



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue

Held the 4th Tuesday of Every Month

Tuesday, February 23, 2021 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefelt | District 3 member – OPEN SEAT
District 4 member – Randy Holihan, Chair | District 5 member – Rainey Lane | District 6 member – Andrew Thompson | District 7
member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning 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. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag**
3. **Approval of Minutes**
 - a. P&Z Meeting minutes – January 26, 2021
4. **Public Hearings**
 - a. Public Hearing Case #2021-02-003 - Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 52-33 (5) (C), to allow two illuminated wall signs, taller than 30 feet in height, to be located within 200 yards of the residentially zoned property, submitted by applicant THIRUMALA HOTELS, LLC, located at 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.
 - b. Public Hearing Case #2021-02-006- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence with a gate in the front yard of a residential property, submitted by applicant PAUL LOPEZ located at 5811 LABELLE STREET, BELLE ISLE FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-0000-00-002.
 - c. Public Hearing Case #2020-09-007 - Pursuant to Belle Isle Code Sec. 54-84 (G) (2) the Board shall consider and take action on a requested site plan for Wallace Park Improvements, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.
 - d. Public Hearing Case #2021-01-009 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE CITY'S SIGN REGULATIONS UNDER CHAPTER 52 OF THE CITY CODE; PROVIDING DEFINITIONS; AMENDING AND ADDING REGULATIONS RELATED TO TEMPORARY SIGNS, PROTECTION OF FIRST AMENDMENT RIGHTS, AND OTHER MATTERS RELATED TO SIGNS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.
5. **Other Business**
6. **Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board 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). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. --Page 1 of 1



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING
Held in City Hall Chambers 1600 Nela Avenue

Tuesday, January 26, 2021 * 6:30 pm
MINUTES

The Belle Isle City Council met in a regular session on January 26, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

- Chairman Holihan
- Board member Woods
- Board member Lane
- Board member Shenefelt
- Board member Hobbs

Absent was:

- Board member Thompson
- District 3 - OPEN

1. Call to Order, Confirmation of Quorum
Chairman Holihan called the meeting to order at 6:30 pm. City Clerk confirmed quorum.
2. Invocation and Pledge to the Flag
Board member Hobbs gave the invocation and led the Pledge to the Flag.
3. Approval of P&Z Meeting minutes - December 22, 2020
Chairman Holihan called for a motion to approve the minutes of December 22, 2020.

Board member Woods moved to approve the minutes as presented.

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

4. PUBLIC HEARING CASE #2021-01-002 - PURSUANT TO BELLE ISLE CODE SEC. 54-79 (F) (4), THE BOARD SHALL REVIEW AND TAKE ACTION ON A PROPOSED AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT LECHONERA SAJOMA, LOCATED AT 1919 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 30-23-30-0000-00-017.

April Fisher, City Planner, said the Board approved a site plan for 1919 McCoy. One of the Board's conditions of approval was that there are no alcohol sales on the property. Since then, they have been open. They would like to serve beer and wine at the restaurant and seek a 2COP License from the State. The 2COP permit allows the consumption of beer and wine for sale. The Code does not prohibit beer and wine sale at this location, and staff recommends approval.

Chairman Holihan called for public comment. There being none, he closed public comment.

Board member Woods asked why they did not apply for the permit during the Site Plan approval. Ms. Fisher said she believes they were trying to be amiable to the Board to get it approved, and things have changed since its opening. Ms. Fisher spoke briefly on the definitions of a 4COP License and a 2COP License.

Rick Florh, with offices at 79 Parkway, Orlando, FL, representing the applicant, said they did not apply because they were not focused in that direction and were led in a different path.

Board member Lane moved, pursuant to Belle Isle Code SEC. SEC. 54-79 (F) (4) of the Belle Isle Land Development Code having been met TO APPROVE THE REQUESTED VARIANCE ON A PROPOSED AMENDMENT TO A PREVIOUSLY APPROVED SITE PLAN, SUBMITTED BY APPLICANT LECHONERA SAJOMA, LOCATED AT 1919 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 30-23-30-0000-00-017.

Board member Hobbs seconded the motion, which passed unanimously 5:0.

- 5. PUBLIC HEARING CASE #2021-01-005 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A STRUCTURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT RICHARD ANDERSON, LOCATED AT 3625 WATERS EDGE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1678-00-370.

April Fisher, City Planner, said the application seeks a variance that would allow a structure to be located nearer to the Normal High Water Elevation (NHWE) than reviewed by code. The work on the property has already been done, and the applicant is trying to bring it into compliance. She did find, based on the code definition of a structure that it is part of the primary domain, it must meet the 50-foot building setback.

Based on meeting all the criteria, staff recommends approval on the applicant's submittal, identifying that they are in harmony with the rest of the neighborhood and not seeking to go closer to the water.

With offices at 732 Cheviot, Apopka, FL, Richard Anderson said the construction was completed approximately 10-years ago. Mr. Anderson said the homeowner is in the process of aligning his estate for his heirs and making sure all permits comply. The house was built as far forward as it was allowed. The canal has created a uniquely configured lot resulting in a portion of the rear yard being closer to the NHWE than the code allows. Mr. Anderson provided photos of the home as well as an overview of the adjacent properties.

Comm Woods said the Survey shows NHWE of 86.9. The City is using the 88 Datum, which is a foot different, 86.48. The Survey was completed last year, and the error should give the applicant some extra distance.

Board member Woods spoke of a technical issue. He said he was under the impression that the set back line from the water is perpendicular to the water and not the property line. On that basis, then the setback is much shorter than what is being requested. Ms. Fisher said she is not aware of delineation in the Code on that issue. Board member Woods said water setback encroachments are a common issue with the homes on canals.

Board member Woods said the drawing is not very clear on the setback to the roof structure that is an open porch. Ms. Fisher said the house itself meets the setback requirements. She subtracted and verified the difference of the encroachment from the variance needed.

Attorney Langley said the Code is a restriction on the property's rights. If the Code can have two interpretations and is not clear, it is the norm that the Board give the applicant the benefit of the doubt.

Chairman Holihan called for public comment. There being none, he closed public comment.

Board member Woods moved, the criteria of SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64 of the Belle Isle Land Development Code having been met TO APPROVE A STRUCTURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT RICHARD ANDERSON, LOCATED AT 3625 WATERS EDGE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1678-00-370.

Board member Lane seconded the motion, which passed unanimously 5:0.

- 6. PUBLIC HEARING CASE #2021-01-010 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73 (A) TO ALLOW A VARIANCE FROM THE REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT MARK BRIDEWELL, LOCATED AT 1632 OVERLOOK ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 25-23-29-5884-11-021.

April Fisher, City Planner, said the applicant seeks a variance from the rear building setback. The homeowners need an ADA accessible bathroom. Their current home does not have one, and the best place to place this bathroom is in the property's rear. Staff recommends approval of the request based on the applicant's application. If the applicant was to put the proposed bathroom on the other side, they will encroach on the setback and be closer to their neighbors. They are not asking for a variance for more than what is needed.

Jane Labbe residing at 1632 Overlook Road, said her husband would need an ADA bathroom for wheelchair access.

Board member Woods asked why the other corner of the house was not an option for the bathroom. Ms. Labbe said because that area is next to the kitchen and septic tank and not convenient. The proposed location is attached to the bedroom.

Chairman Holihan called for public comment. There being none, he closed public comment.

Board member Hobbs moved pursuant to Belle Isle Code SEC. 42-64 and FROM SEC. 50-73 (A) of the Belle Isle Land Development Code having been met TO APPROVE THE REQUIRED BUILDING SETBACKS, SUBMITTED BY APPLICANT MARK BRIDEWELL, LOCATED AT 1632 OVERLOOK ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL # 25-23-29-5884-11-021.

Board member Lane seconded the motion, which passed unanimously 5:0.

- 7. PUBLIC HEARING CASE #2021-01-011- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE IN THE FRONT YARD AND SIDE YARD OF A RESIDENTIAL PROPERTY, ALLOW A FENCE TALLER THAN SIX FEET AND ALLOW A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT DEBORAH DONHAM LOCATED AT 6904 SEMINOLE DRIVE, ORLANDO, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-100.

City Planner April Fisher said the variance seeks approval of a 1) fence taller than six-feet within 35 feet of the NHWE, 2) to allow an eight-foot section after that, and 3) allow replacement of an existing fence that is in the front of the property. This is a neighbor of the front yard fence approved a few months ago.

Based on the applicant's information there is a difference in grade between the property upon which the fence will be installed and the immediately adjacent property and that conditions exist on adjacent property creating privacy concerns, staff recommends approval of the requested variance. The proposed variance does conform to the surrounding community.

