



city council agenda

UPDATED AGENDA
June 19, 2018 * 6:30 PM
City Council Meeting
City Council 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 - Jim Partin, Commissioner District 6
3. Consent Items
 - a. Approval of the City Council meeting minutes for June 5, 2018 – Page 3
 - b. RESOLUTION NO. 18-06 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING COUNCIL MEMBERS AND THE CITY MANAGER AS SIGNATORIES ON THE CITY CHECKING ACCOUNTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – Page 9
4. 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.
5. Unfinished Business
 - a. Discussion on short term rentals – Page 11 (including Pages 50-71)
6. New Business
 - a. ORDINANCE NO. 18-06 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE ENACTING A FERTILIZER MANAGEMENT ORDINANCE REGULATING THE APPLICATION OF FERTILIZER TO LAWNS AND TURF IN THE CITY OF BELLE ISLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEASONAL RESTRICTIONS ON FERTILIZER APPLICATION; PROVIDING RESTRICTIONS FOR FERTILIZER CONSTITUENTS PHOSPHORUS AND NITROGEN; PROVIDING FOR RESTRICTIONS IN RATES OF FERTILIZER APPLICATION; PROVIDING FOR TRAINING REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR INCLUSION INTO CODE; AND PROVIDING FOR CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE – Page 13
 - b. ORDINANCE NO. 18-07 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A 90-DAY MORATORIUM ON LOT SPLITS AS GOVERNED BY SECTION 50-33(6) OF THE CITY CODE; PROVIDING THAT THE CITY SHALL NOT ACCEPT, PROCESS, OR CONSIDER LOT SPLIT APPLICATIONS DURING THE MORATORIUM; PROVIDING FOR EXTENSION, EXPIRATION, AND RENEWAL OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, NONCODIFICATION, AND AN EFFECTIVE DATE – Page 18
 - c. Discussion of proposed charter change requiring 60% public support for future charter changes – Page 24

"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 City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 72

7. Attorney's Report

8. City Manager's Report

- a. NAV Board June 12, 2018 meeting synopsis – Page 25
- b. July 3rd Council Meeting
- c. Dock at 2495 Trentwood - oral report
- d. Issues Log – Page 40
- e. Chief's Report

9. Mayor's Report

10. City Council Reports

- a. Appointment of Randy Holihan for Planning & Zoning Board District 4

Attachments - Updated Agenda Items

- a. RESOLUTION NO. 18-07 - RESOLUTION AUTHORIZING COLLECTION OF SOLID WASTE FEES FROM THE RESIDENTS OF THE CITY OF BELLE ISLE FOR TAX YEAR 2018 – Page 46-47
- b. RESOLUTION 18-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING TRANSMISSION OF A PROPOSED NON-AD VALOREM STORMWATER UTILITY ASSESSMENT ROLL TO THE ORANGE COUNTY PROPERTY APPRAISER FOR INCLUSION ON THE NOTICE OF PROPOSED PROPERTY TAXES AND NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 200.069, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE – Page 48-49
- c. Draft AirBnB Ordinance – Page 50-71
- d. JAG Distribution – Page 72

11. Adjournment



city council minutes

MINUTES
June 5, 2018
City Council Regular Session:
Regular Session 6:30pm

The Belle Isle City Council met in a regular session on June 5, 2018, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Lydia Pisano
Vice Mayor/Commissioner Harvey Readey
Commissioner Anthony Carugno
Commissioner Mike Sims
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Gold
Commissioner Jeremy Weinsier

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston, Admin Assistant Heidi Peacock and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the regular session to order at 6:30 pm and the City Clerk confirmed quorum. Vice Mayor Readey gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for May 1, 2018

Comm Readey motioned to approve the consent items as presented.
Comm Carugno seconded the motion which passed unanimously 5:0

Mayor Pisano read and presented the Cornerstone Charter Academy Lady Ducks Softball Team Proclamation

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments. There being no comments, Mayor Pisano closed citizen comments.

UNFINISHED BUSINESS

- a) **ORDINANCE NO.18-03 SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.**

City Clerk read by title.

City Manager Francis said the Ordinance will change the Wallace field classification from single family dwelling to open space.

Comm Nielsen motioned to adopt Ordinance 18-03.

Comm Carugno seconded the motion which passed unanimously upon roll call 5:0.

- b) ORDINANCE NO.18-04 SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 48 ARTICLE II CONCERNING DOCK REGULATIONS, INCLUDING BUT NOT LIMITED TO PERMITTING, CRITERIA, EXCEPTIONS, REQUIREMENTS, MAINTENANCE, REPAIR, VARIANCES, APPLICATION PROCEDURES, DEFINITIONS, NONCONFORMING DOCKS, NUMBER, LOCATION, AND RELATED MATTERS; PROVIDING FINDINGS BY THE CITY COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

City Clerk read by title.

Comm Nielsen motioned to adopt Ordinance 18-04.

Comm Partin seconded the motion which passed upon roll call 4:1 with Comm Carugno, nay.

NEW BUSINESS

The appeal of Parking Ticket Issued to Greg Furneaux

Greg Furneaux residing at 1713 Idaho Avenue spoke in response to a parking ticket he received. He asked if the ticket can be changed to a warning. He wants to be in compliance and has since submitted a permit for an extension to his driveway.

Comm Nielsen motioned to approve the appeal for the parking fine and reduce it to a warning.

Comm Sims seconded the motion. Comm Sims said he understood while attending the Code Enforcement seminar, that the policy is that tickets issued should initially be a warning.

Chief Houston clarified that the Code Enforcement policy does provide an option for the first violation to be a warning. However, the Police Department does not have a policy that dictates such process. Chief Houston reported since the update of the Parking Ordinance the Police Department is working closely with Code Enforcement to ensure that violations and citations are monitored.

After discussion the motioned was passed unanimously 5:0.

The appeal of Parking Ticket Issued to Lou Ann Lovett

For the record, Lou Ann Lovett was not present at the meeting.

Mayor Pisano read the email request received on May 18, 2018, requesting a waiver of ticket #00842.

Comm Sims motioned to approve the appeal for the parking fine and reduce it to a warning.

Comm Nielsen seconded the motion which passed unanimously 5:0.

The appeal of Planning & Zoning Case 2018-04-010:

Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). -

Substandard Lots of Record, to allow for the lots that comprise the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

Mayor Pisano gave an overview of the quasi-judicial proceedings process regarding the appeal by Greg Gent.

Mayor Pisano called for City Council disclosure in any ex parte communication.

- Comm Nielsen said she was contacted by Bobby Lance about the Planning & Zoning Case #2018-04-010.
- Comm Partin said he was contacted by Bobby Lance about the Planning & Zoning Case #2018-04-010.
- Comm Sims said he was contacted by Bobby Lance about the Planning & Zoning Case #2018-04-010.
- Vice Mayor Readey said he was contacted by Bobby Lance about the Planning & Zoning Case #2018-04-010.
- Vice Mayor Pisano said she had a 2-minute conversation with Greg Gent regarding the procedural process for this evening.
- Comm Carugno said he was contacted by Bobby Lance about the Planning & Zoning Case #2018-04-010 and several residents in the area. He asked the City Attorney, for the record, if he will need to be excused due to the fact that he also has a lot he would like to split in the future. Attorney Ardaman said with respect to this matter it is a non-issue per Statute unless of course his future lot split was tied financially with the property owner in the case tonight.

City Manager said this case was approved by the Planning & Zoning Board. Based on the staff report, it was recommended to not approve the request based on not making the criteria for special conditions/circumstances and of being self-created.

Attorney Ardaman spoke briefly on the de novo hearing process. He stated that the code is not clear on who goes first.

Attorney Ardaman recommended having the appellant the opportunity to speak first, and then have the homeowner follow for a response.

Greg Gent residing at 2924 Nela Avenue said for the record he is for Bobby Lance County Commissioner, however, is against Mr. Lance on this lot split. Mr. Gent proceeded as a member of the community expressing his appeal opposing the lot split for 7020 Seminole Drive.

Mr. Gent presented his case by providing a power point presentation. He stated despite numerous arguments in favor, the Planning & Zoning board failed to prove a hardship and according to the code, the "Application submitted must meet all of the above criteria before the board can grant a variance". Only one Planning & Zoning member even considered variance approval criteria and the board did not state in writing on the application the reasons for the decision. He cited Section 10-67(b) and 10-67(f) of the code and said rules exist to ensure that procedures are being followed. He believes that the variance should never have been approved and approval of the lot split will create overdevelopment of land/lakeshore and set precedent.

Mayor Pisano called the applicant Brent Walters.

Attorney Joe Castrofort with offices at 1906 East Robinson Street, Orlando, FL spoke on behalf of the applicant. The purpose of his presentation is to provide clarification of the lot split project. He referenced Section 42-71(a) of the Code and stated that the appellant has not established that he is aggrieved by the actions taken by the Planning & Zoning Board giving him the proper standing to make City Council consider reversing the approval. In addition, the appellant did not present any testimony, evidence or witnesses to take this to the next level.

Comm Nielsen asked Attorney Ardaman if he believes Mr. Gent is an aggrieved party.

Attorney Ardaman stated that the Code states that there must be an aggrieved party and the City Council must make that determination based on this hearing before moving forward with the proceeding.

Comm Nielsen stated that she has received many letters from many citizens who feel strongly and believes the increased density on the lakefront will hurt them. She is inclined to think that every citizen in Belle Isle is an aggrieved party.

Comm Sims asked if Mr. Gent is aggrieved by this project only or is he aggrieved with any remaining double wide properties requesting a lot split on the lake. Attorney Ardaman said under the law each application is an independent separate matter without regard to precedent.

After discussion, Comm Nielsen motioned to agree that Greg Gent is an aggrieved party. Vice Mayor Readey seconded the motion

Comm Sims amended the motion to say Greg Gent is an aggrieved party to the Public Hearing Case No. 2018-04-010. Comm Nielsen and vice Mayor Readey agreed to the amendment which passed 4:1 with Comm Sims, nay to find Greg Gent as an aggrieved party.

