held by a
22 court of competent jurisdiction to be invalid, unlawful or unconstitutional, such shall not invalidate or impair
23 the validity, force or effect of any other section or portion of a section or subsection of this Ordinance.

1 **SECTION 4. Conflicts**

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

4 **SECTION 5. Codification**

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

10
11 **SECTION 6. Effective date**

12 This Ordinance shall take effect immediately upon its final passage and adoption by the City Council of the City
13 of Belle Isle, Florida.

14
15 First Reading held this 1st day of May, 2018

16 Second Reading held this 15th day of May, 2018

17 Advertised for Second Reading on the 5th day of May 2018.

	YES	NO	ABSENT
18 19 Ed Gold	_____	_____	_____
20 21 Anthony Carugno	_____	_____	_____
22 23 Jeremy Weinsier	_____	_____	_____
24 25			

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Mike Sims _____

Harvey Readey _____

Jim Partin _____

Sue Nielsen _____

LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 18-05 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2018, at which session a quorum of its members were present.

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Yolanda Quiceno, CMC-City Clerk



CITY OF BELLE ISLE, FLORIDA CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: November 13, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: False Alarm Ordinance

Background: The City Staff would like the City Council to consider a false alarm ordinance. The ordinance requires all active alarm systems to be registered with the Police Department.

A false alarm occurs when the alarm system is activated and the Belle Isle Police Department responds, but there is no evidence of unauthorized entry, criminal activity (or reasonable threat of criminal activity) or any other emergency that would require the services of the Police Department. This includes signals activated by accident, negligence, mechanical failure, electrical failure, signals activated intentionally in non-emergency situations and signals for which the actual cause of activation is unknown. An alarm is considered **false** if responding personnel follow normal operating procedures and find no evidence of an unauthorized entry, criminal activity (or reasonable threat of), or other emergency.

In recent years, false alarms account for approximately 85% of all alarms to which the BIPD has had to respond. These false alarms divert law enforcement resources from crimes in progress, other emergency situations and time spent patrolling their areas.

Other communities have had great success reducing the number of false alarms when they require alarms to be registered and assess cost recovery for false alarms. Cities using this program have reduced the number of false alarms by as much as 70% in one year after implementing an alarm registration system.

BIPD officers must take each and every alarm call seriously. In nearly every case, however, our officers arrive to discover a false alarm was caused by accident or error. This new program will help to ensure that officers are available to patrol our neighborhoods and respond to emergencies.

If the Council decides to move forward with this ordinance, the City will develop the process and brochures necessary to inform the residents.

Staff Recommendation: Move forward with the false alarm ordinance.

Suggested Motion: No motion is necessary, but provide direction to the staff (move forward or not to move forward).

Alternatives: Do not develop a false alarm program

Fiscal Impact: TBD

Attachments: False Alarm Log from BIPD
Draft Ordinance

FY2017

This is a list of alarm calls from the beginning of the year. All of these calls were cleared no report.

Date	False Alarm \$10.50	False Alarm \$16.04
12/25/17 to 12/31/17	7	
12/18/17 to 12/24/17	11	
12/11/17 to 12/17/17	12	
12/4/17 to 12/10/17	11	
11/27/17 to 12/3/17	13	
11/20/17 to 11/26/17	11	
11/13/17 to 11/19/17	5	
11/6/17 to 11/12/17	4	
10/30/17 to 11/5/17		19
10/23/17 to 10/29/17		10
10/16/17 to 10/22/17		10
10/9/17 to 10/15/17		7
10/2/17 to 10/8/17		13
9/25/17 to 10/01/17		9
9/18/17 to 9/24/17		14
9/11/17 to 9/17/17		9
9/4/17 to 9/10/17		8
8/28/17 to 9/3/17		4
8/21/17 to 8/27/17		2
8/14/17 to 8/20/17		16
8/07/17 to 8/13/17		11
7/31/17 to 8/6/17		14
Now over 4000 calls for service		
7/24/17 to 7/30/17	10	
7/17/17 to 7/23/17	7	
7/10/17 to 7/16/17	10	
7/03/17 to 7/9/17	11	
6/26/17 to 07/2/17	11	
6/19/17 to 6/25/17	10	
6/12/17 to 6/18/17	10	

6/5/17 to 6/11/17	7
5/29/17 to 6/4/17	12
5/22/17 to 5/28/17	7
5/15/17 to 5/21/17	7
5/8/17 to 5/14/17	14
5/1/17 to 5/7/17	9
4/24/17 to 4/30/17	5
4/17/17 to 4/23/17	5
4/10/17 to 4/16/17	7
4/3/17 to 4/9/17	10
3/27/17 to 4/2/17	14
3/20/17 to 3/26/17	14
3/13/17 to 3/19/17	21
3/6/17 to 3/12/17	10
2/27/17 to 3/5/17	6
2/20/17 to 2/26/17	10
2/13/17 to 2/19/17	14
2/6/17 to 2/12/17	10
1/30/17 to 2/5/17	9
1/23/17 to 1/29/17	5
1/16/17 to 1/22/17	11
1/9/17 to 1/15/17	9
1/2/17 to 1/8/17	5
	8

Total 358

(\$3,759.00)

Total Dispatch cost
 Base calls for service charge \$10.50 per call.
 After the base of services (4,000 calls) per call price 16.07.

-2346.22

146

Total false alarm call 504
 Total cost just for dispatch services \$6105.22

FY2018

This is a list of alarm calls from the beginning of the year. All of these calls were cleared no report.