The linear feet of the proposed variance is as follows,

- 6-foot fence – 35 feet in the rear of the property to the sea wall
- 6-foot fence - 66 feet towards the front (along the side) of the property
- 8-foot fence – 199 feet for the portion in the middle of the two houses
- 6-foot fence – Replacement expands the front and the side of the property

Debra Donham, the property owner of 6904 Seminole Drive, said she is asking for approval to replace an existing 6-foot and 8-foot fence along the length of the west side of the property. When the neighbor began construction, his property was built up several feet, and large home was constructed with a swimming pool. This has created a personal hardship and a privacy issue. My 6-foot fence now appears to be like a 4-foot fence. Ms. Donham further shared her concerns and personal hardships regarding the removal of privacy bushes, security cameras, and sensor lights

Ms. Donham requested approval of her request for her privacy and security. The new fence would provide privacy with the height and look so much nicer in keeping with the neighborhood's character.

Discussion ensued on several items that were noticeable in the pictures provided for the record by Daniel Barnes. Ms. Donham gave a summary of the findings.

Carol and Daniel Barnes residing at 6838 Seminole Drive, spoke in objection to the nature and section of the 8-foot fence. Carol Barnes said she has no objection relative to a 6-foot fence across the entire lot line between the two residential locations. She noted Ms. Donham's rationale is twofold, 1) related to privacy, and 2) alleged 25-year existence of the fence.

Daniel Barnes said it has been well established that the only portion of the fence in its current state which is near 25-years old is the rear five sections. Mr. Barnes gave a brief history of the fence and lot lines from 1999 to the present. He shared his concern with the portion of the fence encroaching on his property and the unpermitted work.

They are concerned about the habitual and lack of upkeep of the current fence. The fence they are proposing has a 10-year life and eventually will be in the same lack of repair. They have discussed these issues with the City, and nothing has been

done. Mr. Barnes further added that the fence is not on a higher grade, and no matter what height fence is installed, they will continue to place umbrellas and tarps up for the sake of privacy.

Carol Barnes said a desirable outcome is a 6-foot fence front to back with the condition of not allowing attachments (within 2-3 feet) to the fence will make for a better environment.

Greg Oscarson residing at 6904 Seminole Drive, said he was erecting an 8-foot wall on the east and center of the property. He said he would like to finish the job on the west side, and the neighbor is making it very difficult. He shared his frustration with the neighbor's cameras and sensor lights.

Chairman Holihan opened for public comment. There being none, he closed public comment.

Chairman Holihan asked for clarification of the 9-foot fence on the east side and the 8-foot concrete wall. April Fisher said the Survey doesn't show the height for the block wall on the southwesterly portion. She is also not aware of the 8-foot concrete wall on the east side. The staff will have to research for more information. It is her understanding that there are two different surveys. The Survey used for the variance is the same that was used for the Barnes family. Discussion ensued on review of the submitted Survey.

Chairman Holihan said elevations were not provided on the surveys submitted with the packet.

Board member Woods asked if a fence belongs to whoever property it is on. Attorney Langley said not necessary; if there is a long-standing fence, they can claim adverse possession and claim it as their own. That would also be a private dispute amongst the neighbors. There should be requirements that if a fence is removed; they would have to replace it on their own property and have a survey establishing the property line.

Chairman Holihan said he is not comfortable granting a 6-foot fence down to the water. Chairman Holihan recommended the following,

- the area marked in yellow on the site plan by the water will be 4-feet
- the area marked in orange Jumps to 6-feet and run to the edge of the house
- the area from the house to the garage will be 8-feet
- everything else back to 6-feet

If not permitted, city Manager Bob Frances noted that the shade cloth on the 9-foot fence to the east must be taken down.

Attorney Langley said the Board could consider a condition not to allow personal property a certain distance from a fence. Discussion ensued. Enforcement may be an issue because of the limitations on access. City Manager Francis gave a brief overview of the existing challenges with this proposed variance.

Chairman Holihan said everyone is entitled to privacy; however, maintenance is an essential factor. He asked if Code Enforcement can go out to ensure that these fences are maintained.

Chairman Holihan moved, pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (7), SEC. 50-102 (B) (16) AND SEC. 42-64, of the Belle Isle Land Development Code having been met TO APPROVE the variance with the following changes,

- **8-foot fence at the front corner of the principal building (Barnes) to the rear corner at the principal building (Barnes)**
- **6-foot fence to the water**
- **Replace existing fence on correct property lines (6-foot maximum height in front of the 8-foot section detailed above).**
- **Ensure there are no encroachments on either neighbor's property.**
- **Both parties accept the Survey provided by Daniel Barnes.**

Board member Shenefelt seconded the motion, which passed 4:1 with Board member Woods, nay.

April Fisher said there is a 15-day appeal period, and permits can not be pulled during that time.

- 8. PUBLIC HEARING CASE #2021-01--009 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE CITY'S SIGN REGULATIONS UNDER CHAPTER 52 OF THE CITY CODE; PROVIDING DEFINITIONS; AMENDING AND ADDING REGULATIONS RELATED TO TEMPORARY SIGNS, PROTECTION OF FIRST AMENDMENT RIGHTS, AND OTHER MATTERS RELATED TO SIGNS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

April Fisher, City Planner, said the variance was brought forward because the City issued notices of violation to property owners regarding political signs that remained on properties longer after an election. These notices were challenged, and the City reviewed the regulations with the City Attorney.

The City Attorney said the city code is outdated. He advised the Code should be amended so that the size, location, number of signs, and the duration of posting are regulated, but not the sign's content.

Board member Woods had a question on Sec 52-34 – Temporary signs. He asked for clarification/definitions on temporary sign size, election banners, and flags, and time frame for posting of political signs. Attorney Langley said the ordinance is not amending the entire sign code (52-31); it is only amending the temporary sign portion (52-34).

Chairman Holihan moved to table the discussion to the following meeting to allow the Board to submit concerns to the City Manager for review.

Board member Lane seconded the motion, which passed unanimously.

- 9. Other Business

Chairman Holihan called for a motion to excuse Andrew Thompson from the meeting.

Board member Lane moved to excuse Board member Thompson's absence from the meeting.

Board member Shenefelt seconded the motion, which passed unanimously.

- 10. Adjournment

There being no further business, Chairman Holihan moved to adjourn the meeting, unanimously approved 8:30 pm.

ITEM 4
MEMORANDUM

TO: Planning and Zoning Board

DATE: February 12, 2021

10. Public Hearing Case #2021-02-003 - Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 52-33 (5) (C), to allow two illuminated wall signs, taller than 30 feet in height, to be located within 200 yards of residentially zoned property, submitted by applicant THIRUMALA HOTELS, LLC, located at 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

Background:

1. On February 3, 2021, Thirumala Hotels, LLC submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 13, 2021, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 12, 2021.

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

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **SEC. 42-64 AND Sec. 52-33 (5) (C)** of the Belle Isle Land Development Code having been met **TO APPROVE THE REQUESTED VARIANCE** to allow two illuminated wall signs, taller than 30 feet in height, to be located within 200 yards of residentially zoned property, submitted by applicant THIRUMALA HOTELS, LLC, located at 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of **SEC. 42-64 AND Sec. 52-33 (5) (C)** Subsections: **[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]** **having NOT been met; [may be used in addition to above or alone] TO DENY THE REQUESTED VARIANCE** to allow two illuminated wall signs, taller than 30 feet in height, to be located within 200 yards of residentially zoned property, submitted by applicant THIRUMALA HOTELS, LLC, located at 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

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

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

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

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



February 12, 2021

Variance Application: 2635 McCoy Road Illuminated Wall Signs

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 52-33 (5) (C), TO ALLOW TWO ILLUMINATED WALL SIGNS, TALLER THAN 30 FEET IN HEIGHT, TO BE LOCATED WITHIN 200 YARDS OF RESIDENTIALLY ZONED PROPERTY, SUBMITTED BY APPLICANT THIRUMALA HOTELS, LLC, LOCATED AT 2635 MCCOY ROAD, BELLE ISLE FL 32809, ALSO KNOWN AS PARCEL #30-23-30-0000-00-005.

Zoning/ Existing Use: C-1 / Hotel under construction

Review Comments

This variance application seeks a variance as identified above.

The applicant has provided supporting documentation addressing the variance criteria.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

1. Special Conditions and/ or Circumstances (Section 42-64 (1) d):

Special conditions for this property exist due to the location and the shape of the parcel. It is not rectangular and is wider on the west side, decreasing in depth as it goes to the east. The property is also along a commercial corridor that backs to residentially zoned properties. This means that placement of the hotel on the site is limited and puts it within 200 yards of residential properties to the north.