Attorney Joe Castrofort gave a brief summary of the project. He said the purpose of the lot split is to ease the hardship that is on the property. The hardship to Mr. Lance is not self-created in that it is the shape of the land that is causing it to be underutilized to a financial detriment to the property owner. Attorney Castrofort said for the purpose of outlining the building, construction of the land and maintaining the spirit of the neighborhood he has introduced expert testimony to speak of the project.

Brent Walters with offices at 5227 Philips Oaks Lane, Orlando, FL 32812 said the process and the procedure were correctly followed, the application was submitted accurately and presented to the Planning & Zoning Board. Mr. Walters provided a map showing the surrounding neighbors who do not meet the current zoning code and frontage lot width. The request currently meets the character of the neighborhood and, if approved, the newly approved parcels will still be larger than 85% of the lots in the immediate zone.

Mr. Walters further presented a map showing approval of surrounding property owners most affected by the request along with a signed petition. The project will allow the property owner to build two 3,500-4,000 sq ft homes.

Comm Carugno stated most of the problem was that the Planning & Zoning Board did not follow the rules. He noted that the map that was presented does not show most of the residents in the surrounding area who have contacted him and who are opposed to the project.

Attorney Castrofort spoke to the definition of an aggrieved party. He further requested Council to disclose the names, content of phone calls and other communication from those in opposition for the record.

Philip Alexander from Total Environmental Services with offices at 3003 W. Corinne Street, Orlando, FL addressed the health and safety of the lake and the number of existing septic tanks. If the lot split is allowed the three septic tanks in the rear will require to be pushed to the front of the property away from the lake, per State code. Currently, if the property owner had an issue with the old systems he will have to go through many processes to correct.

Mayor Pisano called for a five-minute recess.

Ms. Beth Ann Baer, Realtor with offices in Orlando spoke on the current market and utilization of the land causing an economic impact to the property owner. She noted the last home on the market in Belle Isle has been on the market for 744 days due primarily to its size and price. She added that two smaller homes will be the best use of the property; cost prohibitive and the new septic tanks in the front of the lot will be more advantageous.

Attorney Castrofort said one of the most important reasons the applicant meets the requirement is because the hardship is based on the best economic use of the property and still protect the integrity and character of the neighborhood. Attorney Castrofort said the applicant does not have to subdivide the land but should be allowed to make a smart business decision.

Chris Jackson, Licensed Florida Home Inspector from Protech Home Inspections with offices at 4319 North Town Road, Orlando, FL said he inspected the exterior of the home for structural integrity and found that the home is in good repair.

Attorney Castrofort stated looking at the facts this property will improve the neighborhood in every way including curing the hardship that is currently in place. In addition, he said the project is in spirit and style of the neighborhood and it may,

- decrease the impact of the traffic;
- reduce the septic tanks from three to two and have the septic tanks away from the lake will be beneficial
- improve the neighborhood and increase property value for the City and surrounding homes.

Bobby Lance 6615 Matchett Rd, Belle Isle, FL said he has not received any negative feedback about his project. He spoke on the original construction of the home, existing septic tanks and the code to date. He said the project will be aesthetically pleasing and add substantial value to the neighborhood. He contended that the appeal does not have to do with his project but with the approval of another application and their re-submittal request for a lot split. Bobby Lance further provided a brief history of the property and its intended use. He concluded by asking Council to disclose all exparte communication for the record.

Mayor Pisano opened for public comments.

1. Michael Jungen, not in attendance, is in support of the lot split.
2. Beth Lowell residing at 2416 Homewood Drive spoke in opposition of the lot split. She asked that the record reflect that this is the fourth time speaking in opposition.
3. Emily Wiley residing at 3019 Indian Drive spoke in opposition of the lot split
4. Cindy Lance declined to speak.
5. Daniel Boytos residing at 2224 Homewood spoke in opposition of the lot split.
6. James Turner is in opposition of the lot split and deferred his time to Greg Gent.
7. Bob Harrell residing at 2800 Trentwood Blvd said he believes the P&Z Board has the latitude and discretion to approve or disapprove based on what is presented.
8. Jerry Rosencrantz not in attendance and deferred his time to Greg Gent
9. Dan Barnes residing at 6683 Seminole Drive spoke in favor of the lot split.
10. Chris Jackson is in support of the lot split and deferred his time to Bobby Lance.
11. Philip Alexander is in support of the lot split and deferred his time to Bobby Lance.
12. Charlene Kennedy residing at 2624 Homewood Drive said she is opposed to the lot split and deferred her time to Greg Gent.
13. Randi Holihan, not in attendance, is in support of the lot split.

Greg Gent gave a rebuttal to the applicant's presentation. He said there are many in approval, however; the map that was provided by the applicant did not accurately show those who are opposed to the lot split. The septic tank, best use of the property, smarter business decision, and condition of the home, improving the area and building a smart home is not relevant to the approval of the applicant's variance request. The code is crystal clear that all conditions must be met and asks that the City follow the rules.

Bobby Lance addressed the Council and stated that there are currently no code violations on this home. He further added if the Council decides to place a moratorium on lot splits they must consider the fact that "not all codes are one size fit all."

In closing, Attorney Castrofort references Elwin vs. The city of Miami was a self-created hardship and the variance was denied because it was foreseeable. There was no way Mr. Lance can foresee the development of these lots. It is not precedent and binding but irrefutable proof on what is good for the neighborhood.

Mayor Pisano closed public comment and opened for Council discussion.

- Comm Carugno asked if this home has a triplex. Bobby Lance stated for the record, that this home is not a triplex. Comm Carugno said he received many phone calls and a few emails and opined that while it will be good for the neighborhood the hardship is not verifiable and is not in support of the lot split.
- Comm Readey spoke in favor of the project and said he doesn't see anything wrong with it.
- Comm Sims said he is opposed to lot splits in general and will base his vote on merit. He doesn't believe this harms density or character and agrees that it is a good project and is in support of the project.
- Comm Partin said he has received emails and calls. He did research a quick check on the petition signatures and some of the signatories are not the deed holders and do not have a stake in the game. He said decisions today will affect the density and ecosystem tomorrow and based on the current code he is opposed to the lot split.
- Comm Nielsen said this project would be beautiful and fit the neighborhood. However, the Land Development code there are 4-criteria for granting a variance and all four were not met as required. She believes the code needs to be revisited and updated and a moratorium should be put in place to address some of the concerns before approving any future lot splits.

Comm Nielsen motioned to deny the variance request based upon the failure of Mr. Lance not establishing special conditions and circumstances and the not self-created a financial hardship.

Comm Partin seconded the motion.

Comm Sims said he does not believe the landowner did not create the hardship that the neighborhood will not support a 2.2 million dollar home.

The motion to grant the appeal and deny the variance passed 3:2 with Comm Readey and Comm Sims, nay.

In the interest of time, City Manager Francis asked that the remaining agenda items d and e to a future meeting.

Council consensus was to move items d and e to a future meeting.

Renewal of Republic Services contract

City Manager Francis said we are within the 120-day window if the City wants to go out for a Request For Proposal to go out for new services or renew the current contract for another year. The City did a quick poll on Republic Services and 95 of the 100 respondents liked the services provided. There were some comments and complaints which have been addressed. Mr. Francis said we have a good working relationship and recommends approval of a one-year renewal with Republic Services to provide solid waste and recycling services.

Comm Readey motioned to renew the Republic Services contract for another year.

Comm Partin seconded the motion which passed unanimously 5:0.

Appointment of Cindi Matzik to the Tree Board

The appointment of Cindi Matzik is to replace Trish Reid who is out due to an accident and will have limited participation.

Comm Carugno motioned to ratify Cindi Matzik.

Comm Sims seconded the motion which passed unanimously 5:0.

ATTORNEY REPORT

- Attorney Ardaman reported that he and the City Manager had a discussion with Florida Wildlife Commission (FWC) today and would like to present to Council in an Executive Session then for a vote on a proposed settlement on the case. He believes most of the concerns will be addressed in this proposal.

Council consensus was to schedule an Executive Session on June 19th at 5:30 pm before the regular scheduled City Council meeting.

- Attorney Ardaman reported that a draft Ordinance will be provided at the following meeting.

CITY MANAGER'S REPORT

- City Manager Francis reported that he will be out of the office starting June 7-11.
- The consultant for the Transportation Master Plan would like to hold a community meeting on June 21, 2018, from 6-9pm to discuss issues of transportation and solutions in the community.
- At the last Planning & Zoning meeting, there was an issue discussed regarding 2635 McCoy Rd. An arrangement has been made with the applicant that part of the condition of approval was that the landowner will donate a 150ft buffer piece of land to the City as open space. This is a tremendous offer on the part of the applicant. They are currently surveying the land to provide metes and bounds that will be presented to City Council for approval. They are also required to build an 8ft pre-fabricated wall along the entire line which separates the McCoy property and the residential properties on Trentwood.
- Mr. Francis provided a copy of the letter presented to the School Board for approval of certain items, requested by Council, at the following Cornerstone Charter School Board meeting.
- On the issues log, he noted that the fountain is being shipped and should be here in approximately two-weeks.
- Perkins Boat ramp should be finished shortly. Upon completion of this final task, all open issues at Perkins Boat ramp will be officially closed.
- He is working with FDEP on the purchase of Cross Lake Beach and waiting for a copy of the appraisal. He would like to commission a Phase 1 Environmental study to see if there are any concerns before obtaining the property.
- Mr. Francis reported on the Lake Conway Shores drainage project and shared his concern on the ½ inch of payment.

CHIEF'S REPORT – no report.

MAYOR'S REPORT – no report.

COUNCIL REPORTS – no reports

- Comm Sims reported that his districts Planning & Zoning Board member has resigned and will be presenting his nomination to Council at the June 19th meeting.
- **Comm Nielsen motioned to direct the City Attorney and staff to prepare for adoption a moratorium on lot splits for 90 days and to have the City Attorney bring a Resolution for approval on the June 19th City Council meeting. Comm Carugno seconded the motion which passed 4:1 with Comm Readey nay.**

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 10:00 p.m.