Date	False alarm \$10.40	Base Service Annual Fees 43,275.60	Annual cap fee 72,125.99
1/1/18 to 1/7/18	9		
1/8/18 to 1/14/18	8		
1/15/18 to 1/21/18	8		
1/22/18 to 1/28/18	9		
1/29/18 to 2/4/18	7		
2/5/18 to 2/11/18	7		
2/12/18 to 2/18/18	4		
2/19/18 to 2/25/18	5		
2/26/18 to 3/4/18	6		
3/5/18 to 3/11/18	10		
3/12/18 to 3/18/18	7		
3/19/18 to 3/25/18	13		
3/26/18 to 4/1/18	10		
4/2/18 to 4/8/18	8		
4/9/18 to 4/15/18	8		
4/16/18 to 4/22/18	9		
4/23/18 to 4/29/18	3		
4/30/18 to 5/6/18	7		
5/7/18 to 5/13/18	8		
5/14/18 to 5/20/18	8		
5/21/18 to 5/27/18	10		
5/28/18 to 6/3/18	11		
6/4/18 to 6/10/18	0	9	
6/11/18 to 6/17/18	0	9	
6/18/18 to 6/24/18	0	12	
7/2/18 to 7/8/18		8	
7/9/18 to 7/15/18		10	
7/16/18 to 7/22/18		10	
7/23/18 to 7/29/18		9	

7/30/18 to 8/5/18		11
8/6/18 to 8/12/18		14
8/13/18 to 8/19/18		10
8/20/18 to 8/26/18		7
8/27/18 to 9/2/18		15
9/3/18 to 9/9/18		9
9/10/18 to 9/16/18		12
9/17/18 to 9/23/18		10
9/24/18 to 9/30/18		5
Total False Alarms	175	160
Total Dispatch Cost	\$ 1,820.00	\$ 2,728.00

Total Year Cost \$ 4,548.00

This number is just for dispatch fees it does not include man power time, fuel cost and wear and tear on equipment.

FY2019

This is a list of alarm calls from the beginning of the year. All of these calls were cleared no report.

Date	False Alarm \$10.50	False Alarm \$16.04
10/1/18 to 10/7/18	7	
10/8/18 to 10/14/18	13	
10/15/18 to 10/21/18	12	
10/22/18 to 10/28/18	8	
10/29/18 to 11/4/18	4	
Total False Alarms	44	
Total Dispatch Cost	\$ 457.60	

1 **WHEREAS**, due to negligence, improper use, mechanical malfunction and poor design, the use of
2 security alarms within the incorporated limits of Belle Isle frequently result in a number of false alarms
3 being reported to which law enforcement personnel must respond in force; and
4

5 **WHEREAS**, the incidence of false alarms causes a significant misuse of manpower and resources by
6 causing the dispatch of multiple units to the scene of each false alarm, rendering said units out of service and
7 unavailable for response to legitimate emergency situations; and
8

9 **WHEREAS**, the continued frequency of false alarms carries the potential for creating complacency in
10 responding officers, thereby posing a danger to their safety as well as the safety of the citizens of Belle Isle;
11 and
12

13 **WHEREAS**, the City Council finds it necessary to prohibit automatic alarm communication devices
14 which are programmed to make connection with the same telephone lines utilized by police services which,
15 could seize and hold said lines to the exclusion of legitimate emergency calls; and
16

17 **WHEREAS**, the prohibition against the aforementioned automatic alarm communication devices as
18 well as the regulation of alarm systems and their use will result in a significant reduction of false alarms, with
19 the resultant savings in public resources, as well as the safety of the citizens of Belle Isle.
20

21 **NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Belle Isle, Florida, as follows:
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23
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25

1 **SECTION 1. Recitals Incorporated.**

2 The above recitals are true and correct and are incorporated herein.

3
4 **SECTION 2. Creation of Title.**

5 This Ordinance shall be known and may be cited as the "City of Belle Isle Alarm Control Ordinance".

6
7 **SECTION 3. Definitions.**

8 Unless it is clear from the context that another meaning is intended, the following words, when used
9 in this Ordinance, shall have the meaning attributed to them by this Section:

10 A. Alarm System - means any mechanical, electrical or radio controlled device which is designed
11 to be used for the detection an unauthorized entry into a building, structure or facility, or for alerting others to
12 the commission of an unlawful action within a building, structure or facility, and which emits a sound or
13 transmits a signal or message when activated. Excluded from this definition are devices that do not register
14 alarms that are audible or visible and that do not otherwise communicate outside of the protected building,
15 structure or facility; auxiliary devices installed by telephone companies to protect telephone systems from
16 damage or disruption of service; and alarm systems installed in conveyances for the exclusive protection of
17 such conveyances. Alarms that indicate malfunctions in public utilities are also excluded from this definition.

18
19 B. Alarm User -means the person, firm, business, partnership, association, corporation or other
20 entity who either;

- 21 1. Owns the premises in which an alarm system is installed; or
22 2. Who leases or occupies the premises; or
23 3. Who is designated as the registered gent of the premises; or
24 4. Is the rental/property management company for the premises?

1 C. Automatic Alarm Communication System - means any automatic communication device
2 or automatic telephone dialing alarm system which, upon being activated, automatically transmits to any
3 telephone in the Belle Isle Police Department a recorded message or coded signal indicating the need for
4 an emergency response.