2. Not Self- Created (Section 42-64 (1) e):

The request for a variance is not self-created as the application is seeking normal placement of illuminated hotel signage but the code is restrictive due to the location of adjacent residential property.

3. Minimum Possible Variance (Section 42-64 (1) f):

The requested variance is the minimum possible variance to make reasonable use of the land. The proposed signs are not

going to be above the building roofline and face away from the residentially zoned properties.

4. Purpose and Intent (Section 42-64 (1) g):

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood. One of the proposed signs fronts to McCoy Road. This sign will not be visible to the residential properties to the north. The second sign faces east and will be obscured by the tree line that is on the City parcel between the hotel and residential properties.

Staff provides a recommendation to approve the request based on meeting the criteria identified above, with the condition that the two illuminated wall signs be installed as presented in the renderings/sign plans provided as part of this application packet, and, that a new lighting photometric plan be provided with the sign permit application that demonstrates there is no light spillover onto the residential properties from the illuminated signs. The land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met.

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 2-3-2021

P&Z CASE #: 2021-02-003

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: THIRUMALA ^{HOTELS} PROP., LLC

OWNER: THIRUMALA ^{HOTELS} PROP., LLC

ADDRESS: 1936 M'COY RD.

10644 LAGO BELLA DR.

ORLANDO, FL. 32809

ORLANDO, FL. 32832

PHONE: (321) 356-7308

(321) 356-7308

PARCEL TAX ID #: 30-23-30-0000-00-005

LAND USE CLASSIFICATION: COM ZONING DISTRICT: C-1

DETAILED VARIANCE REQUEST: _____

TO ALLOW A WALL SIGN TO BE ILLUMINATED ON
THE SOUTH AND EAST SIDE OF THE NEW HOTEL
HIGHER THAN 30 FT.

SECTION OF CODE VARIANCE REQUESTED ON: SEC. 52-33(5)C

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

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

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

[Signature]
APPLICANT'S SIGNATURE

[Signature]
OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00 2/4/21 chk# 2178 HVP
Date Paid Check/Cash Rec'd By

Determination _____

Appealed to City Council: Yes No Council Action: _____



AMERICAN CIVIL ENGINEERING CO.

207 NORTH MOSS ROAD, SUITE 211 • WINTER SPRINGS, FLORIDA 32708
Telephone: (407) 327-7700 • Fax: (407) 327-0227

VARIANCE REQUEST: APPLICATION for Wyndham Garden Hotel, 2636 McCoy Road

Date: Feb. 04, 2021

Re: Proposed illuminated wall signs

The following information is provided for a Variance Request / Special Exception to allow two (2) illuminated wall signs over 30 ft tall per Section 52-33(5)c in the LDC.

WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCE UNIQUE TO YOUR PROPERTY? WHAT WOULD THE BE THE UNNECESSARY HARDSHIP?

The unique circumstance to the subject property is the hotel site is within 200 yards (600 ft) distance to residential property located at the rear of the hotel. The hotel fronts on McCoy Road.

HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

The Wyndham franchise signage is to locate the wall signs near the top of the hotel.

CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVE YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.

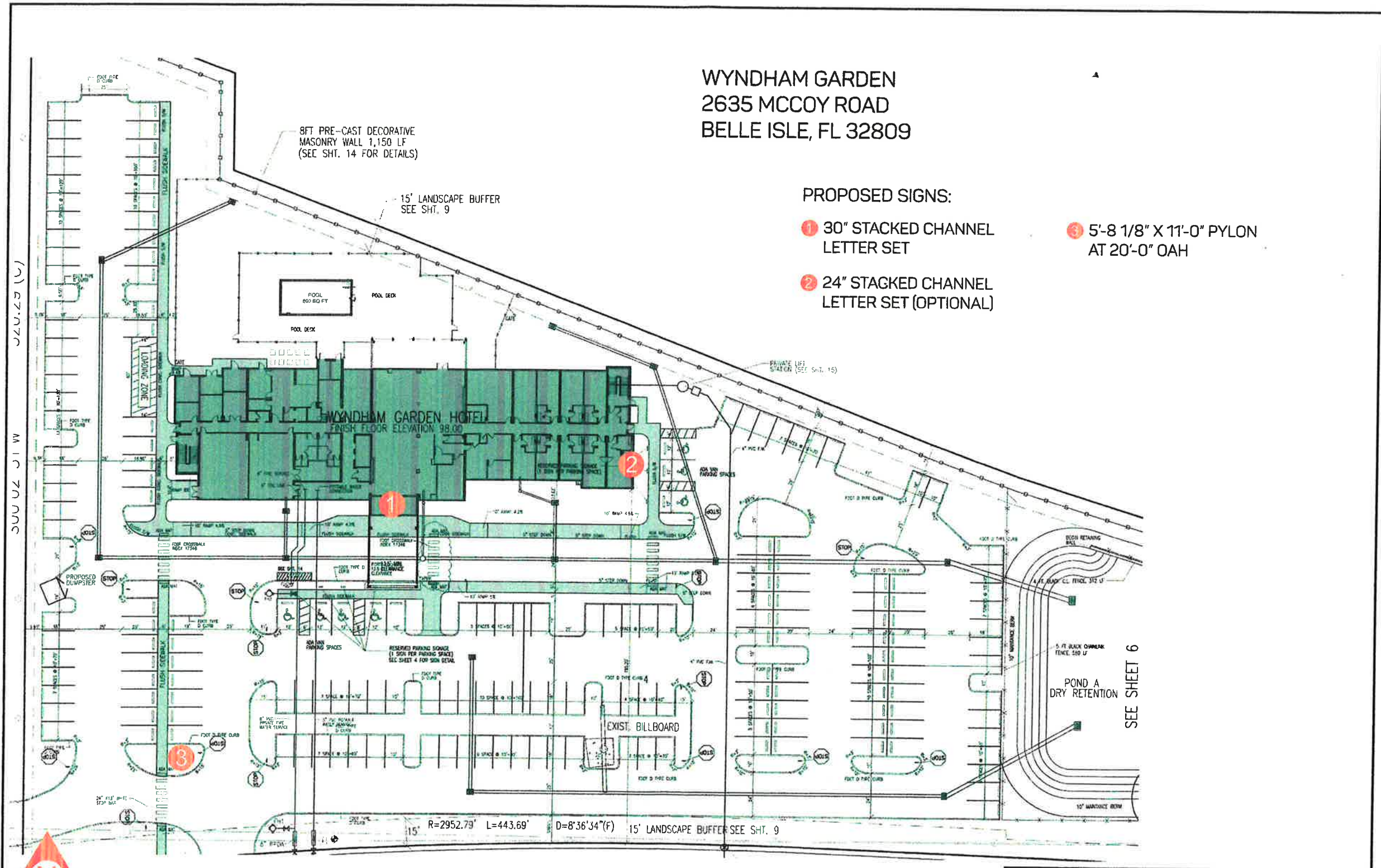
The signs need to be seen by the general public and most new hotels have their signs at the top of the hotels.

WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FORE EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USES OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC.

The effects of illuminated signs being located at the top of the hotel will have minimum impact to the residential neighborhood. The proposed sign on the front of the hotel will not be seen from the houses. The proposed illuminated sign on the east side of the hotel will be hidden by the dense mature tree and foliage.