Yolanda Quiceno, CMC, City Clerk

1 Commissioner Ed Gold Commissioner Harvey Readey
2 Commissioner Anthony Carugno Commissioner James Partin
3 Commissioner Jeremy Weinsier Commissioner Sue Nielsen
4 Commissioner Michael Sims City Manager Bob Francis

5 Section 2. This Resolution shall take effect upon its adoption.
6

7 Adopted by the City Council on this 19th day of June, 2018 and superseding
8 previous resolutions authorizing signatories on the city checking accounts.
9

10 _____
LYDIA PISANO, MAYOR

11 ATTEST:

12 _____
YOLANDA QUICENO, CITY CLERK
13

14 _____
15 APPROVED AS TO FORM AND LEGALITY

16 CITY ATTORNEY

17 STATE OF FLORIDA

18 COUNTY OF ORANGE

19 I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that
20 the above and foregoing Resolution 18-06 was duly and legally passed and adopted
21 by the Belle Isle City Council in session assembled, at which session a quorum
22 of its members were present on the _____ day of June, 2018.
23

24 _____
25 Yolanda Quiceno, City Clerk



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

Meeting Date: June 19, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Short Term Rentals (STR)

Background: After discussion and public comment, the City Council directed the City Attorney and staff to prepare a draft ordinance for discussion.

From the guidance provided by the City Council, some of the items that could be included in the ordinance are:

- Limit the number of rental properties
- Transient rental occupancy license requirements
- Permits and posting of owner's contact information for complaints
- Stiff fines for landlords with nuisance tenants
- Only allow owner-occupied properties
- Parking restrictions
- "Quiet Time" restrictions

As stated before, for the City of Belle Isle, there is a very small and limited economic impact which would be from permit issuance, fines for enforcement of nuisance properties, fees for inspections, but depending amount of staff time to enforce, inspect and permit these properties, there may not be any value to the City.

A question that should be discussed by the City Council, not previously discussed: what is the purpose of a policy change to now allow Short Term Rentals? Is it beneficial to the City and community of Belle Isle in the long run? I believe there is no benefit to either and that enforcement will become problematic.

However, if the Council decides to move forward with STRs then the staff will follow the direction given.

Staff Recommendation: Continue to prohibit short term rentals in Belle Isle and impose additional penalties for those who violate the Municipal Code. .

Suggested Motion: I move that we don't allow short term rentals.

Alternatives: Discuss the STR Ordinance and determine that of all of the requirements the Council wants are in the ordinance.

Fiscal Impact: TBD

Attachments: Draft ordinance



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Fertilizer Ordinance

Background: A requirement for the City's Municipal Separate Storm Sewer (MS4) Program and MS4 permit is that the City adopt an ordinance regulating the proper use and application of fertilizer, training and certification of commercial applicators, and periods of restricted use. Many municipalities in Orange County have adopted the County's ordinance which was updated and adopted last year. FDEP also recommends adoption of this ordinance.

At the May 15, 2018 meeting Council directed that an ordinance be drafted based on the Orange County Ordinance.

Staff Recommendation: Read Ordinance 18-06 for the first time by title only

Suggested Motion: I move that we read Ordinance 18-06 for the first time by title only

Alternatives: Do not adopt the County ordinance and direct the City Manager to develop another ordinance.

Fiscal Impact: None

Attachments: Ordinance 18-06

1 WHEREAS, the quality of streams, lakes, and wetlands is critical to environmental, economic, and recreational
2 prosperity and to the health, safety, and welfare of the residents of Belle Isle; and

3 WHEREAS, algae blooms and accelerated growth of aquatic weeds in Lake Conway have heightened community
4 concerns about water quality and eutrophication of surrounding waters; and

5 WHEREAS, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters
6 Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection (“FDEP”) has
7 classified specific water bodies in Orange County as “impaired” as a result of the presence of excess nutrients; and

8 WHEREAS, the amount of fertilizer applied to a given landscape and the method of application have potential for
9 creating nutrient pollution; and

10 WHEREAS, the amount of fertilizer applied should be the minimum necessary for turf to meet initial
11 establishment and basic growth needs; and

12 WHEREAS, it is generally recognized that Florida soils naturally have a suitable phosphorus content for most
13 vegetative needs and that phosphorus is therefore rarely needed to create or maintain a vibrant landscape; and

14 WHEREAS, it has been recognized that the use of slow release nitrogen sources is more efficiently used by plants
15 and less likely to leach out or wash away in stormwater runoff; and

16 WHEREAS, this ordinance is part of a multi-pronged effort by Belle Isle to reduce nutrient leaching and runoff
17 through improved stormwater management, water conservation efforts, public education, and updated development
18 standards as set forth in the Belle Isle Code.

19
20 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE:

21 SECTION 1. Enactment of Fertilizer Management Ordinance. A Fertilizer Management Ordinance, to be codified
22 at Chapter 10, Article IV, Division III of the Belle Isle Municipal Code, Section 10-129 is enacted to read as follows:

23 **The City of Belle Isle adopts the most current version of the Orange County Fertilizer Ordinance in Chapter 15, Article**
24 **XVII of the Orange County Code, Section 15-801 through 15-812**

1 SECTION 2. Codification. This Ordinance shall be incorporated into the Land Development Code of the City of
2 Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary
3 to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions,
4 alterations, and omissions not affecting the construction or meaning of this ordinance or the Land Development Code
5 may be freely made.

6 SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this
7 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for
8 substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent
9 provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

10 SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or
11 provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

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

14 First reading on _____, 2018.

15 Second Reading and Adoption this _____ day of _____, 2018.

	YES	NO	ABSENT
18 Ed Gold	_____	_____	_____
19 Anthony Carugno	_____	_____	_____
20 Jeremy Weinsier	_____	_____	_____
21 Mike Sims	_____	_____	_____
22 Harvey Readey	_____	_____	_____
23 Jim Partin	_____	_____	_____
24 Sue Nielsen	_____	_____	_____

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ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

Approved as to form and legality

A. 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 18-06 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.

Notary Yolanda Quiceno, CMC-City Clerk



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

Meeting Date: June 19, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance for Moratorium on Lot Splits

Background: After approving the appeal of Greg Gent, which in effect, denied the substandard lot variance on 7020 Seminole Drive, the City Council passed a motion to direct the City Attorney to prepare a resolution allowing for a 90-day moratorium on lot splits as governed by Sections 50-33(6) of the BIMC to give the City Staff time to address the problems, issues, impacts and concerns and determine if there will be long term detrimental impacts to residents, structures, property values and other adverse impacts from lot splits. Also to adopt changes to the City Code provisions governing lot splits so as to ensure that the standards and criteria governing lot splits can be reviewed and revised to eliminate or reduce problems, issues, impacts and concerns associated with lot splits and to ensure that lot splits will be consistent with the City's character, Comprehensive Plan, and the public welfare.

Staff Recommendation: Discuss the ordinance and in necessary, provide further direction to the City staff.

Suggested Motion: I move that we advertise Ordinance 18-07 establishing a 90-day moratorium on lot splits and read Ordinance 18-07 for the first time at the July 3 (July 17) Council Meeting.

Alternatives: Do not pass the moratorium

Fiscal Impact: TBD

Attachments: Draft ordinance

1 the City Code provisions governing lot splits so as to ensure that the standards
2 and criteria governing lot splits can be reviewed and revised to eliminate or
3 reduce problems, issues, impacts and concerns associated with lot splits and to
4 ensure that lot splits will be consistent with the City's character, Comprehensive
5 Plan, and the public welfare; and

6
7 **WHEREAS,** the City Council and City Manager have directed the City's planning
8 consultant and City staff to evaluate the problems, issues, impacts and concerns
9 occurring in the City related to lot splits, including without limitation, the
10 increase in densities, the impact on existing homes and the character of
11 neighborhoods, matters pertaining to safety, aesthetics, home and property
12 valuations and other matters; and

13
14 **WHEREAS,** the City has determined that the moratorium imposed by this
15 Ordinance is in the interests of the public health, safety, and welfare; that the
16 moratorium is necessary and is of the minimum duration that will allow the City to
17 study problems associated with lot splits, develop, and adopt new regulations;
18 that the moratorium will not deny property owners the use of their property nor
19 impose an unreasonable burden on such use; that the moratorium imposes a
20 reasonable and non-extraordinary delay on lot splits; that the moratorium will not
21 reduce property values; and that the moratorium will not interfere with reasonable
22 investment-backed expectations; and

1 **WHEREAS**, at a public hearing on June 5th, 2018, the City Council directed
2 the City Attorney's office to prepare this Ordinance imposing a moratorium on lot
3 splits; therefore, this Ordinance and any related ordinance governing lot splits
4 prepared during the moratorium, were and are pending as of June 5th, 2018 in
5 accordance with the pending ordinance doctrine set forth in *Smith v. City of*
6 *Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980).

7
8 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,**
9 **FLORIDA:**

10 **SECTION 1: RECITALS.** The foregoing recitals are ratified and confirmed as
11 being true and correct and are hereby made a part of this Ordinance.

12 **SECTION 2. TEMPORARY MORATORIUM.** Beginning on the effective date of this
13 Ordinance and continuing for a period of 90 days, a moratorium is hereby imposed
14 upon all lot splits within the City as governed by Section 50-33(6) of the City
15 Code. During the moratorium, the City will not accept, process, or consider
16 applications for lot splits that are governed by Section 50-33(6) of the City
17 Code.

18 **SECTION 3. EXPIRATION & EXTENSION OF MORATORIUM.** The temporary moratorium
19 imposed by Section 2 of this Ordinance expires 90 days from the effective date of
20 this Ordinance. The moratorium may be terminated, renewed, or extended for any
21 period of time by the adoption of an ordinance or resolution of the City Council.