5
6 D. Belle Isle- The City of Belle Isle, Florida.

7
8 E. False Alarm - means an activated alarm that elicits a response by the Belle Isle Police
9 Department when no criminal activity, reasonable threat of criminal activity, unauthorized entry or other
10 emergency requiring the services of the police department
11 exists.

12
13 This definition includes signals activated by accident, negligence, mechanical failure, electrical failure,
14 signals activated intentionally in non-emergency situations and signals for which the actual cause of activation
15 is unknown. A rebuttable presumption shall exist that an alarm is false if in the case of a security alarm,
16 personnel from the police department find no evidence of an unauthorized entry, criminal activity, a
17 reasonable threat of criminal activity, or another emergency requiring the services of the police department
18 after following normal operating procedures. This presumption may be overruled if the alarm user proves
19 that:

- 20 1. In case of a security alarm, an individual activated the alarm based upon a reasonable belief
21 that an unauthorized entry, criminal activity, a reasonable threat of criminal activity, or
22 another emergency requiring the services of the police department actually existed; or
23
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- 1 2. The alarm system was activated by lightning or an electrical surge that caused physical
2 damage to the alarm system, as evidenced by the testimony of the state-certified or
3 registered alarm system technician who conducted an on-site inspection of the system; or
4 3. The alarm system was activated by some other cause beyond the alarm user's reasonable
5 control.

6
7 G. Key Holder- means any person authorized by the alarm user to enter or provide access to
8 the alarm user's premises for the purposes of enabling the police department to investigate and
9 determine the validity of an alarm and to reset the alarm.

10
11 H. Lock Box System - is a secure key and premise information holding system utilized by the Belle Isle
12 Police Department for the purpose of entering and determining the nature of an alarm activation. Belle Isle
13 Police Department personnel shall not be classified as "key holders".

14
15 I. Panic Alarm- means any mechanical, electrical or radio-controlled device which is personally
16 activated by the alarm user and which indicates that a clear and present danger is presently confronting the
17 alarm user.

18
19 J. Police Department- means the City of Belle Isle Police Department.

20
21 K. Responding Officer- means an officer with the Belle Isle Police Department responding to a security
22 alarm .

1 L. Three Hundred. Sixty-Five {365} day period- means any consecutive Three Hundred, Sixty-Five (365)
2 day period.

3
4 **SECTION 4. Automatic Alarm Communication Systems Prohibited.**

5 A. It shall be unlawful for any person, firm, business, partnership, association, corporation or
6 other entity to install, maintain, or operate an automatic alarm communication system, as defined herein. The
7 owner, operator or lessee of such a system shall disconnect such system within seventy-two (72) hours of
8 receiving notice to do so.

9
10 B. Failure to comply with this section shall constitute a misdemeanor of the second degree,
11 punishable as provided in Chapter 775, Florida Statutes.

12
13 **SECTION 5. Response to Alarms; Determination of Validity.**

14 A. Upon responding to any alarm activated in the incorporated limits of Belle Isle, the responding
15 officer shall make a complete and thorough inspection of the building or premises to determine the validity of
16 the alarm.

17
18 B. If the responding officer determines the alarm to be false, the officer shall so notify the
19 Sheriff's Office communications section in the case of a security alarm. Upon request by the police
20 department, the alarm monitoring company shall provide the name, physical/ mailing address, and phone
21 number of the alarm premises' owner, the alarm premises lessee/occupant, the rental/property management
22 company or the registered agent. This information shall be used to maintain a current database to ensure
23 compliance with the provisions of this Ordinance. Failure by the alarm monitoring company to provide such
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1 information, upon request, will result in fines and penalties for false alarms imposed pursuant to Section 6 of
2 this Ordinance against the alarm monitoring company.

3
4 C. Alarm users shall respond to each activated alarm at their premises within forty five (45)
5 minutes of notification. Response means arrival at the scene of the alarm. Response by a key holder shall
6 constitute response by an alarm user for the purposes of this subsection. In addition to any other penalty
7 provided for herein, failure to respond within forty-five (45) minutes of notification without good cause shall
8 result in a fine of fifty dollars (\$50.00). In addition, the police department may, in their sole discretion, choose
9 not to respond to an alarm in the event they have been informed by the alarm user or some other reliable
10 source that neither the alarm user nor a key holder for the alarm user will respond to the alarm and no
11 legitimate reason for such failure to respond exists. However, the police department shall attempt to respond
12 in all cases where a panic alarm has been activated and in all cases where they have received reliable
13 information that an emergency in fact exists.

14
15 **SECTION 6. False Alarms; Required Corrective Action and Penalties.**

16 A. Regardless of the number of false alarms an alarm user has had within any period of time,
17 whenever it appears that a false alarm was caused by a system malfunction rather than human error or some
18 other external source, the alarm user shall within fifteen (15) days have his or her alarm system inspected and,
19 if necessary, repaired by a state-certified or state-registered alarm contractor. The alarm user shall submit
20 written proof of such inspection and, if applicable, repair to the police department in the case of a security
21 alarm within thirty (30) days of the false alarm.

1 B. The penalties for false alarms shall be as follows:

2
3 I. No fine shall be imposed for the first false alarm within any three hundred, sixty-five
4 (365) day period. A warning letter will be issued to the alarm owner.

5
6 2. No fine shall be imposed for the second false alarm within any three hundred, sixty-
7 five (365) day period unless the alarm user has failed to comply with the requirements of subsection
8 (A), in which case a fine in the amount of Fifty Dollars (\$50) shall be imposed.