prepared by: John Herbert, PE

WYNDHAM GARDEN
2635 MCCOY ROAD
BELLE ISLE, FL 32809

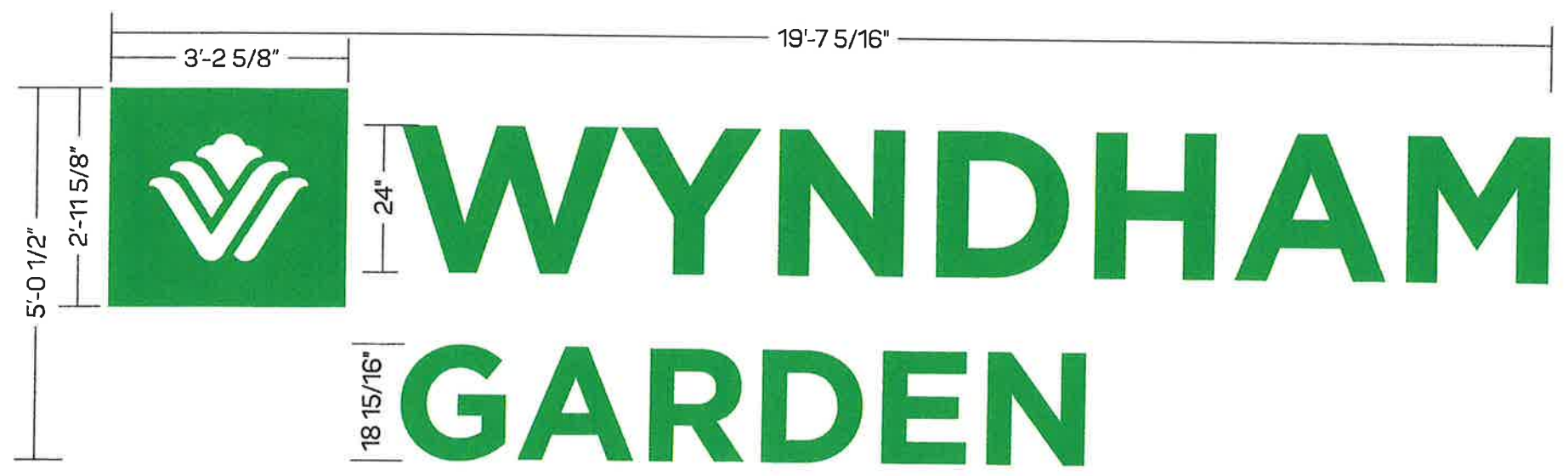


APPROVAL BOX - PLEASE INITIAL	
CUSTOMER APPROVAL	Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: WYNDHAM GARDEN	Date: 09/28/20	Prepared By: KH/CM/KH/CM/KH	<p><small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small></p> <p>persona SIGNS LIGHTING IMAGE</p>	<p>DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com</p>
Location: BELLE ISLE, FL	File Name: 250804 - R12 - BELLE ISLE, FL	Eng: -		


1 FRONT ELEVATION
SCALE: 1/32" = 1'-0"



CHANNEL LETTER DETAIL
SCALE: 3/8" = 1'-0"

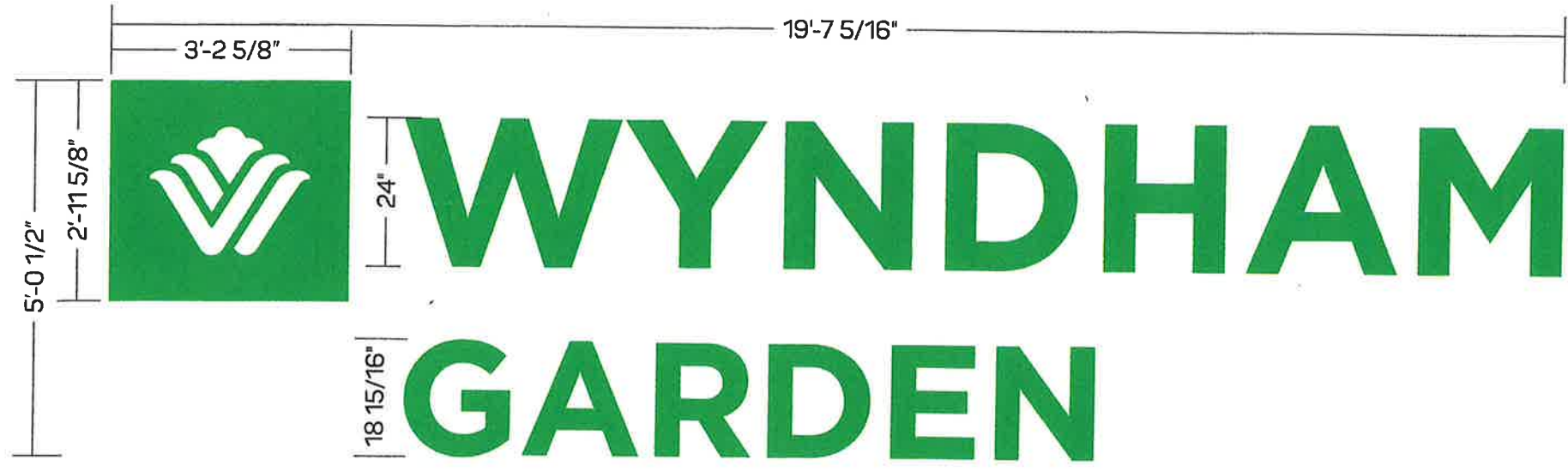
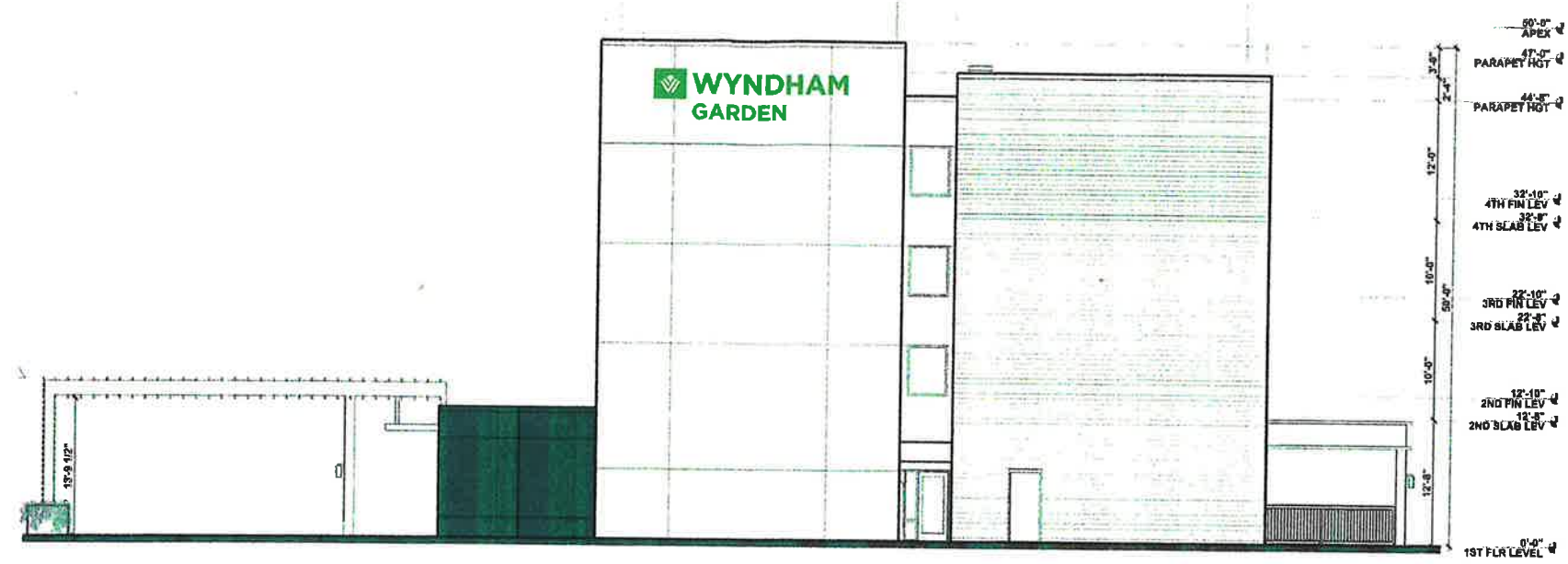
APPROVAL BOX - PLEASE INITIAL	
CUSTOMER APPROVAL	Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: WYNDHAM GARDEN	Date: 10/19/20	Prepared By: KH/CM/KH/CM/KH	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: BELLE ISLE, FL	File Name: 250804 - R12 - BELLE ISLE, FL	Eng: -		

2


SIDE ELEVATION (OPTIONAL)
SCALE: 3/64" = 1'-0"