22
23 **SECTION 4. NONCODIFICATION.** This Ordinance shall not be codified.
24

1 **SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause,
2 phrase, word or provision of this Ordinance is for any reason held invalid or
3 unconstitutional by any court of competent jurisdiction, whether for substantive,
4 procedural, or any other reason, such portion shall be deemed a separate, distinct
5 and independent provision, and such holding shall not affect the validity of the
6 remaining portions of this Ordinance.

7 **SECTION 6. CONFLICTS.** In the event of a conflict or conflicts between this
8 Ordinance and any other Ordinance or provision of law, this Ordinance controls to
9 the extent of the conflict, as allowable under the law.

10 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective
11 immediately upon adoption by the City Council of the City of Belle Isle, Florida.

12 FIRST READING: _____, 2018

13 SECOND READING: _____, 2018

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

	YES	NO	ABSENT
16 Ed Gold	_____	_____	_____
17 Anthony Carugno	_____	_____	_____
18 Jeremy Weinsier	_____	_____	_____
19 Mike Sims	_____	_____	_____
20 Harvey Readey	_____	_____	_____

1 Jim Partin _____

2 Sue Nielsen _____

3

4 ATTEST: _____

5 Yolanda Quiceno, CMC City Clerk

Lydia Pisano, Mayor

6

7 _____

8 Approved as to form and legality

9 A. Kurt Ardaman, City Attorney

10

11 **STATE OF FLORIDA**

12 **COUNTY OF ORANGE**

13

14 I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing
15 document ORDINANCE 18-07 was duly and legally passed by the Belle Isle City Council, in session assembled
16 on the _____ day of _____ 2018, at which session a quorum of its members were present.

17

18

19 _____

20 Notary Yolanda Quiceno, CMC-City Clerk

21

22

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25



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

Meeting Date: June 5, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Charter Change

Background: As a result of the February election, the City Charter changed; however it was the Council's intent to review the entire charter to see if additional changes need to be made.

Another proposed change is to require that the charter changes must pass by at least 60% of the total vote at an election, not just by majority. Currently the Charter states that regular city elections shall be held on the second Tuesday after the first Monday in March, or such other date as may be approved by the city council by the passage of an ordinance receiving a majority plus one vote of those voting on such ordinance, provided that such election date must be the same date as is most common for city elections in other cities within Orange County (Section 6.05 Elections).

State Statute 166.031(2) (Charter amendments) states: Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.

Staff Recommendation: Provide direction to the staff to prepare ordinance as done for the previous charter changes for the November 2018 ballot.

Suggested Motion: I move that we direct the City Attorney to prepare an ordinance for the proposed charter change that future charter changes must pass by at least 60% of the total vote at an election.

Alternatives: None

Fiscal Impact: None

Attachments: Draft Ordinance



CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 * TEL 407-851-7730

MEMORANDUM

From the Desk of Bob Francis, City Manager

To: Mayor and Council
Date: June 13, 2018
Re: Lake Conway Navigation Board Meeting

NOTE: This memo is to provide information only and is NOT an official record of the Lake Conway Navigation Board Meeting. Please refer to the Lake Conway Navigation Board adopted minutes for the official record.

Synopsis of the June 12, 2018 Lake Conway navigation Board Meeting

1. Under Public Comment: Craig Heringhaus, representing the Highlands HOA, asked about the status of dredging the Willoughby Canal because it is very shallow. The response from the Board was that while the study is still going on, there will be no projects done until the study is completed because any projects could affect the results of the study. After the results of the study are compiled and reviewed, the Board will review and prioritize those projects. The Board is also concerned on how much projects may cost, which will also be part of the review process. The Study is expected to be completed in about a year. The Secretary stated that the water level is down about 2 feet. The Board also stated that there is about 6-8 inches of muck; however Mr. Heringhaus stated that it's more like "waist deep" muck. The board stated that the other problem with the canal is that both the Willoughby and Barby Canals have hard pan which makes dredging difficult. The last time the canal was dredged is approximately 10-12 years ago. David Woods provided information from previous years on the lake.
2. Comments from the Chairman: None; however there was a brief discussion by the Board that there is still an opening on the Board. Ms. Urbanik stated that the process for filling the position is being looked at by the County.
3. EPD Report:
 - a. Aquatic Plant Management Report: Tara Urbanik, Secretary to the Board, went over the quarterly report. She stated that overall the report looks good and that there is a strong variety of native plants in the lake. The report is attached.
 - b. Florida Uniform Waterway Marker Permit: Ms. Urbanik reported to the board that she finalized the bid packet for the replacement of the markers and that the legal team is reviewing it. She also reached out to other entities for possible launch locations and storage of materials.

- c. Lake Cleanup: Ms. Urbanik stated that there will be a lake cleanup event on Sunday, June 17 which will be conducted by Central Florida RECON (non-profit organization). It will be held at Warren Park Canoe Launch starting at 9 AM. The cleanup will be on the south lobe of the lake. City of Belle Isle will post information on its FB page and send out an E-Alert.

Information:

Cleanup hosted by: Central Florida Recon

Date: Sunday, June 17, 2018

Meet time: 9:00 am

Where: Launch at Warren Park Kayak Launch

Address: [3406 Warren Park Road, Orlando](#)

Central Florida Recon will have a few extra kayaks to share but they need to be reserved in advance. Some volunteers will paddle the waters of Lake Conway and fill our bins with trash while others can walk around Warren Park and pick up trash. We have a supply of buckets and trash grabbers for those volunteers who would rather walk and cleanup the park. There is no time requirement. You can volunteer for 30 minutes or two hours. All of our efforts will directly benefit Lake Conway.

- d. Lake Study: Ms. Urbanik stated that the data collection part of the study is expected to be completed by December. Then the consultant will be analyzing the data and developing a draft report for the Board review, which should take a couple months after the completion of data collection.
4. Marine Patrol Report: The Marine Patrol Report for May was presented by OCSO. The report is attached. This report is combined with the BIPD report (attached).
 5. Advisory Member Reports: None
 6. Water Elevation Report: David Woods reported on the lake levels. Mr. Woods also explained that the water temperature is at a level where, according to Mr. Woods, "We are in Amoeba season." You can sign up for Lake Conway reports and important emails at <https://tecengr.yolasite.com/cnb.php>
 7. Non-Agenda Items: None
 8. The meeting adjourned at 7:45 PM.

Attachments

- Nav Board Agenda
- Minutes of 5/8/18 Meeting
- Marine Patrol Report (OCSO and BIPD)
- Quarterly Aquatic Plant Management Report
- Lake level report

LAKE CONWAY WATER AND NAVIGATION CONTROL DISTRICT ADVISORY BOARD REGULAR MEETING AGENDA

June 12, 2018 at 6:30 P.M. at the Orange County Facilities Management Training Room

PLEDGE OF ALLEGIANCE

- I. Call Meeting to Order
- II. Approval of the May Minutes
- III. Public Comment
- IV. Comments of the Chairman
- V. Orange County EPD Report
 - Aquatic Plant Management
- VI. Marine Patrol Report
- VII. Advisory Board Member Report
 - Chairman Ray Vause
 - Vice Chairman Bobby Lance
 - Micky Blackton
 - Gary Meloon
- VIII. Lake Conway Water Elevation Report
- IX. Non- Agenda Items
- X. Meeting Adjourned

WHEN SPEAKING, PLEASE GIVE YOUR NAME AND ADDRESS

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or 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.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the Orange County Communications Division at (407) 836-3111.

Para mayor información en español, por favor llame al (407) 836-3111.

**Lake Conway Water and Navigation Control District Advisory Board
Regular Meeting
Orange County Facilities Management Training Room
May 8, 2018**

Board Members Present: Rabon Vause (Chairman), Bobby Lance (Vice-Chairman), Micky Blackton and Gary Meloon

Board Members Absent: None

Staff & Guests: Tara Urbanik, Orange County Environmental Protection Division (EPD); Corporal Bim Lowers, Orange County Sheriff's Office (OCSO); Lydia Pisano, Mayor of Belle Isle; Bob Francis, City Manager of Belle Isle; Sergeant Jeremy Millis, City of Belle Isle Police Department

Residents: Frances Guthrie, Cindy Lance, Horton Johnson and David Woods

- I. Call to Order:**

With a quorum present, Rabon (Ray) Vause called the meeting of the Lake Conway Water and Navigation Control District Advisory Board (Advisory Board) to order at 6:29 p.m.
- II. Approval of the April 10, 2018 Meeting Minutes**

Upon a motion by Micky Blackton, seconded by Gary Meloon, and carried with all present members voting AYE by voice vote; the Advisory Board approved the April 10, 2018 meeting minutes as presented.
- III. Public Comment on Propositions before the Advisory Board**

Chairman Vause received one request during the Public Comment period. Resident Cindy Lance requested a revision to her public comment in the March 13, 2018 minutes. The comment was requested to state the intent of her message as "Ms. Lance stated based on the name of Lake Conway Water and Navigation Control District Advisory Board, it seems the Advisory Board should be in control of the lake navigation concerns, and the City of Belle Isle does not own the water or the whole shoreline of the lake, so for the BIPD to be in charge of the whole lake is not suitable, it should be a partnership between the BIPD and the Orange County Sheriff's Office."

Upon a motion by Gary Meloon to amend something previously adopted, seconded by Micky Blackton, and carried with all present members voting AYE by voice vote; the Advisory Board approved the revision to the March 13, 2018 meeting minutes to reflect the intent of Cindy Lance's statement made during that time.
- IV. Comments of the Chairman**

Chairman Vause stated he had a meeting with Commissioner Clarke, the Belle Isle Police Department and EPD to discuss boating and boats for Belle Isle, and discuss supporting them with their need for a boat they can use for patrol, and potentially a pontoon boat for patrol. Chairman Vause added this will be something the Advisory Board will discuss and need to figure out how to work with Belle Isle to support them, but there is a long way to go.
- V. Orange County EPD Report**

Project Prioritization

Ms. Urbanik handed out the Lake Conway Water and Navigation Control District prioritization results of the projects supported by the taxing district. The highest priority is Water Quality Best Management Practices; the 2nd highest is the Hydrologic/Nutrient Studies and Water Quality Project Recommendations; the 3rd highest is Aquatic Plant Management and Canal Maintenance; the 4th highest is Uniform Waterway Markers; the 5th highest is Off-Duty Patrol Services; and the 6th highest is Public Education/Public Engagement. Ms. Urbanik stated the County Lake Management Section is requesting each lake advisory board conduct the same exercise to ensure their allocation of funding is consistent with each advisory board's goals, and that she is pleased the Advisory Board's ranking is similar to EPD's mission. Chairman Vause stated when he started with the Advisory Board, he remembers water quality concerns was the main focus of the Advisory Board projects, with the intent to keep pollutants out of the lake, rather than conducting projects in the lake to remove pollutants.