9
10 3. The fine for a third within a three hundred, sixty-five (365) day period shall be in the
11 amount of One Hundred and Fifty Dollars (\$150), and any subsequent false alarm shall be in the
12 amount of Two Hundred and Fifty Dollars (\$250), except that the listed fines shall be doubled if the
13 alarm user is not in compliance with subsection (A) at the time of the false alarm triggering the fine
14 occurs.

15
16 C. If an alarm user fails to pay any fine imposed herein within thirty (30) days of the issuance of a
17 citation or does not prevail in an appeal pursuant to Section 8, Appeal, the alarm user forfeits the right to
18 operate his or her alarm system and, unless otherwise required by law, may not operate said system until such
19 fine is paid. Operation of an alarm system in violation of this subsection shall constitute a misdemeanor of the
20 second degree, punishable as provided in Chapter 775, Florida Statutes.

1
2 **SECTION 7. Citation Procedure.**

3 The police department may issue citations for violations of this Ordinance. Citations may be issued to
4 the alarm user in person or by certified mail. As provided in Section 6(c), an alarm user shall have thirty (30)
5 days from the issuance of a citation to pay the fine imposed pursuant to the citation. In the event an alarm
6 user fails to pay any false alarm charge within the thirty (30) day period, the enforcement official may, at his or
7 her discretion, determine that there shall be no response to any alarm activation by the alarm system which
8 has been the cause for the false alarm citation until the fine is paid.

9
10 **SECTION 8. Appeal.**

11 Any alarm user who receives a citation for a false alarm fine shall be entitled to an appeal hearing
12 before the City Manager, or his or her authorized designee. A request for an appeal hearing must be in writing
13 with the reasons why the fine should not be assessed, and shall be made within twenty (20) days from the
14 issuance of the citation. Once the request has been received by the City Manager, a hearing will be scheduled
15 and subsequently conducted as soon as practicable. At the hearing, the alarm user shall have the opportunity
16 to be heard, and to introduce testimony and evidence. Following the conclusion of the hearing, the City
17 Manager, or his or her authorized designee, shall review the testimony, the evidence, and shall determine
18 whether the alarm user has shown good cause why the fine should be withdrawn. The City Manager or
19 designee shall render a decision on the appeal within five (5) business days thereafter. The decision of the City
20 Manager, or designee, shall be the final administrative action by the City of Belle Isle. Upon making a decision
21 on the matter, the City Manager or designee shall notify the alarm user of the decision in writing.

22
23 Failure to either pay the applicable fine or to request an appeal within the aforementioned
24 time periods shall constitute a waiver of the alarm user's right to contest the citation.

1 **SECTION 9. Alarm System Operations.**

2 A. The City of Belle Isle, its officers, employees and agents shall not assume any duty or
3 responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned
4 alarm system. Those duties or responsibilities shall be the sole responsibility of the owner of the particular
5 premises and system. Additionally, it shall be the responsibility of the alarm user or his or her authorized
6 representatives to silence an activated alarm and thereafter reset it.

7
8 **SECTION 10. Applicability.**

9 This Ordinance shall apply in the incorporated limits of the City of Belle Isle, Florida.

10
11 **SECTION 11. Limitation of Liability.**

12 Nothing herein shall be construed as to create a duty on the part of the Police Department or the City
13 of Belle Isle to respond to any alarm or to otherwise guarantee the safety of any member of the public.
14 Further, the Belle Isle Police Department and the City of Belle Isle expressly retain the discretion to determine
15 whether or not to respond to an alarm, and to otherwise determine the most efficient deployment of law
16 enforcement resources. Nothing herein shall be construed as a waiver of sovereign immunity by the City of
17 Belle Isle.

18
19 **SECTION 12. Disposition of Penalties and Fines.**

20 Fines collected for false alarms shall be forwarded to the director of finance who shall deposit funds
21 received for false security alarms, less costs of notification and collection, into a separate police account for
22 false security alarm funds. These funds shall be used by the police department for training and
23 communication.

1 **SECTION 13. Provision for Inclusion into the Belle Isle City Code.**

2 It is the intention of the City Council of the City of Belle Isle that the provisions of this Ordinance shall
3 become and be made a part of the Code of the City of Belle Isle, and that the sections of this Ordinance
4 may be renumbered or relettered, and the word "Ordinance" may be changed to "Section", "Article", or
5 such other appropriate word or phrase in order to accomplish such intentions.

6
7 **SECTION 14. Liberal, Non-Conflicting Construction.**

8 The provisions of this Ordinance shall be liberally construed such that its purpose is effectively
9 rendered in the interest of the health, safety and welfare of the citizens and residents of the City of Belle
10 Isle. Likewise, such provisions shall be interpreted so as to not to conflict with, but be supplemental to, all
11 applicable City of Belle Isle Codes, and all other laws, rules, ordinances and regulations.

12
13 **SECTION 15. Severability.**

14 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by
15 any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining
16 sections of this Ordinance.

17
18 **SECTION 16. Effective Date.**

19 This Ordinance shall take effect upon its approval and publication as required by law.

20
21 **FIRST READING:** _____, 2018

22 **SECOND READING:** _____, 2018

23 **ADOPTED** this _____ day of _____, 2018, by the City Council of the City of Belle Isle, Florida.