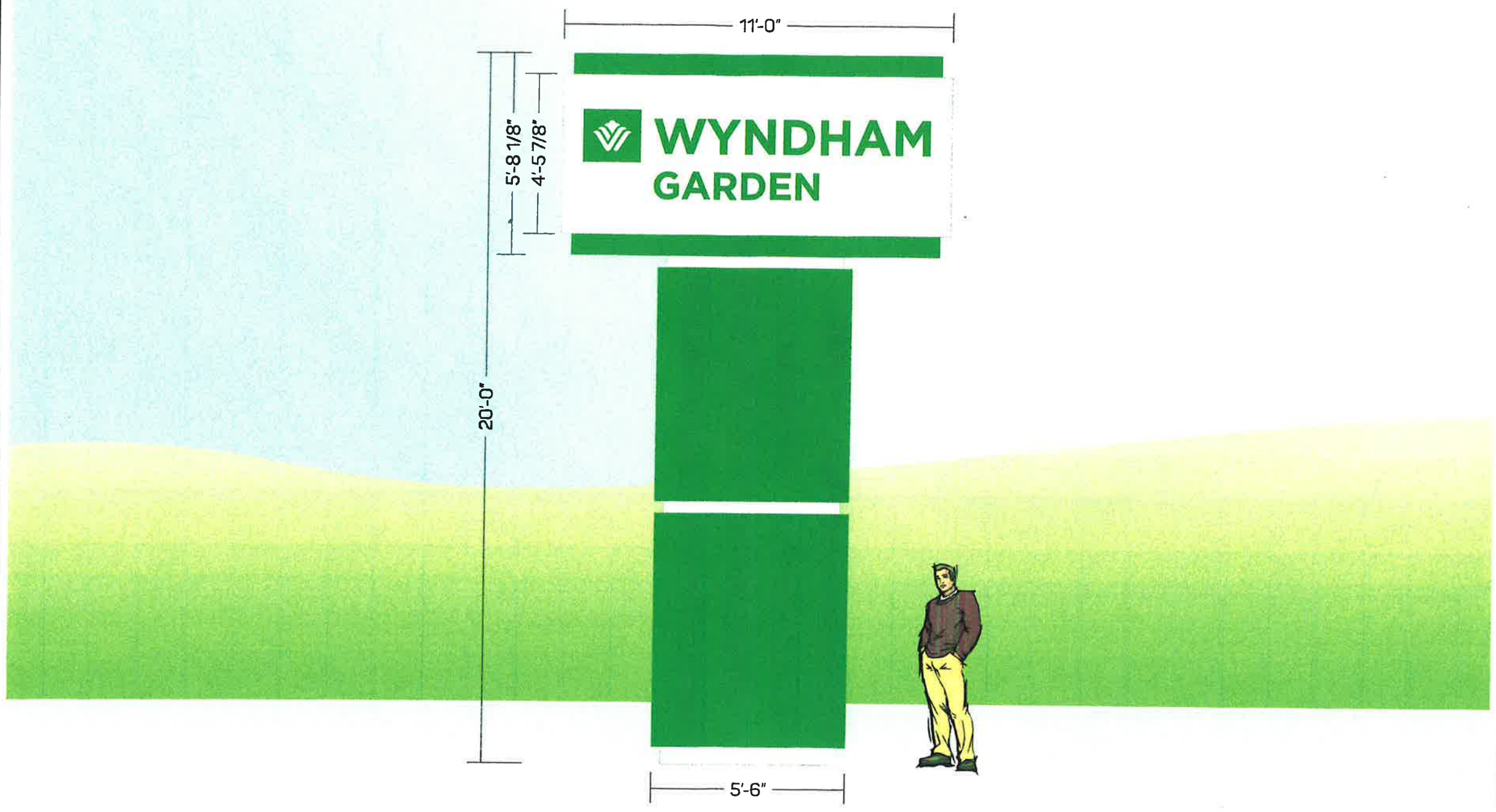
CHANNEL LETTER DETAIL
SCALE: 3/8" = 1'-0"

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: WYNDHAM GARDEN	Date: 10/19/20	Prepared By: KH/CM/KH/CM/KH	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: BELLE ISLE, FL	File Name: 250804 - R12 - BELLE ISLE, FL	Eng: -			


3



PYLON SIGN
SCALE: 1/4" = 1'-0"

APPROVAL BOX - PLEASE INITIAL		
CUSTOMER APPROVAL		Date

NOTE: Elevation drawings are for customer approval only, drawings are not to be used as any installation guide, all dimensions must be verified before installation.

Customer: WYNDHAM GARDEN	Date: 09/21/20	Prepared By: KH	<small>Note: Color output may not be exact when viewing or printing this drawing. All colors used are PMS or the closest CMYK equivalent. If these colors are incorrect, please provide the correct PMS match and a revision to this drawing will be made.</small>	 SIGNS LIGHTING IMAGE	DISTRIBUTED BY SIGN UP COMPANY 700 21st Street Southwest PO Box 210 Watertown, SD 57201-0210 1.800.843.9888 • www.personasigns.com
Location: BELLE ISLE, FL	File Name: 250804 - R12 - BELLE ISLE, FL				

ITEM 5

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 12, 2021

Public Hearing Case #2021-02-006- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence with a gate in the front yard of a residential property, submitted by applicant PAUL LOPEZ located at 5811 LABELLE STREET, BELLE ISLE FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-0000-00-002.

Background:

1. On January 29, 2021, the homeowner Paul Lopez submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 13, 2021, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 12, 2021.

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

SAMPLE MOTION TO APPROVE:

"I move the criteria of **Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** a fence with a gate in the front yard of a residential property, submitted by applicant PAUL LOPEZ located at 5811 LABELLE STREET, BELLE ISLE FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-0000-00-002.

SAMPLE MOTION TO DENY:

"I move, the justifying criteria of the Belle Isle Land Development Code **Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64** having NOT been met **TO DENY** a fence with a gate in the front yard of a residential property, submitted by applicant PAUL LOPEZ located at 5811 LABELLE STREET, BELLE ISLE FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-0000-00-002.

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

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

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

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



February 12, 2021

Variance Application: 5811 LaBelle Street

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT PAUL LOPEZ LOCATED AT 5811 LABELLE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-0000-00-002.

Existing Zoning/Use: R-1-AA/ single-family home

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a four-foot-high fence and gate in the front yard of the property.

Security and safety have been an issue on the subject property. It is next to the pedestrian lake access to Lake Conway. Because of this, people and pets have encroached onto the property in a nuisance manner. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

Staff Recommendation

Based on the applicant's identification that security and safety concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

5811 Labello St

b.

City of Belle Isle

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 01/29/2021

P&Z CASE #: 2021-02-0016

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING: _____

APPLICANT: Paul Lopez

OWNER: Paul Lopez

ADDRESS: 5811 Labello Street

Miami FL 32809

PHONE: 305-299-2409

PARCEL TAX ID #: 19-2330-0000-00-002

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: R1AA

DETAILED VARIANCE REQUEST: See attached

SECTION OF CODE VARIANCE REQUESTED ON: _____

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

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

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

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$150.00

2/5/2021
Date Paid

CC
88469356
Check/Cash

HRP
Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

Variance Request-Application Supplement

1. Special conditions and/or circumstances (Section 42-64 (1) d

What are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?

- **The special conditions are:**
 - a) The issue is with the south side of the house. The house is built roughly with the front pointing south. The driveway is located south west of the house, adjacent with a neighbor's driveway as well as a public beach driveway sloping down to Lake Conway.
 - b) There is no walkway for pedestrians on my side of the street but there is one on the other side of the street. **See picture #1**
 - c) The front of the house is then, because of a 90 degree south curve on the road, exactly on the way to the public beach. Consequently, a lot of the traffic to the public beach passes through my front yard.
 - d) Just after my house, going south, there is a pedestrian walkway. Pedestrian traffic coming from the south on this pathway end up directly on my front yard. Since many are just walking their dog, they end up on an open lot and there again, the issue of dogs relieving themselves on a seemingly empty lot appears. **See picture #2**
 - e) I see (and pick up) empty bottles of alcohol beverages on the front yard, a sign that it is used as a pathway (And hang out area) to the beach.

- **Unnecessary hardship:**
 - a) Because the physical location of the house, there is excessive pedestrian traffic on the front yard.
 - b) This excessive traffic is compounded by pets using the front yard as a playground and doggy park, creating an "unhealthy" situation. I think it's fair to say that no one really likes to get out of their house and walk through this.
 - c) Because of the open front yard, beachgoers simply use the yard as public area and use it as such and just hang out there. **See picture #2**
 - d) On Sunday January the 17th, the Belle Isle police came to the property because a man was found passed out by a neighbor, on the floor. I found his phone on my property, on the ground, in front of my door. A clear sign the man had been prowling the area, and actually came to the front door. I released the phone to the investigating police officer that same morning. The name of the trespasser is Jeremias Hernandez and he was taken away by the police. I did not press any charges but this was clearly a very worrisome event. I'm sure you can very easily check the facts on this event since the trespasser was taken into custody. This is a serious safety concern.

2. Not self created conditions, Section 42-64 (1) e

How were the special conditions noted above created?

This set of unique conditions existed prior to my purchasing the property. According to the City of Belle Isle documents I was able to gather, the house was originally built at this location in 1933.

It seems since then, the population growth might be behind the current situation.

3. Minimum possible variance, Section 42-64 (1)f

Can you accomplish your objective in another way? List alternatives you have considered and evidence as to why they are not feasible.