Upon a motion by Gary Meloon, seconded by Bobby Lance, and carried with all present members voting AYE by voice vote; the Advisory Board approved the Lake Conway Water and Navigation Control District Project Prioritization as presented.

Florida Uniform Waterway Marker Permit

Ms. Urbanik provided an update on the Florida Uniform Waterway Marker Permit. Based on a recent inspection of the uniform waterway markers, the Florida Fish and Wildlife Conservation Commission (FWC) has requested reflective improvements to the existing navigation markers.

VI. Marine Patrol Report

Corporal Lowers presented the off-duty patrol report and reiterated boating activity is dependent on the weather, and the activity level has been increasing. Most of the citations have been related to jet-ski activity.

VII. Advisory Board Member Report

- Chairman Ray Vause: No comment
- Vice Chairman Bobby Lance: Mr. Lance stated resident Rick Miller requested information on dredging the Hoffner Canal, however, Mr. Lance provided him information on the ongoing stormwater study and that the Advisory Board is waiting on project recommendations.
- Micky Blackton: No comment
- Gary Meloon: No comment

VIII. Lake Conway Water Elevation Report

David Woods presented his Water Elevation report.

IX. Non-Agenda Items

None discussed.

X. Meeting Adjourned

Chairman Vause adjourned the meeting at 7:13 p.m.

Rabon Vause, Chairman

Date

Minutes prepared by Tara Urbanik

Date



Lake Conway Marine Patrol Report



Orange County Sheriff's Office & Belle Isle Police Department

May-18

Dates	OCSO		BIPD		OCSO		BIPD		OCSO		BIPD		OCSO		BIPD		OCSO		BIPD		OCSO		BIPD		Total
	3	4	5	6	6	11	12	12	13	13	13	13	17	18	19	20	23	26	27	27	27	27	28	28	

Arrests	On duty OCSO patrol																							
	3	4	5	6	6	11	12	12	13	13	13	13	17	18	19	20	23	26	27	27	27	27	28	28
Felony																								
Misdemeanor																								
Warrant Arrests																								

Total																								
-------	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Productivity

Field Intelligence Reports																								
Dispatched Calls for Service																								
Reports Written																								
Vessel Accidents																								
Vessel Stops																								
Boating Citations Issued																								
Boating Warnings Issued																								
Vessel Inspections																								
Ramp Checks																								
Patrol Assists/Back-Ups																								

Total																								
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Hours Worked

Total																								
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Comments: (05/12) Wakeboarding accident. Skier fell while learning to ski and broke his leg. (05/12) Vessel almost sunk at Randolph Ramp while owner went to get keys. We assisted loading vessel and pulled the trailer out before any fuel leaked into the lake.
 Total stats include the 3 day Memorial Weekend (05/26-28) which OCSO patrolled with 2-3 vessels each day on duty and issued 16 citations.



Belle Isle Police Department

1521 NELA AVENUE
 BELLE ISLE, FL 32809
 PHONE (407) 240-2473
 FAX (407) 850-1616

Marine Stat Sheet

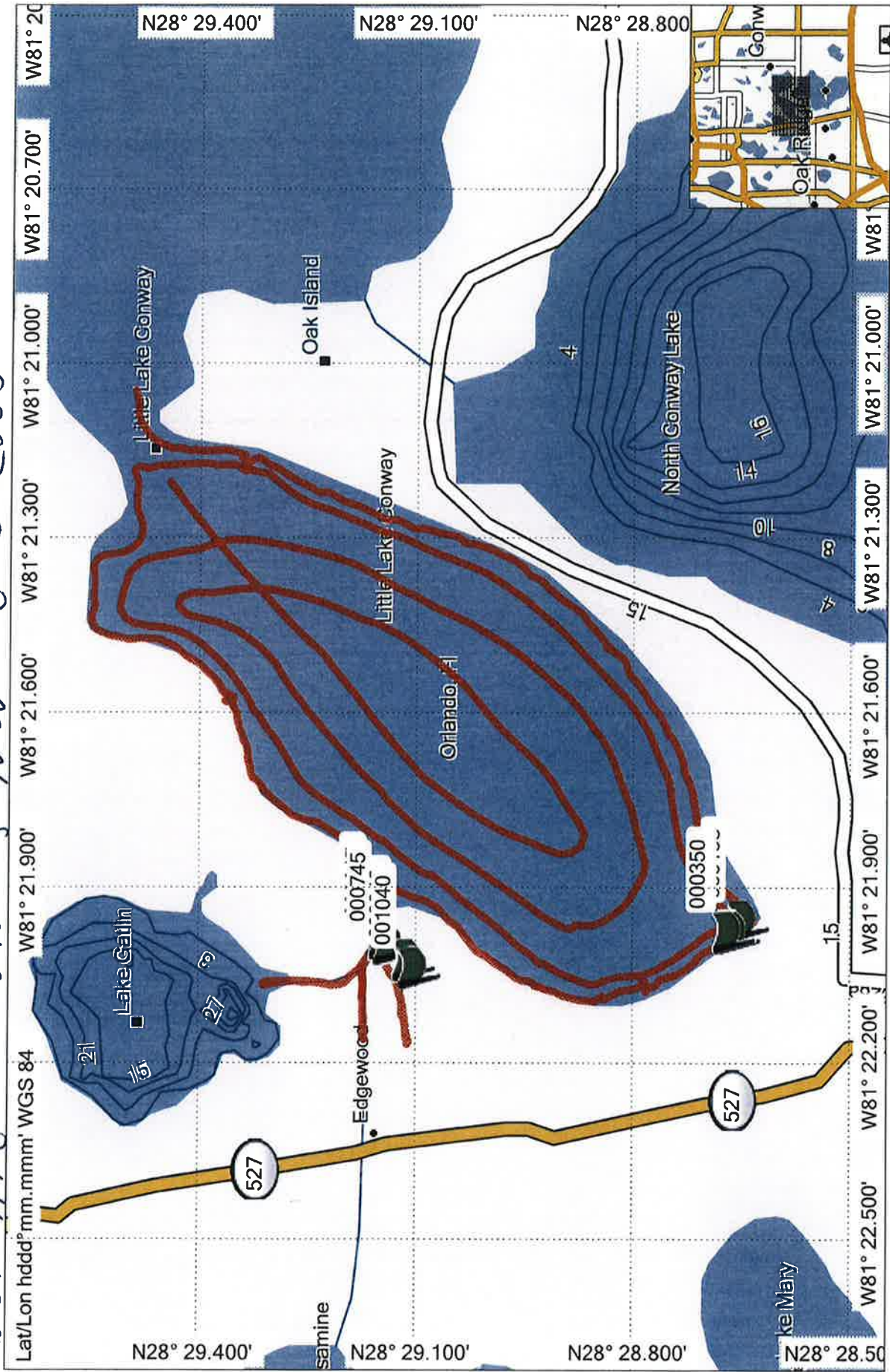
<i>Date(s)</i>	May Overall				
----------------	-------------	--	--	--	--

<u>Patrol Activity</u>						<i>Totals</i>
Boat Stops						41
Citations Issued						1
Warnings Issued						17
Boat Inspections						23
Boats Towed						0
Dispatched Calls						4
Reports Written						0
Vessel Accidents						0
Ramp Checks						32
FIR's						0
Patrol Assists						3

<u>Arrests</u>						
Felony						0
Misdemeanor						0
BUI						0

<u>Comments</u>	
-----------------	--

05/04/18 Conway NW G Jacobs



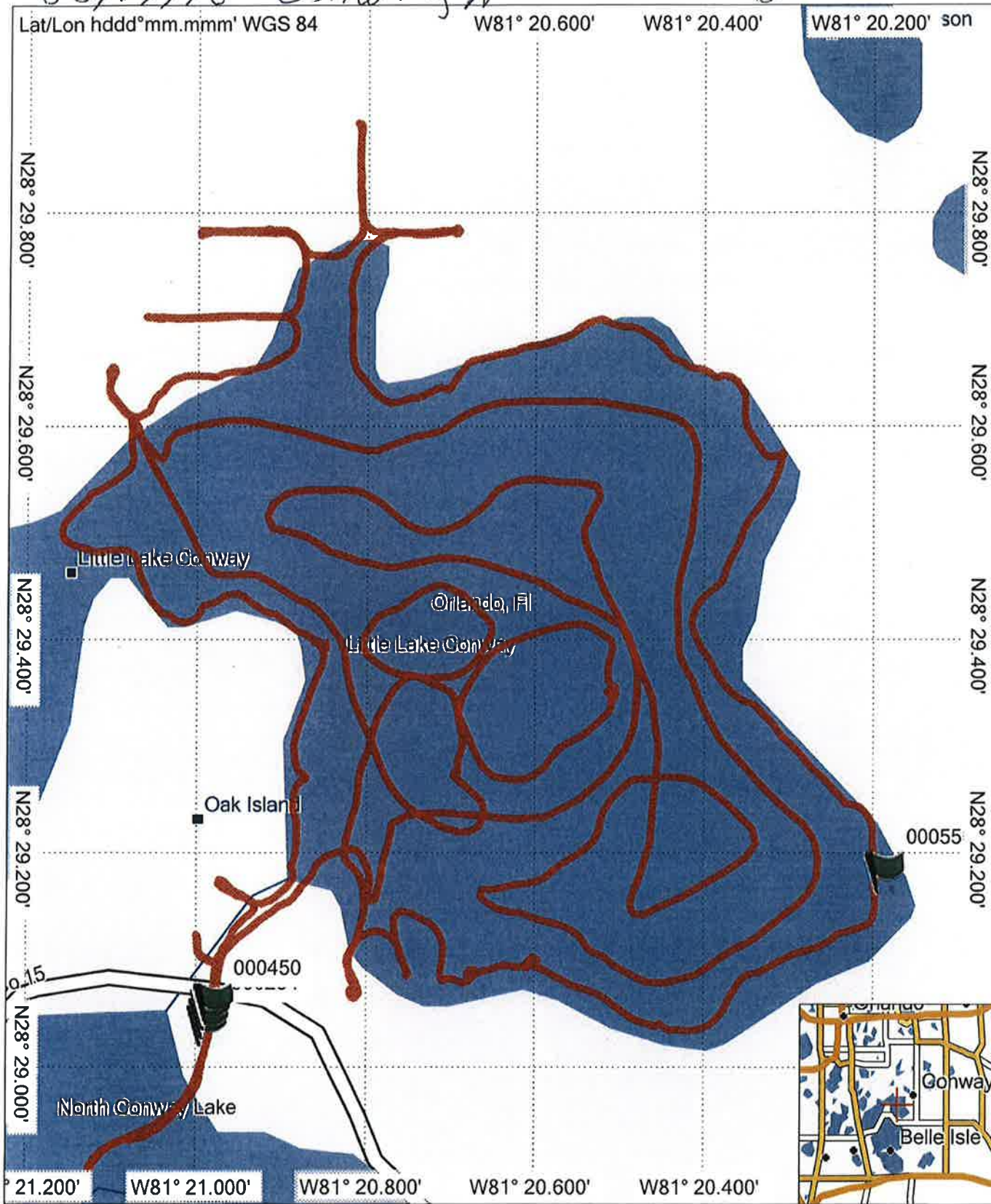
US Inland Lakes 2010
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05/07/18 Conway NE G Jacobs