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YES NO ABSENT

Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

Lydia Pisano, Mayor

ATTEST: _____
Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality,
Kurt Ardaman, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document

4 ORDINANCE 18-14 was duly and legally passed by the Belle Isle City Council, in session assembled on the

5 _____ day of _____, 2018, at which session a quorum of its members were present.

6

7 _____

8 Notary

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**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: November 13, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Tree Ordinance

Background: The Tree Advisory Board completed initial work on a tree ordinance. This ordinance establishes for tree protection, removals, and maintenance.

Staff Recommendation: Review for any changes or questions. If none, move forward with the ordinance and a first reading.

Suggested Motion: None Needed. Just consensus to move forward

Alternatives: Do not approve ordinance and provide further direction to city staff

Fiscal Impact: N/A

Attachments: Proposed Ordinance

Updated as of Tree Board Meeting held on January 8th and August 13th, 2018

Sec. 48-63. - Tree protection.

a) *Intent and purpose.* The purpose and intent of this article is to establish protective regulations for trees in the City and the planting of an acceptable tree in another place on the same property or in a public place. This article also encourages the protection of trees which the City has recognized, and which the City stands to lose unless protective measures are taken. It shall be unlawful to cut down, remove, damage, and poison, detrimentally alter or in any other manner destroy or cause to be destroyed any trees covered by this article, except in accordance with the provisions of this article.

b) *Definitions.* The following words, terms, and phrases when used in this article shall be defined as follows:

Arborist means a professional arborist recognized and certified by the International Society of Arboriculture (ISA) as an ISA certified arborist municipal specialist (preferred) or an ISA certified arborist.

Clearing means the removal of a tree by digging, pushing, or cutting, or the effective removal through damage.

Dead or beyond recovery means more than 50 percent of the tree is dead, is a hazardous tree as defined herein, or in a state of irrecoverable decline.

Diameter breast height (DBH) means the diameter, in inches, of a tree measured at four and one-half feet above the existing grade.

Dripline means an imaginary line on the ground defined by vertical lines which extend from the outermost tips of the tree branches to the ground.

Hazardous tree means a tree irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and or preventative procedures and pesticides such that the public health or safety requires its removal.

Public tree means any tree existing or proposed on City owned property.

Private tree means any tree existing in privately held land.

Removal of a tree means either actually removing a tree from the ground in which it grew, transplanting a tree, or effectively removing a tree through damage to the trunk, topping, damaging, or removing major limbs, roots, or enough canopy volume so that the tree dies, declines beyond recovery, or becomes a hazard to public safety and must be removed. Tree stump must be removed to a depth of six (6) inches below the surface of the ground. Once removal begins it must be completed within 60-days.

Tree means any living, woody, self-supporting perennial plant which normally grows to a minimum height of 15 feet.

Trees, stand of, means a naturally occurring grouping of three or more trees forming a canopy of vegetation which results in a single unified dripline.

c) *Exceptions and exemptions.*

1) *Exceptions.* The requirements of this section shall apply to all property in the City except those used for the following purposes:

- a) Commercial plant nursery or tree farm; and
- b) Citrus groves cleared for replanting.

2) *Exemptions.* In the case of an emergency such as a hurricane, flood or other disaster, or agricultural diseases, the City Manager or the City Manager's designee may waive the requirements of this section so as to not hamper public and/or private work to restore order.

d) *Requirements.*

- 1) No tree, with a DBH of 6-inches or greater, shall be removed from any developed property; and
- 2) Land clearing for development shall occur in the City without the owner first obtaining a permit from the City. The City Manager or the City Manager's designee may issue a tree removal permit.
- 3) *Review fee; survey information.* The owner of the property shall submit a review fee, set by City Council, a tree removal permit application, and a tree survey consisting of the following information:
 - a) A scaled aerial photograph or drawing (minimum one inch equals 300 feet);
 - b) Property boundaries;
 - c) Identify location, names and heights of all stands of trees;
 - d) Identify location, DBH, names and height of all individual trees, which are six inches DBH or greater;
 - e) Indicate which trees are proposed for removal and identify the tree with a direction and distance from a fixed landmark;
 - f) Reason for removal; and
 - g) If applicable, the name of the commercial tree removal service that will be used to remove the tree(s).

- h) All trees scheduled for removal shall be marked with red paint. In addition, prior to the issuance of a permit, the City Manager, or the City Manager's designee, will meet with the developer or owner representative and be shown the trees designated to be removed according to the site plan. The City representative will take a photo, or video, of the tree(s) to be removed. At the project completion, the City representative will return to the site to verify the correct trees have been removed. For new developments, no Certificate of Occupancy will be issued until the City has verified the correct trees have been removed.

In the event the City Manager or City Manager's designee is unable to determine whether the criteria for removal are met, an additional fee to be established by City Council, shall be required for review by an arborist. In lieu of paying the additional fee, the property owner, at their own expense, may provide an independent arborist's opinion; provided, however, that said arborist shall not be employed by the tree removal service hired by the property owner, if any.