- The first obvious solution was to tell people in a peaceful manner that this is a private property. That would suggest my being there at all time and it's just impossible.
- The second measure I took was to post sign purchased at the local Home Depot. Those signs had no effect and quickly ended up treated as fire hydrants by local pets. **See picture #3**
- I spoke to several neighbors who walk their dogs there but everybody assures me it's not their dog... **See picture #4.** The face of the dog is purposely blacked out as I don't mean to point out one particular 4 legged trespasser but like several others, he is clearly roaming the area of concern.
- The security issue can only be addressed by the local police as it was quickly addressed on January 17th and ended up in a trespasser being taken into custody.

4. Purpose and intent Section 42-64 (1) g

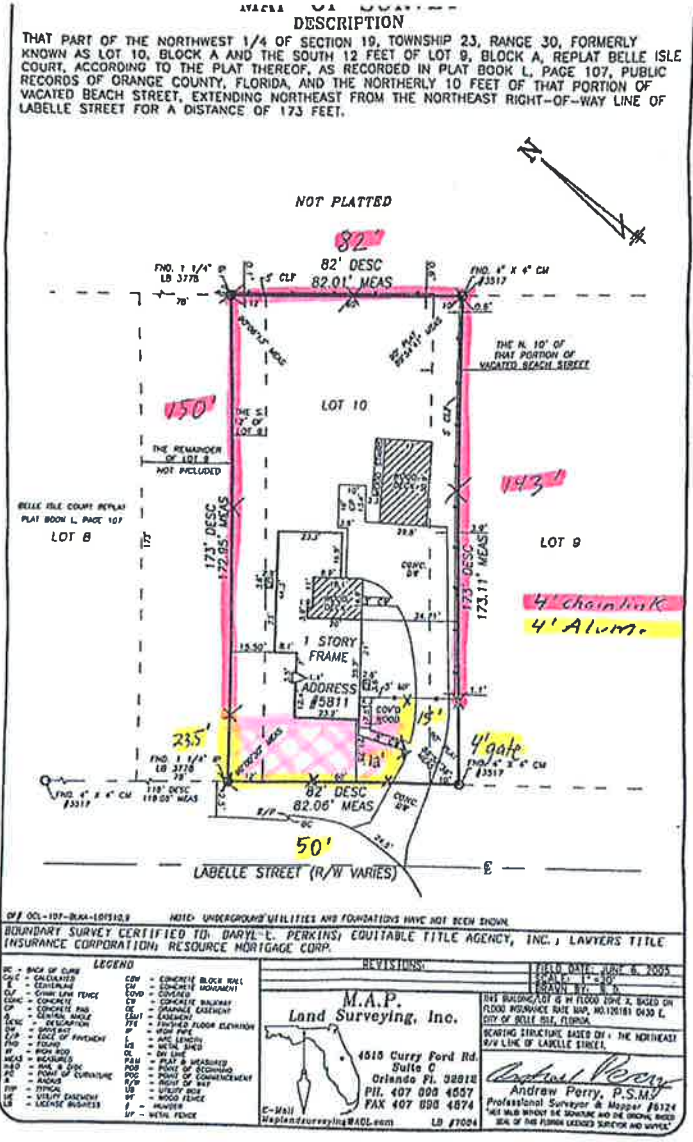
What effects will approval of the variance have on adjacent properties or the surrounding neighborhood?

Because the area of the proposed variance is actually away from the public area frequented by pedestrian and has no public walkway, it does not in any way restrain traffic, either pedestrian or other. This area is surrounded by the street on the front, my driveway on the right and a huge oak tree to the left. My house only has two neighbors: one to the back and one to the left. (respectively North and east) I took the time to speak to both of them and they both approved of my idea. Note that the north neighbors already has a fence between our properties. There is already a concrete walkway for pedestrians on the other side of the street so legal foot traffic is absolutely not affected there. **See picture 5.**

Please note that on my original design of the fence line, I made sure the south east side would actually be inside of the property. I did that to reduce the fence line linear feet and more importantly, to avoid obstructing the beautiful lake view from the street. A few months back, when I purchased this property, this is the one thing that made me choose this location. **See picture 6.**

Also please note that for the front fence, I have picked the exact same design as the public fence used by the City of Belle Isle, located a few feet further: ornamental aluminum. I did so because I felt it would be important to keep a sense of harmony and character for this secluded area.

Because of these special circumstances, and the overwhelming list of negative effects to my property, I really think that allowing me to proceed with fencing this very small area as per my original request actually will not only solve my safety/hygiene/privacy issues but because the property is enclosed in a corner lot, the variance will not affect the City's rules on fence installation.



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b.



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b.

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**ITEM 6
MEMORANDUM**

TO: Planning and Zoning Board

DATE: February 12, 2021

Public Hearing Case #2020-09-007 - Pursuant to Belle Isle Code Sec. 54-84 (G) (2) the Board shall consider and take action on a requested site plan for Wallace Park Improvements, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

Background:

1. On February 13, 2021, City of Belle Isle submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 13, 2021, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 12, 2021.

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

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **SEC. 54-84 (G) (2)** of the Belle Isle Land Development Code having been met **TO APPROVE** the site plan for Wallace Park Improvements *(STATE WITH OR WITHOUT CONDITIONS)*, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **SEC. 54-84 (G) (2)**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: *[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]* **having NOT been met; [may be used in addition to above or alone] TO DENY** the site plan for Wallace Park Improvements, submitted by applicant CITY OF BELLE ISLE, located at E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

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

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

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

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



February 12, 2021

Site Plan Review: Wallace Park Improvements

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 54-84 (G) (2) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN FOR WALLACE PARK IMPROVEMENTS, SUBMITTED BY APPLICANT CITY OF BELLE ISLE, LOCATED AT E. WALLACE STREET, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 24-23-29-8977-00-021.

This is a City owned property purchased in 2016. The City rezoned the property from single-family to an open space zoning designation in 2018. In partnership with Cornerstone Charter School, the City is seeking approval to develop the property as a public park with a practice athletic field for Cornerstone.

Existing Zoning/Use: Open Space/ City Park

Application Overview

The proposed application is for development of a public park that will also include practice fields for the Cornerstone Charter School. The property is located within the jurisdiction of the City of Belle Isle and is owned by the City, with a zoning designation of Open Space.

Sec. 54-84 of the City Code identifies requirements for the Open Space zoning district. Active recreational uses are allowed through a special exception process (Sec. 54-84 (d)). The special exception previously approved by the Board was appealed to City Council. At their February 2, 2021 meeting, City Council upheld the Board's approval of the special exception.

Site plan review and approval by the Planning and Zoning Board is also required before a building permit may be issued (Sec. 54-84(g)(2)).

Staff Review

The following development standards apply to the Open Space zoning district:

1. No parking shall be located within 25 feet of any residentially zoned property nor within 15 feet of any right-of-way line.
2. No building, or structure, except fences or walls, shall be located within 50 feet of any residentially zoned property line or right-of-way line.
3. Impervious surfaces shall not cover more than 35 percent of the lot area.
4. Maximum building height is restricted to 20 feet.

Staff Recommendations

The proposed site plan is consistent with the development standards for the Open Space zoning district, with two considerations for further review: 1.) the Code does not provide parking space requirements for parks. The site plan proposes ten spaces. The Board can decide to define an

adequate number based on review of the site plan and proposed activities (active/passive components). 2.) Impervious data is not provided with the site plan. An artificial turf field is proposed for a large portion of the site. The applicant will need to provide specific data regarding whether the artificial turf is pervious or impervious to determine if the impervious surface ratio standard is met.

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

1. Specifications on the artificial turf must be provided to verify whether it is pervious or impervious to determine if the impervious surface ratio standard is met. If this can not be substantiated or is not pervious, the application will be required to come back to the Board for formal review again.
2. Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-84 (g) (1) shall be provided for review with the building permit application.
3. A restriction that lighting of the practice field is not permitted to prevent light pollution on adjacent residential properties.
4. A prohibition on any private business or commercial enterprise running a business from the property such as, but not limited to, private lessons or outdoor classes such as yoga, group events, or non-profit special events not approved by the City.
5. An executed Memorandum of Understanding or other Agreement, as approved by City Council, between the City of Belle Isle and Cornerstone Charter School regarding each party’s responsibilities and authorities regarding development of the park, and operation of the park such as hours available for public use and access coordinated with use by the School, including property maintenance, gate operations, field maintenance, and authorized use of the proposed building.
6. A detailed parking/traffic plan be provided indicating how the applicant anticipates handling additional park traffic on E. Wallace Street and Matchett Road with users accessing the park or field practice operation, whether there is any impact; and,
7. A detailed plan identifying how the park will be accessed by the public and hours of daily availability for public use. This plan should also address how the park will be secured, monitored, and restricted during closed hours.