US Inland Lakes 2010
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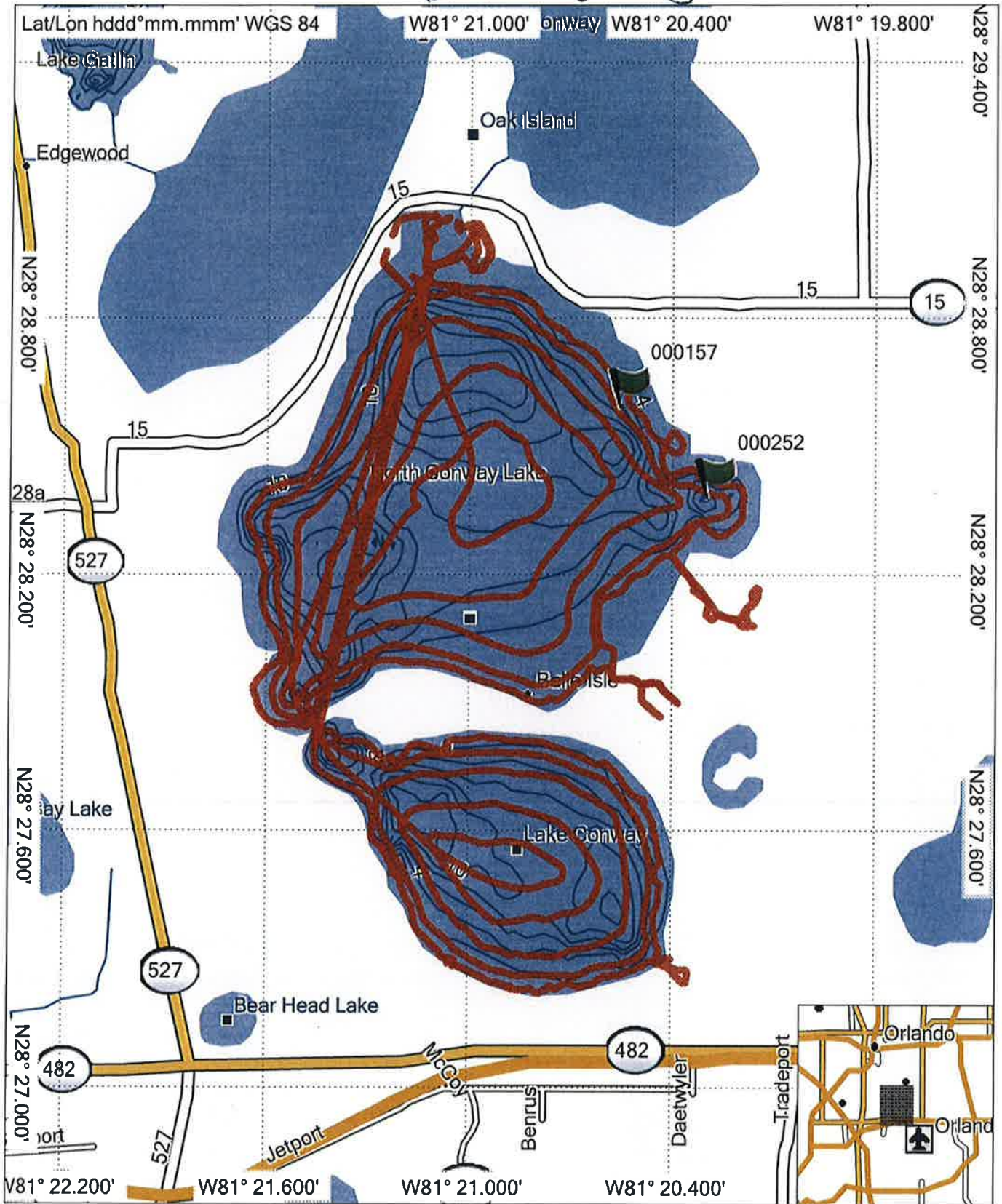
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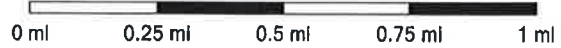
MN TN
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05/02/18 GS



US Inland Lakes 2010
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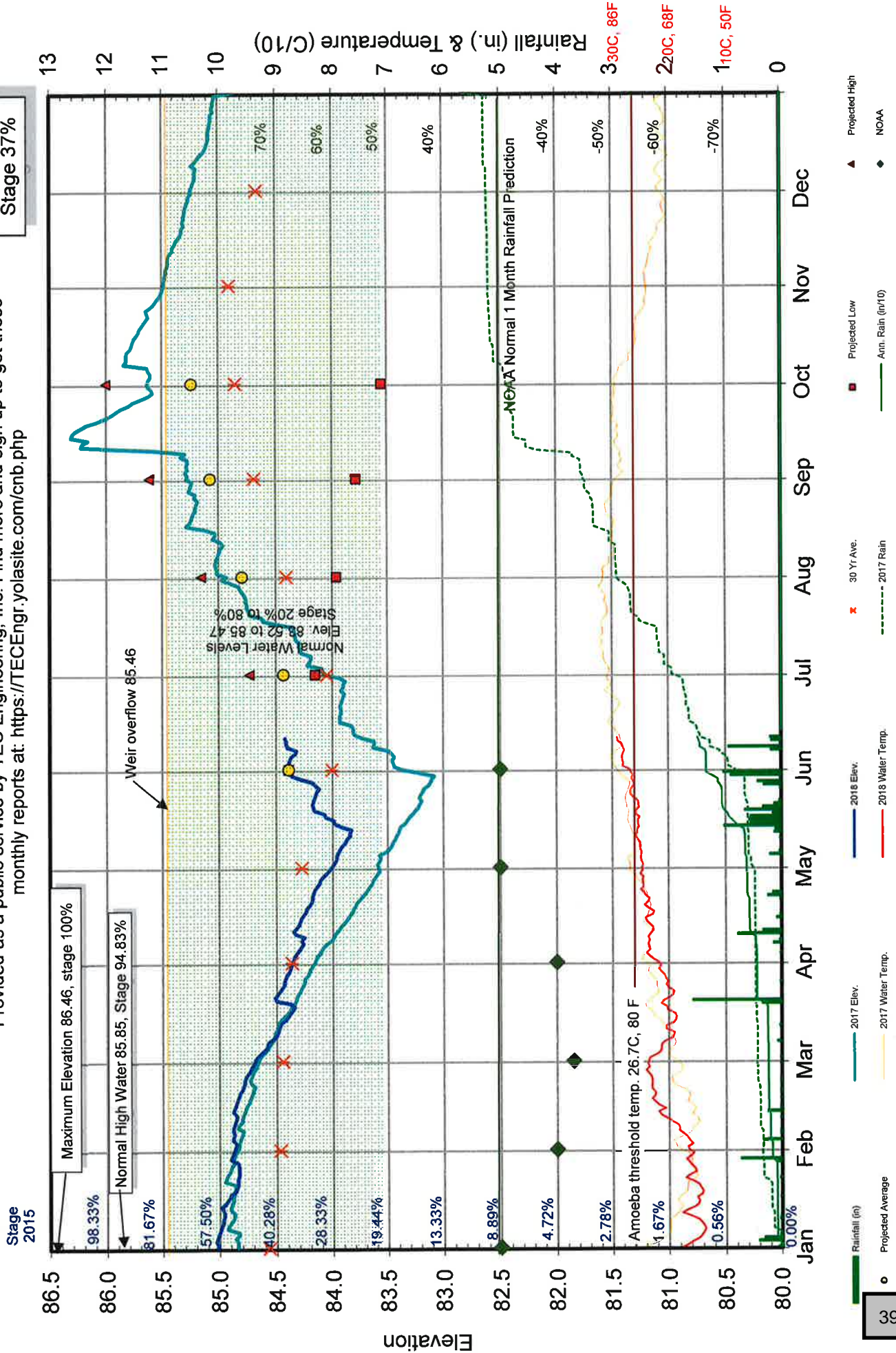
Conway South/mid

GARMIN.