- 1) *Use of unregistered tree removal service prohibited. No commercial tree removal service shall be used by the owner or occupant of the property unless the service has first registered with the City. A violation of this subsection (2) may be brought before the City code enforcement board pursuant to section 14-31, et al., as an irreversible violation subject to imposition of a fine not to exceed \$5,000.00 per violation.*
- 2) *Registration requirements for tree removal service. Any commercial tree removal service which desires to provide tree removal services within the City must first register with the City by providing its business name, occupational license number, contact person, address and telephone number. Upon registration, the tree removal service shall be provided information regarding the City's permitting requirements as set out in this section 48-63. A list of those tree services registered with the City will be available in the City Clerk's office. The City of Belle Isle keeps a list of businesses that are allowed to operate in the city. This list is to assist in providing residents with a variety of choices for a service or product. Any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise, is not an endorsement or recommendation by the City of Belle Isle or its employees. Further, the City of Belle Isle does not endorse or recommend any commercial products, processes, or services. The City will not recommend one tree service over another to residents. In the event any registered tree removal service is determined by the City Manager or designee to have violated the City's requirements for tree removal, that service shall be removed from the list of registered services with written notice mailed to the service. Any tree removal service that has been removed from the list may make a request in writing to the City Clerk for a hearing before City council to appeal the removal.*
- 3) *Criteria for recommended tree removal. Tree removal may be approved where design modifications are not feasible or reasonable and one or more of the following circumstances exist:*
 - a) The location of the tree restricts the opening of a street or road right-of-way.
 - b) The location of the tree restricts the construction of utility lines or drainage facilities.
 - c) The location of the tree restricts access to the property.
 - d) The location of the tree restricts a use of the property consistent with all other City regulations.
 - e) The tree constitutes a hazard to life or property which cannot be mitigated without removing the tree.
 - f) The tree is dying or dead such that its restoration to sound condition is not practical, or it has a disease which can be expected to be transmitted to other trees and endanger their health.
 - g) The selective removal of up to 25 percent of existing trees, with a DBH of six inches or less, to provide increased light and air circulation.
 - h) Removal of the tree is required, in writing, by the homeowners' insurance company or proposed insurance company.
- 4) *Replacement of trees. Trees with a DBH less than six inches and/or restricted trees, regardless of DBH, that are approved for removal shall not require replacement. Trees with a DBH of six inches up to but not including 24 inches shall be replaced at a 1:1 ratio. Trees with a DBH of 24 inches or greater shall be replaced at a 2:1 ratio. All replacement trees should have a minimum DBH of four inches.*
 - a) *Recommended trees.* The City Council, by resolution, will adopt a list of trees for planting as stated in "Selecting and Planting Trees for the Central Florida Urban Forest" by the Florida Urban Forestry Council. This resolution and recommended tree list will be in file in the City Clerk's office. .
 - b) *Restricted trees.* The City Council will adopt, by resolution, a list of restricted trees which will be kept on file in the City Clerk's office.
- 5) *New developments.*
 - a) *Subdivisions.* The information required in subsection (d)(1) shall be submitted as part of the preliminary plat for all new residential and nonresidential subdivisions. The final plat approval shall constitute a tree removal permit for the purposes of this section.
 - b) *Site plans.* The information required in subsection (d)(1) shall be submitted as part of the site plan for all new commercial, professional-office, industrial and multifamily residential developments. The building permit shall constitute a tree removal permit for the purposes of this section.
 - c) *Tree protection during construction.*
 - 1) Following development approval, it shall be unlawful for any person, during the construction of any structures or other improvements, to place solvents, material, construction machinery or temporary soil deposits within the dripline of any tree designated to remain.
 - 2) It shall be the responsibility of the developer or applicant to ensure that any tree designated to remain be protected. The property owner shall guarantee survival of retained or replacement trees for one year from the acceptance of the subdivision improvements by the City or the issuance of a certificate of occupancy for site plans, whichever is later.

- 3) If posts are used as protective barriers, they shall be placed at points not closer than one-half the radius of the dripline of the protected tree. Each section of the barrier shall be clearly visible (flagged with brightly colored plastic tapes or other markers). No attachments or wires other than those of a protective or nondamaging nature shall be attached to any tree.
 - 4) The City may conduct periodic inspections of the site. It is the responsibility of the applicant to ensure that all provisions of this section are met.
- 6) *Spacing*
- a) *Trees with the capability of exceeding 30' in height must not be planted less than 25' from a property line; except in special plantings designed or approved by a landscape architect.*
- 7) *Distance from Curb and Sidewalk*
- a) *The distance trees may be planted from curbs or curb lines and sidewalks must have a 4' setback.*
 - b) *The use of root barriers is required and determined at the discretion of the City Manager.*
- 8) *Distance from Street Corners and Fireplugs*
- a) *No Tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No Tree shall be planted closer than 10 feet of any fireplug.*
 - b) *No tree which may reach a height of 15' or more may be planted less than 25' from the foundation of any public or commercial structure.*
 - c) *The use of root barriers is required and determined at the discretion of the City Manager.*
- 9) *Utilities*
- a. *No Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.*
 - b. *The use of root barriers is required and determined at the discretion of the City Manager.*
- 10) *Public Tree Care*
- a. *The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds and City right-of-ways, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.*
 - b. *The City may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 5(a) of this ordinance.*
 - c. *It is unlawful for any person to:*
 - i. *Fasten a carriage, animal, bike, motor vehicle of any kind to any tree, shrub, tree guard or tree support.*
 - ii. *Authorize or procure any gas, hot water, brine, oil, herbicide, pesticide, chemicals, dye, or other substance detrimental to tree life to lay, pour, flow, leak, or drip into the soil about the base of a tree in any public highway, street, avenue, public right-of-way, or public place.*
 - iii. *Allow a tree on public right-of-way to be injured or removed during the erection, repair, removal or alteration of any building or structure.*
 - iv. *Build or kindle a fire near any tree or any public right-of-way, as to endanger the trunk, limb, or foliage of such tree.*
 - v. *Attach any advertisements to any tree or shrub in any street, highway, avenue or public right-of-way.*
 - vi. *Lay any pavement within three (3) feet of the base of the trunk of any tree on public right-of-way or deposit any stone, gravel, cement, lumber, or other materials in such a way as to obstruct the free access of air and water to the roots of any tree in such right-of-way.*
 - vii. *Attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except that the same may be attached to any tree as support or protection thereof. This prohibition shall not apply to the seasonal attachment of holidays lights.*
 - viii. *During the erection, repair, alteration or removal of any building, sidewalk, or structure, it is unlawful for the person in charge of such erection, repair, alteration or removal to leave any public tree in the vicinity of such building or structure without good and sufficient guard or protector as to prevent injury to such tree or its roots arising out of, or by reason of such erection, repair, alteration or removal*
 - ix. *abuse, destroy or mutilate any public tree.*
 - x. *perform any minor tree work on any public tree without a permit.*
- 11) *Tree Topping and/or hat racking*
- a. *It shall be unlawful for any person, firm, or city department to top and/or hat rack any tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Hat racking is defined as the destructive act of improperly trimming a tree, leaving stubs, tears, stripped branches, unnecessary wounds and other irreparable damage. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Manager.*