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

Next Steps

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

ITEM 7
MEMORANDUM

TO: Planning and Zoning Board

DATE: February 12, 2021

Public Hearing Case #2021-01-009 – ORDINANCE 21-02 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE CITY'S SIGN REGULATIONS UNDER CHAPTER 52 OF THE CITY CODE; PROVIDING DEFINITIONS; AMENDING AND ADDING REGULATIONS RELATED TO TEMPORARY SIGNS, PROTECTION OF FIRST AMENDMENT RIGHTS, AND OTHER MATTERS RELATED TO SIGNS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Background:

1. A Notice of Public Hearing legal advertisement was placed in the Saturday, February 13, 2021, Orlando Sentinel.
2. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 12, 2021.

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

SAMPLE MOTION TO APPROVE:

"I move, TO RECOMMEND APPROVAL OF THE REQUESTED ORDINANCE 21-02 TO CITY COUNCIL.

SAMPLE MOTION TO DENY:

"I move, TO DENY THE REQUESTED ORDINANCE 21-02 TO CITY COUNCIL.



February 12, 2021

Zoning Application: Amendments to the Land Development Code Sign Regulations

These are City-initiated amendment to the Land Development Code (LDC) to update the sign regulations in Chapter 52 of the Belle Isle LDC regarding temporary sign regulations.

Background Information

The City issued Notices of Violation to property owners regarding political signs remaining on properties long after an election. These notices of violation were challenged, and the City reviewed the regulations with the City Attorney.

It was determined that the City's sign regulations for temporary signs is legally questionable based on court rulings made in 2015 regarding content of signs. The City did not revise its code at that time. Therefore, the City Attorney advised the Code should be amended so that the size, location, and number of signs as well as the duration of posting are regulated (time, place, and manner), but NOT the content of the sign.

The Planning and Zoning Board is responsible for reviewing all proposed changes to the LDC and prepares a recommendation to City Council on the proposed changes.

Since the January Board meeting where the amendments were introduced, Vice Chairman Woods worked with the City Manager to make some additional amendments to clarify the Code regarding sign regulations.

Staff Recommendations

Staff recommends that the Board recommend approval of the proposed changes to Chapter 52 of the Belle Isle LDC regarding temporary sign regulations to City Council for final action.

Next Steps

Following recommendation by the Board, the proposed LDC amendments will be considered by City Council. The Council shall hold two readings on all ordinances. The Council shall adopt changes to the LDC only after holding at least one advertised public hearing in accordance with Florida Statutes.

ORDINANCE NO. 21-02

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE CITY’S SIGN REGULATIONS UNDER CHAPTER 52 OF THE CITY CODE; PROVIDING DEFINITIONS; AMENDING AND ADDING REGULATIONS RELATED TO TEMPORARY SIGNS, PROTECTION OF FIRST AMENDMENT RIGHTS, AND OTHER MATTERS RELATED TO SIGNS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle finds that it is in the best interests of the public welfare, health, and safety that the City’s sign regulations be amended and supplemented as provided in this Ordinance.

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

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

SECTION 2. City Code Amendment. Sections 52-2 and 52-34 of the Belle Isle City Code are hereby amended, and new Sections 52-35 and 52-36 are hereby created, all as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars * * * * * indicate breaks between sections and subsections and do not indicate changes to the City Code).

Sec. 52-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "shall" is mandatory and the word "may" is permissive. Any terms defined in the plural include the singular.

Attached window sign means signs which are physically attached to or painted on any surface of a window.

Awning means a cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use.

Banner sign means a sign either enclosed or not enclosed in a ridged frame and secured or mounted to allow movement caused by the atmosphere, and includes pennants and streamers. A flag is not a banner sign.

Building frontage means the length of a building wall where the primary pedestrian entrance is located.

Changeable surface sign means a sign the copy display of which may be changed or rearranged

electronically, mechanically or manually without altering the sign structure.

Corner lot sign means a sign located within the triangular area formed by the apex of two right-of-way lines and a line connecting them at points a designated distance from the apex of the right-of-way lines.

Development means, for the purposes of this chapter only, an approved residential, commercial, industrial subdivision, mobile home park, or multifamily project.

Development sign means a sign located in an approved residential, commercial, industrial subdivision, mobile home park, or multifamily projects.

Digital billboard means an off-site sign capable of displaying words, symbols, or images that can be electronically or mechanically changed by remote or automatic means.

Directional signs means a sign located on premises with exits, entrances, driveways, or off-street parking.

Erect means to build, construct, assemble, attach, hang, place, suspend, affix, create, paint, draw, or in any other way bring into being or establish a sign.

Finished grade level means the completed or settled level of the ground, asphalt, or pavement on which a sign is erected; except that if the sign is erected on an artificial mound or similar artificial rise, the term shall mean the completed or settled level of the ground, asphalt or pavement which surrounds all or the majority of the building on the parcel or site on which the sign is erected.

Flag means a piece of cloth, canvas, or other textile, typically oblong or square, which is attachable by one edge to a pole and/or a rope, with the length of such textile perpendicular to the supporting pole or rope when fully extended and used as the symbol or emblem of a country, state, local government, group, organization, or institution. A flag is not a banner means a rectangular piece of fabric that is used as a signaling device.

Glare means the effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

Ground sign means a sign supported by uprights or braces which is placed on, near or at ground level, and which is not attached to any building. The definitions of "ground sign" and "pole sign" are mutually exclusive.

Height means the vertical distance from the finished grade level to the highest point of a structure.

Home occupation sign means a sign attached to a single-family or multifamily dwelling used as a home occupation as authorized by chapter 54, article III.

Illegal sign means a sign erected after the effective date of the ordinance from which this chapter is derived, which is prohibited by this chapter.

Illuminated sign means a sign which is lighted by artificial light source, either internal or external to the sign, for the purpose of illuminating the sign.

Integral sign means a memorial sign or tablet cut into any masonry surface, or constructed of a permanent or incombustible material mounted on the face of a building.

Marquee means a structure, including a hood, canopy, or awning, normally composed of rigid material projecting from a building, which fully or partially covers an entrance, sidewalk, or other pedestrian way.

Marquee sign means a sign attached to or made a part of a marquee, including an awning sign.

Off-site sign means a sign identifying an activity which is not conducted or products or services which are not available on the premises where the sign is located.

On-site sign means a sign (i) identifying an activity conducted or products or services available on the premises where the sign is located; or (ii) displaying a noncommercial message; or (iii) any combination of (i) and (ii).

Parapet means the extension of a false front or wall above the roof line.

Pole (or pylon) sign means a sign supported by at least one upright pole, pylon or post which is secured to the ground and the bottom of the sign face of which is at least six feet above the finished grade level. The definitions of "pole sign" and "ground sign" are mutually exclusive.

Political campaign sign means a sign advertising a candidate, political party, ballot issue, or political issue to be voted upon in a local, state, or national election or referendum. *Portable sign* means a sign, excluding an A-frame sign, which is not permanently secured or attached to the ground or to a structure.

Projecting sign means a sign affixed to a building which projects in such a manner that both sides of the sign are visible.

Real estate sign means a temporary sign on a parcel which is for sale or rent. *Roof*

sign means a sign which is erected or installed on the roof of a building. *Rotating*

sign means a sign which has a revolving sign face.

Setback means the distance between a property line or right-of-way line and the edge of a sign which is nearest to the property line or right-of-way line.

Sidewalk sign means any A-frame, sandwich board or other movable sign placed outside the premises during business hours only.

Sign means any surface, fabric, device, which bears symbols, letters, numbers, or sculptured

matter, whether illuminated or unilluminated, designed to identify, announce, direct, or inform, and that is visible from a public right-of-way. For the purposes of this chapter, the term "sign" shall include all parts of the sign and its supporting structure.

Sign face means the part of a sign, including trim embellishments, and background, which contains surface area on which symbols, letters, numbers, or sculptured matter may be displayed.

Sign spinner means a person, visible from any public road right-of-way, who carries a sign, wears a costume, or uses other attention getting devices to advertise the goods or services offered by the establishment on whose premises the person is located.

Site means a parcel of land suitable or set apart for some specific use.

~~*Snipe sign* means any unauthorized sign of any material whatsoever that is placed upon public property or attached in any way to any public utility pole, tree, or any other object located or situated on or within any public road right-of-way or easement or placed upon a private property without the express written permission of the property owner. *Snipe sign* means a sign which is attached to utility pole, tree, or a similar object.~~

Subdivision means a portion of land consisting of multiple lots or parcels, which were or will be developed by a common developer pursuant to a development plan.

Surface area means the total square footage encompassed within any sign face.