Lake Conway 2018 Elevations (NAVD 88)

Provided as a public service by TEC Engineering, Inc. Find more and sign up to get these monthly reports at: <https://TECEngr.yolasite.com/cnb.php>

5/31/18
Elev 84.38
Stage 37%



**Belle Isle Issues Log
6/19/2018**

<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	4/30/2018	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	Need to purchase materials and build system. On hold until the City and EDP meet to discuss further.
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	9/30/2018	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Another change to contract documents, so approval is delayed to determine FEMA Funds approval.
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	Paving of Windsor Place, Lake Conway East, Venetian, Peninsula, and McCawley completed.	CM to consider change in the Scope of the Project to look at curb replacement
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, McCawley Ct., Swann Beach, 3101 Trentwood.	4/3/2017	PW/ENG	5/31/2018	City Manager determined areas that need to have a priority of work for stormwater fixes. Construction plans being developed for St. Partins, Wind Drift, Nela Ave. Projects may be delayed to next budget year	LCS Project to begin June 18.
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 chicane. Focus is on Transportation Master Plan. Repair of chicane is being reviewed.	Community Meeting on Transportation Master Plan scheduled for June 21, 2018 at CCA Atrium.
Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	Contacting fountain installers for quotes. Art work to be contest for residents. Initial Quotes received were for \$75K and \$51K without art work.	G'Werks to do fountain. Centerpiece is here. Should see demo of roundabout soon after Perkins Ramp is complete.
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	Next year budget item

**Belle Isle Issues Log
6/19/2018**

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 change in progress. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration.	Next step is for Council to determine what else (if anything) should be done to Wallace Field (example: community gardens). Possible workshop or community survey for direction.
Perkins Boat Ramps	Council discussed issues at June 14 meeting for Perkins ramp . Rules need to be put in place according to Ordinance 18-20. Perkins also needs to be upgrade with new fencing, ramp construction and road and dock construction. New drainage also needs to be installed. Council allocated \$38,000 to drainage.	4/3/2017	CM	12/31/2017	Closure level agreed upon. New sign is at sign maker. Fencing is delayed due to lack of materials (wood). Starting the process to complete other issues (drainage, fill in the void at end of the ramp, wheel stops on ramp, trailer parking). New fence at Perkins Ramp.	Dock is completed. Gauge and ramp markers are in place. Void at end of ramp filled and wheel blocks are in place. Driveway improvements done.
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.	Working on purchase of Cross Lake. Waiting on appraisal. Should we do a Phase 1 environmental based on assumption it could have an old drain field.
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	Once CFP is developed, then a joint agreement will be developed outlining which entity is responsible for maintenance costs.	Capital Facility Plan complete. HVAC equipment to be here in July. CCA considering purchase of property. Roofs are being patched, not repalced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues
Short Term Rental	Council discussed short term rentals and directed staff prepare paper for April 17 Meeting	3/20/2018	CM	8/31/2018	Staff is preparing information on short term rentals.	Agenda item

**Belle Isle Issues Log
6/19/2018**

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/CM	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.	Need guidance from council on when they want to do planning.
Bird Sanctuary Designation	The City has an ordinance designating Belle Isle as a Bird Sanctuary; however it is not recognized by the state (FWC). In speaking with the FWC Regional Director, the city has not applied for the designation IAW Florida Statutes. The Council would like to have BI recognized as a bird sanctuary hoping that it will protect many of the <u>birds that call Lake Conway home.</u>	4/3/2017	CM	12/31/2017	Application completed per Florida Statutes and sent to FWC for consideration at FWC January Meeting. New ordinance adopted IAW FWC guidelines and FAL 68a-19.002	Agenda item
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.	It was determined that no code revisions have been completed. In progress
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. In March, the consultant told the Council that the plan is up to date and no changes are necessary. CM believes that changes are needed. They could be made anytime.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Any changes should go to P&Z Board for recommendation to Council. No changes were made. Comp Plan review started by CM
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 to determine the priority to annex especially with the establishment of the Pine Castle Urban Center on S. Orange Ave. CA provided information to Council on annexation. Workshop should be scheduled to	Workshop held on 1/11/18. Council discussion at February meeting. Staff reviewed documents. Report is being scheduled for June Meeting

**Belle Isle Issues Log
6/19/2018**

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)	Duke starting to install LED lights. Looking into feassibility of getting solar for BIPD
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	3/31/2018	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. Tree City application approved at State Level. City received 12 free fruit trees for planting at Wallace field



Randy J. Holihan

Summary

Forty years of experience in the real estate development and management industry, including shopping center, residential, timeshare and amenity development, planning, construction, leasing, property management and sales/marketing operations and administration.

Professional Experience

1989 to Present **Brandon Partners, Inc.** Orlando, FL
Pasadena Capital, Inc.
The Brandon Company

Partner

Responsibilities include development, site selection, site procurement and leasing of future and existing retail centers, tenant identification, purchase and sale of retail centers, construction/renovation of retail centers, and government relations.

1986 to 1989 **Lake Nona Corporation** Orlando, FL
Senior Vice President of Sales & Marketing

Responsible for the daily operations of a 6,800-acre Planned Unit Development. These operations included development, sales/marketing, and leasing for both commercial, residential amenity operations. Additional duties were land planning, product use, government approval process, security and homeowners association.

1977 to 1986 **Information furnished upon request**

Education

Graduated 2001 **University of Phoenix** Orlando, FL
• M.B.A.: Major - Business

1973-1977 **Eastern Kentucky University** Richmond, KY
• B.B.A.: Major - Business
Special Emphasis - Real Estate and Finance

Professional Associations and Designations

Licensed Real Estate Broker (State of Florida)
International Council of Shopping Centers (ICSC) – Member since 1990
ICSC – Certified Retail Property Executive (CRX)
ICSC – Senior Certified Shopping Center Manager (SCSM)

ICSC – Senior Certified Leasing Specialist (SCLS)

President/Director – Vista Lakes Property Owners Associations

Past Member of:

Orlando Area Board of Realtors

Government Affairs Board of Directors (ICSC)

Florida Hospital Foundation Board of Directors

Hidden Creek Homeowners Association Board of
Directors

Greenview Homeowners Association Board of Directors

Orange County Growth Management – Comprehensive
Plan Committee

Past Chairman - City of Orlando Code Enforcement Board

Past Director of Vista Lakes CDD

RESOLUTION NO. 18-07

RESOLUTION AUTHORIZING COLLECTION OF SOLID WASTE FEES FROM THE RESIDENTS OF THE CITY OF BELLE ISLE FOR TAX YEAR 2018.

W I T N E S S E T H :

WHEREAS, the City of Belle Isle, Florida, provides solid waste collection for its residents;
and

WHEREAS, the City levied a special non-ad valorem assessment against all residential developed real property located within the city boundaries for said solid waste collection services;
and

WHEREAS, Chapter 28, Article V, Section 28-202 of the Belle Isle Code of Ordinances provides that the amount of the solid waste service assessment in any fiscal year shall be determined by the rates, fees and charges established by the city solid waste franchise agreement; and

WHEREAS, said solid waste collection services are performed on behalf of the City of Belle Isle by a contractor pursuant to a franchise agreement; and

WHEREAS, the said franchise agreement for collection provides for increases on an annual basis based on the Consumer Price Index and current disposal costs; and

WHEREAS, the City desires to set the rates for the tax year 2018 in order to enable the Orange County Tax Collector to include the same on the 2018 tax bills; and

WHEREAS, the City Council finds that the amount necessary to provide such service in the year 2018 is \$236.00 per residence from the current \$200.

NOW, THEREFORE, be it hereby resolved that the assessment for solid waste collection for the year 2018 is \$236.00 per residence.

This Resolution shall take effect immediately upon adoption.

ADOPTED, by an affirmative vote of a majority of a quorum present of the City Council of the City of Belle Isle, Florida, at a regular meeting, this 19th day of June, 2018.

LYDIA PISANO , MAYOR

ATTEST:

Yolanda Quiceno, City Clerk

Adopted: _____

STATE OF FLORIDA
COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that Resolution No. 18-07 and foregoing Resolution was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the _____ day of June, 2018.

Yolanda Quiceno, City Clerk

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

2 The City Manager is hereby directed and authorized to transmit to the Orange County Property
3 Appraiser, no later than July 1, 2018 the proposed non-ad valorem storm water utility
4 assessment roll setting forth a proposed non-ad valorem assessment fee of \$110.00 per year
5 per ERU for each developed property in the City of Belle Isle, which proposed assessment shall
6 be included on the Orange County Property Appraiser's notice of proposed property taxes and
7 non-ad valorem assessments pursuant to s. 200.069, F.S.

8 This Resolution shall be effective immediately upon adoption.

9
10 _____
Lydia Pisano, Mayor

11 ATTEST: _____
12 Yolanda Quiceno, CMC, City Clerk

13 Approved as to form and legality _____
14 Kurt Ardaman, City Attorney

15 STATE OF FLORIDA
16 COUNTY OF ORANGE

17 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby
18 certify that the above and foregoing Resolution No. 18-08 was duly and legally passed and
19 adopted by the Belle Isle City Council in session assembled, at which session a quorum of its
20 members were present on the _____ day of _____, 2018.