- 12) *Pruning and Corner Clearance by Private Property owners and by Utilities*
- a. Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of fourteen (14) feet above the surface of the street and eight feet (8') above the surface of the sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a hazard to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.
 - b. Pruning for or by Utility will require the franchise to obtain a written permit from the City. A City franchised utility maintaining its utility system in the street may prune or cause to be pruned, in accordance with this chapter and using proper arboricultural practices in accordance with the permit, any tree located in or overhanging the street which interfered with any light, pole, wire, cable, appliance or apparatus used in connection with or as part of a utility system. The permit may be issued as a City-wide permit valid for one year if the utility adequately demonstrates the ability to meet the performance requirements of this chapter and to consistently apply proper arboricultural practices to the pruning of trees.
 - c. The utility shall provide the City written notice of any pruning work at least three (3) working days prior to the start of the work.
 - d. In those cases where a tree cannot be pruned in such a manner as to preserve the physical or aesthetic integrity of the tree, the tree may be removed and replaced by the utility at its own expense and in compliance with the replacement provision of this chapter.
- 13) *Dead or Diseased Tree Removal on Private Property*
- a. The City shall have the right to cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.
- 14) *Removal of Stumps*
- a. In addition to the standards of the National Arborist Association, all stumps of street and park trees shall be removed to a depth of six (6) inches below the surface of the ground.
- 15) *Sidewalk, Walkway, Curbing or Roadways Damaged by Roots*
- a. Any street and park trees whose roots have damaged any sidewalks, curbing, roadways and the owner is unable to remove the hazard by root grinding the tree will be removed at City expense and replaced with a recommended tree species. The owner of the property will be given a choice of not less than three (3) tree species for replacement. Replacement will take place within one year of removal at the convenience of City and owner.
- 16) *Interference with City*
- a) It shall be unlawful for any person to prevent, delay or interfere with the City, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any Trees on private grounds, as authorized in this ordinance.
- 17) *Appeal.* If a tree removal permit is denied by the City Manager without prior review by a City designated arborist, the owner may appeal the City Manager's decision by making a written request for review by a City designated arborist and paying the fee for such review, both within ten days of the written notice of denial. If the designated arborist certifies the tree is a restricted tree or meets the criteria of subsection 48-63(d) (4) f., the City Manager shall issue the permit.
- 18) *Term of permit.* A tree removal permit issued to the owner of a developed property shall remain in effect for one year from the date of issuance. If the action applied for is not completed within the permit's effective date, a new tree removal permit must be obtained.
- 19) *Removal protection.* All replacement trees, regardless of DBH, shall be protected from removal pursuant to the provisions of this section.
- 20) *Tree replacement must be completed within 12 months of the approved removal application.*

e) *Penalties.*

1) *Penalties.* Violations of this section shall be subject to the following:

- a) Where violations of this section have occurred, remedial action shall be taken to restore the property consistent with a restoration plan approved by the City Manager or the City Manager's designee. The restoration plan shall require tree replacement according to the following.

DBH – Removal Tree	Number of Replacement Trees
6" up to but not including 12"	1 tree

12" up to but not including 18"	2 trees
18" up to but not including 24"	3 trees
24" and above	4 trees

- b) No certificate of occupancy or certificate of completion shall be issued for any development or project until all applicable permit or restoration plan conditions have been accomplished. For developed properties, failure to take the remedial action required by the restoration plan shall constitute a continuing violation of this section, and shall be referred to Code Enforcement Magistrate for enforcement as provided by [chapter 14](#), article II of this Code; and
 - c) Any person or persons found in violation of this section shall be fined by an amount set by the City Council.
 - d) Any person or persons who violate any of the provisions of this chapter shall be required to reimburse the City for any costs incurred for treatment or removal and replacement of the tree or repair of the box or casing around the tree, including total personnel services, costs, materials and an additional charge of ten percent for administrative overhead.
 - e) If, as the result of the violation of this chapter, the injury, mutilation, or death of a public tree or vegetation located in a right-of-way is caused, the cost of care, repair or replacement of a similar size tree or vegetation shall be borne by the party in violation. Replacement cost includes the cost of tree or vegetation and stump removal will be determined by the market intrinsic value.
 - f) For new development, the developer, or property owner is responsible to insure the planted trees and shrubs have the proper care for a period of one year after the project close-out. The developer may be required to issue a performance bond, or place a deposit, with the City in the event the trees need to be replaced within the one-year period.
 - g) Any person or persons who have previously been found in violation of this section may be required to post additional assurances in the form of performance bond, cash, or any other financial vehicle acceptable to the City.
- 2) *Tree trust fund. In lieu of tree replacement as required by subsection (d)(5), the City Manager may approve the payment by the owner in an amount set by the City Council per tree removed but not replaced to be paid into a tree trust fund. The tree trust fund shall be established from all monies collected pursuant to this section 48-63. The tree trust fund shall be used to plant trees of the recommended species on public property, such as, but not limited to, public parks and rights-of-way. The tree trust fund may also be used to fund grants to private individuals who establish financial need to replace trees that are removed pursuant to this section.*