~~*Temporary sign* means any sign that is not a permanent sign. Temporary signs shall include any and all signs formerly or commonly referred to as temporary election signs, temporary political signs, temporary free expression signs, temporary real estate signs, temporary directional signs, temporary construction signs, temporary grand opening signs, or any other temporary sign unless otherwise expressly provided herein. Permitted temporary signs shall not include any sign devoted to commercial off-site advertising for services such as lawn care, day care, construction services or solicitations. *Temporary sign* means a sign used or displayed for a temporary period of time.~~

Unattached window sign means signs located inside the building but visible from the exterior, and not physically attached to or painted on the window.

Wall sign means a sign erected on the wall, cupola, or parapet of a building or structure in such a manner that only one side of the sign is visible, or a sign which is affixed to or painted on the wall, cupola, or parapet of a building or structure. The definitions of a "wall sign" and a "projecting sign" are mutually exclusive.

* * * * *

~~Sec. 52-34. Temporary signs.~~

~~(a) Prohibitions.~~

~~(1) A temporary on-site sign shall not be erected in a manner that wholly or partially obstructs the visibility of a permanent on-site sign.~~

~~(2) A temporary on-site sign shall not be erected on a corner lot within the triangular area formed by the apex of two right-of-way lines and a line connecting them at points 25 feet from the apex of the right-of-way lines.~~

~~(b) Banners, cold air inflatable signs, and searchlights.~~

~~(1) Banners and cold air inflatable signs are permitted in any zoning district as authorized by this subsection.~~

~~(2) A banner or cold air inflatable sign shall not exceed 75 feet in copy area per sign face in the commercial, industrial and agricultural districts. Such sign shall not exceed 24 square feet in copy area per sign face in all other districts.~~

~~(3) Banners and cold air inflatable signs are allowed one time only for a change in use or change in occupancy of a parcel from two weeks prior to the change in use or occupancy until one month after the change in use or occupancy.~~

~~(4) Searchlights are allowed one time only for a change in use or change in occupancy of a parcel for a maximum period of three days.~~

~~(c) Real estate signs. Minimum standards and requirements of real estate signs are as follows:~~

~~(1) In residential districts, real estate signs shall not exceed six square feet per sign face in surface area, unless the tract size is in excess of two acres, in which case the surface area shall not exceed 24 square feet per sign face.~~

~~(2) There shall be a limit of two real estate signs per parcel within a residential district.~~

~~(3) The maximum height of a real estate sign in a residential district is four feet.~~

~~(4) The erection, alteration, relocation or replacement of a real estate sign in a residential district shall not require a building permit.~~

~~(5) In nonresidential districts, real estate signs shall have a maximum surface area of 32 square feet per sign face.~~

~~(6) There shall be a limit of one real estate sign per parcel in nonresidential districts.~~

~~(7) The maximum height of a real estate sign in a nonresidential district is eight feet.~~

~~(8) In residential districts where a subdivision is being developed or offered for sale, the~~

~~maximum surface area for a real estate sign is 24 square feet, and each subdivision may display two such signs.~~

~~(9) All real estate signs shall be set back at least five feet from any property line or right-of-way line.~~

~~(10) All real estate signs on the water side of a parcel shall be at least five feet landward from the normal high water elevation of the lake.~~

~~(d) Political campaign signs.~~

~~(1) [Where permitted.] Political campaign signs may be permitted in all zoning districts.~~

~~(2) Residential districts. A maximum of two non-illuminated political campaign signs, not more than four feet in height, nor more than four square feet in area, each, shall be permitted in residential districts. Any such sign may only be installed by, or with the express consent of the occupant of the premises or the owner of vacant property.~~

~~(3) Other districts. Political campaign signs shall be permitted in all other zoning districts, under the following conditions:~~

~~a. Political campaign signs shall be non-illuminated and shall not exceed 32 square feet in area each.~~

~~b. No sign larger than four square feet in area shall be located within 40 feet of any other campaign sign.~~

~~c. On any unimproved or unoccupied property, the property owner shall be responsible for the placement and removal of campaign signs.~~

~~d. On occupied property the tenant shall be responsible for the placement and removal of campaign signs.~~

~~e. For any sign larger than four square feet, a location sketch indicating the street address and size of sign(s) proposed for installation must be submitted to the city manager prior to installation. The city manager shall have the authority to require the removal of any such sign that is not properly maintained or becomes a hazard to the public safety during the time it is displayed.~~

~~f. Signs erected pursuant to this section shall not be considered as part of the maximum allowable sign area for the premises upon which they are located.~~

~~(4) Installation. Political campaign signs shall not be erected more than 90 days before date of the election or referendum.~~

~~(5) Removal. Political campaign signs shall be removed no later than (48) hours after the close of the election or referendum and any sign not removed within this time frame shall be considered an abandoned sign, subject to removal without notice.~~

~~(6) Prohibited on public property. Campaign signs shall not be placed on public property, and any sign so located may be removed immediately by a city code enforcement officer.~~

~~(7) Campaign sign spinners. Sign spinners holding a political campaign sign shall be permitted only on the day of the specific election or referendum advertised thereby.~~

Sec. 52-34. – Temporary signs. In addition to other signs permitted by this section, temporary signs may be permitted in accordance with the following requirements. Such temporary signs shall meet all requirements of this article except as otherwise provided in this subsection. Further, a temporary sign may display multiple independent messages on any portion of the sign surface or copy area of such temporary sign.

(a) Each property in the City shall be allowed twelve (12) square feet of non-illuminated temporary signage on each street frontage. Such temporary signs may be either where an owner or resident is actively attempting to sell or lease such property, either personally or through an agent, or is displaying signage which is supporting an election or political purpose or free expression purpose. Such temporary sign(s) shall not individually exceed four (4) square feet in area nor six (6) feet in height. Such sign(s) may be up to twelve (12) square feet in size in areas that are permitted for nonresidential buildings as long as the twelve (12) square feet is used entirely for the purpose of advertising the sale or lease of property, otherwise, such signs are limited to four (4) square feet in size.

(b) Temporary signs used for the purpose of supporting an event, including an election, may be posted no earlier than 30 days prior to the event and shall be removed within seven (7) days after the event is concluded. For elections, the event is considered Election Day and signs shall be removed seven (7) days after the City’s polling places close. Regardless of the foregoing, no temporary signs, except for real estate sale signs advertising an active sale of onsite property, may be displayed for longer than 180 days.

(c) One on-site non-illuminated temporary development sign may be permitted on property where there is an active building program is underway to identify the project, the developer, architect, contractor, realtor and others involved in the design, construction and financing in accordance with Florida law. Such sign shall be permitted on a temporary basis and shall not be erected more than five days prior to the start of construction. Such temporary sign shall be removed upon issuance of a certificate of occupancy or when there has been no construction activity on the property for sixty (60) days or more. Such sign shall be limited to one per street frontage and shall not exceed eight (8) square feet in size or six (6) feet in height for single family and duplex building projects; thirty-two (32) square feet in size and eight (8) feet in height for multifamily building projects and thirty-two (32) square feet for nonresidential building projects. For construction projects of multi-family or non-residential buildings, the wind screen coverings on construction fences may contain pictures and perspective elevations of the project but the area of text, words, logos, and other project information shall not cover more than thirty-two (32) square feet of the fence wind screen

materials per street frontage.

(d) All temporary signs shall be located only on private property with the express permission of the property owner or occupant of such property, and such signage shall be located behind the sidewalk, or ten (10) feet behind the curb or edge or pavement, whichever is greater. When a vacant property is used for the placement of more than two (2) temporary signs, the City may presume that the property owner has not granted express permission for such temporary signage and such signs may be removed by the city. No such temporary signage shall be allowed on any public property or within the public right-of-way. Temporary signage that is placed in violation of this subsection is subject to immediate removal and disposal by the city.

Sec. 52-35. - Protection of first amendment rights.

Any sign, display, or device allowed under this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this article.

Sec. 52-36. - Severability.

(a) Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter.

(b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth elsewhere in this section, this Code, or any adopting ordinance, if any part, section subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth elsewhere in this chapter, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 52-31 of this chapter. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of chapter is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the

declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 52-34 of this chapter.

(d) Severability of prohibition on off-site signs. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this chapter and/or any other Code provisions and/or laws is declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on off-site signs as contained in this chapter.

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

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

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

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

FIRST READING: _____, 2021

SECOND READING: _____, 2021

ADOPTED this _____ day of _____, 2021, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

City Council

City of Belle Isle

ATTEST: _____

Yolanda Quiceno, CMC

City Clerk

Nicholas Fouraker, Mayor

Kurt Ardaman, City Attorney

Approved as to form and legality for the use and reliance of the City of Belle Isle, FL, only.

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 21-02 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 20 ____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

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