(Ord. No. 92-6, ch. V, art. B, § 2, 12-15-1992; Ord. No. 04-14, 9-7-2004; Ord. No. 07-03, § 1, 3-6-2007; Ord. No. 08-26, § 1, 11-5-2008; Ord. No. 08-30, § 1, 1-6-2009)

**Belle Isle Issues Log
11/13/2018**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	Open	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes. City will divert water from drainage ditch to Wallace Field.	As of October 4, project could be combined with Orange County Drainage Project on Matchett Road. (No Update)
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2019	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Delayed to determine FEMA Funds approval. Appealing FEMA decision on funding costs.
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed for 2017	CM to consider change in the Scope of the Project to look at curb replacement.	Reviewing proposal from Middlesex Paving for certain streets around City Hall. Still reviewing contractors for curbing for the same project.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, Nela , Wind Drift, and Seminole/Daetwyler.	4/3/2017	PW/ENG	8/31/2018	Construction plans being developed for St. Partin, Wind Drift, Nela Ave and Daetwyler for next budget year. LCS Project: Miami Curbs installed. Looking at collection vault on lake lot.	LCS Project started up again. This week, they are working in the Lake Lot. Most of the street work is complete. Planning for other drainage projects approved in budget
Traffic Studies	Council allocated funds for traffic study at Trentwood/Daetwyler Rd. Council directed city-wide traffic study to improve traffic flow.	4/3/2017	CM/Eng.	12/31/2018	Trentwood issues completed except for repair of chicane. Community Meeting on TMP held on June 21, 2018. 20 residents attended. Community Survey was put on line. Consultant created proposed of goals and objectives. CM, DC met with OCPW to discuss city taking jurisdiction of several roads adjacent to city limits.	Traffic consultant setting up stakeholder meetings. Orange County is moving forward with traffic changes on Hoffner at the Conway/Hoffner intersection, but using flexible street delineators to see if those work.
Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	G'Werks to do fountain. Centerpiece is here. Should see demo of roundabout soon after Perkins Ramp is complete.	New proposal to put 3-tier fountain at roundabout. When completed, another fountain will be looked at for City Hall area. Work to begin this week.

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Standardize Park Signage	Council held a workshop on June 14 to discuss park issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/2018	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	Signs to be completed by end of December
Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	Fence installed. Zoning changed to OS. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration.	Schedule workshop to determine amenities to field. Agreement for use of the field with CCA approved by CCA being revised.
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at	3/20/2018	CM	8/31/2018	Staff is identifying possible parcels for purchase or other means of acquiring property. Cross lake purchase is on hold until County reschedules PH	Cross Lake Purchase at BOCC Public Hearing on October 2 was cancelled for failing to provide notice to neighbor. 2635 McCoy land donation completed and being surveyed for deliniate work area. BOA purchase still being looked at.
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. HVAC equipment to be here in July. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues.	CCA Board would consider joint meeting with City Council which would determine next steps. Consultant/CCA reviewing City comments on proposed purchase of CCA by CCA Board. (No update)
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan	4/3/2017	Council/C M	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan	Strategic Planning Session Needs to be scheduled. Facilitator cost is \$2,000/day. Expect 2 days

**Belle Isle Issues Log
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Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	Moratorium on lot splits has expired. Report was sent to Council to discuss at future meeting (December 18 meeting).
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Comp Plan review started by CM. Revisions needed if Annexations occur. Planner assisting in Comp Plan update
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council determined the priority to annex.	CM to set up a series of community meetings to discuss annexations with residents (after passage of budget). Next PC Community Meeting schedule (tentative): Late November – Community Meeting; December - Planning & Zoning Board; January – Board of County Commissioners (1st hearing); February - Board of County Commissioners (2nd hearing)
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Quotes received for solar on BIPD and possibly City Hall.
Forensic Audit	Council directed a forensic audit be conducted	17-Oct	CM/FD	9/30/2018	Auditor has list of questions for staff to answer. Conducted interviews. Delay in getting information from old system.	Staff review recoemmendaitons.
Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care	11/21/2017	CM Tree Board	9/18/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. Tree ordinance back to Tree Board for further changes.	City received its first Tree City USA designation. Council to discuss ordinance on tree care and preservation (November 13 agenda item)
Parking	Council directed review and possible changes to parking ordinance. Focus on parking on grass and in front yards	6/19/2018	CM Code Enf Police	9/30/2018	Staff to review parking ordinances and BIMC.	Changes made to parking Ordinance. Staff discussed changes. Agenda Item