21
22 _____
23 Yolanda Quiceno, City Clerk
24
25

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR VACATION RENTAL AGENT REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO DESIGNATION, APPLICATION, QUALIFICATIONS, DUTIES, SUSPENSION, AND INSURANCE REQUIREMENTS; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO SAFETY, OCCUPANCY, SWIMMING POOL/HOT-TUB/SPA, BEDROOMS, FIRE SAFETY, INGRESS AND EGRESS, LOCAL PHONE SERVICE, PARKING, SOLID WASTE HANDLING, QUIET HOURS AND POOL HOURS, VIOLATIONS OF THE LAW, ADVERTISING, PROHIBITION OF SEX OFFENDERS, POSTING OF INFORMATION, AND OTHER PROVISIONS; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Section 509.013, Florida Statutes, provides a distinction between "transient public lodging establishments," which are rented, or advertised or held out for rental to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less; and "nontransient public lodging establishments," which are rented, or advertised or held out for rental to guests for periods of at least 30 days or 1 calendar month, whichever is less; and

WHEREAS, Section 509.242(1)(c), Florida Statutes, further provides for a subset of transient public lodging establishments, called "Vacation Rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project; and

WHEREAS, Section 509.032(7)(b), Florida Statutes provides that, "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011"; and

WHEREAS, the Florida Attorney General's Office has recognized that "local governments may regulate vacation rentals, provided those regulations do not prohibit vacation rentals or restrict the duration or frequency of vacation rentals," AGO 2014-09; and

WHEREAS, on March 4, 2008, the City adopted Ordinance No. 08-03 creating City Code Section 7-30 prohibiting "short-term rentals, i.e., rentals for a term of less than seven months," which provision encompasses vacation rentals and is grandfathered in and constitutes a valid prohibition of vacation rentals under Section 509.032(7)(b), Florida Statutes; and

WHEREAS, the City wishes to explicitly preserve Ordinance No. 08-03 and Section 7-30 of the City Code while allowing a subset of vacation rentals within the City which are owner-occupied and which meet the requirements under this Ordinance; and

WHEREAS, the City finds that the regulations and requirements adopted by this Ordinance do not prohibit vacation rentals or restrict their duration or frequency; and

WHEREAS, the City finds that the regulations and requirements adopted by this Ordinance are in the interests of the public health, safety, and welfare, in light of the following concerns:

(1) Residents residing within their residential dwellings are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

(2) Visitors are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the Vacation Rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

(3) Certain illegal Vacation Rentals are presently located within the Residential Zoning districts of the City of Belle Isle; and

(4) Vacation Rentals, left unregulated, can and do create negative impacts within residential neighborhoods due to excessive noise, parking and traffic problems, excessive use and impact on public services and public works, and extreme size and greater occupancy; and

(5) Vacation Rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents; and

(6) Vacation Rentals located within established residential neighborhoods can and do create negative compatibility impacts relating to extreme noise levels, late night activities, on-street parking issues and traffic congestion; and

(7) A residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their

neighborhood without excessive noise and increased parking issues and traffic congestion caused by transient occupants of Vacation Rentals; and

(8) The City of Belle Isle has suffered an increase in the illegal establishment of vacation rentals, with no notice to the City; and

(9) Vacation Rentals situated in single-family and two-family residential neighborhoods can and do create a great disparity in occupancy; and

(10) Water and wastewater usage by Vacation Rentals will typically exceed the anticipated design capacity of a structure when permitted and built, creating an additional demand on the water and wastewater systems; and

(11) The City of Belle Isle has limited parking available and parking upon rights of way is generally allowed for use of the residents. Therefore, it is vital for the City to keep on-street parking available for such use, and not allow such use to be effectively taken up by off-site parking at Vacation Rentals.

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

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

SECTION 2: CITY CODE AMENDMENT. There is hereby created a new Article III, Chapter 7 of the City Code, as follows:

ARTICLE III – VACATION RENTALS.

DIVISION I. – IN GENERAL.

Sec. 7-50. – Definitions.

The following terms as used in this Article are defined as set forth hereinafter:

"Bedroom" means any room in a Vacation Rental that contains 70 square feet or more, and which has a bed or other place for sleeping and a closet, but shall not include a bathroom, a kitchen, and one main living area. No room shall be considered to be a bedroom unless it was so designated on the plans submitted to the City for the construction of the building.

"Continuing Violation" means a violation of this Chapter that is continuing in nature and for which there may be an opportunity to cure, such as, but not limited to, operation of a Vacation Rental without a currently valid Vacation Rental License, failing to acquire a modified Vacation Rental License when required, violations of minimum safety and operational requirements under this Chapter, and violations of the Florida Building Code, Florida Fire Code or Life Safety Code.

"Occupant" means any person who occupies, either during the day or overnight, a Vacation Rental.

"Owner-Occupied" means an activity whereby a resident hosts visitors in their home, for periods of 30 consecutive days or less, while at least one of the primary residents lives on-site throughout the visitor's stay. The guest enjoys the non-exclusive shared use of the unit with at least one of the persons who is domiciled at the location.

"Primary Residence" means where the homeowner usually lives and can provide evidence such as a driver's license, income tax statement or property tax statement with a homeowner's exemption.

"Transient public lodging establishments" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

"Transitory Violation" means a violation of this Chapter that is transitory, transient, or temporary in nature, such as, but not limited to, a violation of quiet hours or pool hours, maximum occupancy violations, parking in the right of way, failure to make Vacation Rental available for inspection as required herein, failure of Rental Agent to comply with the duties of a Vacation Rental Agent as set forth in this Chapter, and failure to have required postings at the Vacation Rental.

"Vacation Rental" is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

"Vacation Rental Agency" is any real estate company, or other entity, or group of entities and/or individuals, that employs or has associated with it in any way, any two or more Vacation Rental Agent(s), or is used for purposes of advertising two or more Vacation Rentals, managing two or more Vacation Rentals, providing booking services for two or more Vacation Rentals, purchasing or otherwise obtaining insurance for two or more Vacation Rentals or two or more Vacation Rental Agents. It is the intent of this definition to broadly include all entities or groups that provide services to two or more Vacation Rentals or Vacation Rental Agents.

"Vacation Rental Agent" is a person designated as a Vacation Rental Agent in accordance with the provisions of this chapter. The Vacation Rental Agent may also be the Vacation Rental Owner.

"Vacation Rental Owner" is the fee simple owner of the Vacation Rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the Vacation Rental Owner is not an individual, each and every person who owns 20% or more of the equitable interest in the Vacation Rental shall also be deemed a Vacation Rental Owner.

Sec. 7-51. – Penalties and Enforcement.

(a) *Transitory Violations.* For Transitory Violations as defined herein, the Vacation Rental owner, the Vacation Rental Agent, and/or the offending Vacation Rental Occupant(s), as applicable and without limitation, may each be deemed to be a "violator" as that term is used in Article III of Chapter 7 of the Code of Ordinances of the City of Belle Isle, and may be punished as follows. Each individual Transitory Violation shall constitute a separate and distinct violation, and if the Transitory Violation continues for more than one day, each day that the violation continues will be considered a separate and distinct violation. Any Transitory Violation may be punished by citation, as provided in the Belle Isle City Code and/or Chapter 162 of the Florida Statutes, including but not limited to the requirements of a reasonable warning prior to issuance of a citation; provided, however, such violation shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental License as provided hereinafter, for the third offense.

(b) *Continuing Violations.* For Continuing Violations as defined herein, the Vacation Rental owner, the Vacation Rental Agent, and/or the offending Vacation Rental Occupant(s), as applicable and without limitation, may each be deemed to be a "violator" as that term is used in Article III of Chapter 7 of the Code of Ordinances of the City of Belle Isle, and may be punished as follows. Each day a violation exists shall constitute a separate and distinct violation. Continuing Violations may be punished by citation, as provided in the Belle Isle City Code and/or Chapter 162 of the Florida Statutes, including but not limited to the requirements of a reasonable warning prior to issuance of a citation; or through the Code Enforcement Magistrate procedure as provided under the Belle Isle City Code; provided, however, such violations shall be subject to a fine in the amount of \$250.00, for the first offense, \$500.00 for the second and subsequent offenses, plus a suspension of the Vacation Rental License as provided hereinafter, for the third offense.

(c) *Other enforcement methods and penalties.* Notwithstanding anything otherwise provided herein, violations of this chapter shall also be subject to all the enforcement methods and penalties that may be imposed or available for the violation of ordinances of the city as provided in Article III of Chapter 7 of the Code of Ordinances of the City of Belle Isle, any other applicable provision of the Code of Ordinances, or as provided by state statute. Nothing contained herein shall prevent the City of Belle Isle from seeking all other available remedies which may include, but not be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law.

(d) *Suspensions of license.*

(1) In addition to any fines and any other remedies described herein or provided for by law, the City of Belle Isle shall suspend a Vacation Rental License upon a third violation of this Article in any continuous 12 month period. Such suspension of a Vacation Rental License shall be for a period of one year, and shall begin following notice, commencing either at the end of the current vacation rental lease period, or after thirty (30) calendar days, whichever is less.

(2) For violations of Subsections 7-93(a), (d), (e), (f), (g), or (h), or violations of the Florida Building Code, or Florida Fire Code or Life Safety Code, a Vacation Rental License shall be subject to temporary suspension starting immediately three (3) working days after citation for such violation if it is not corrected, re-inspected, and found in compliance. Such suspension shall remain in place until corrected, re-inspected, and found in compliance.

(e) For all purposes under this chapter, service of notice on the Vacation Rental Agent shall be deemed service of notice on the applicable Vacation Rental Agent, Vacation Rental Owner, the Vacation Rental Agency with which such Vacation Rental Agent is associated, and Occupant.

(f) No Occupant shall occupy a Vacation Rental, and no advertisement for the Vacation Rental shall occur during any period of suspension of a Vacation Rental's Vacation Rental License.

Sec. 7-52. – Responsibilities of Departments.

The ultimate responsibility for the administration of this Article is vested in the City Council. The City Manager or his or her authorized designee is responsible for granting, denying, revoking, renewing, suspending and canceling Vacation Rental Licenses for proposed and existing Vacation Rentals as set forth in this chapter. Additionally, the City Manager or his or her authorized designee is responsible for inspecting any proposed or existing Vacation Rental in order to ascertain compliance with this chapter, and all applicable building codes, fire codes, statutes, ordinances and regulations.

Sec. 7-53. – Appeals

Any decision of the City Manager or his or her authorized designee relating to the grant, denial, renewal, modification, or suspension of a Vacation Rental License under this Chapter shall be rendered in writing in appealable form, and reviewed by the City Council if a notice by the applicant is filed with the City Clerk within ten (10) days after the action to be reviewed. The City Clerk shall place the matter on the agenda of an upcoming meeting of the City Council, at which the matter will be reviewed. The decision of the City Council shall be final and shall be rendered in writing in appealable form. Such final decision may be reviewed as permitted under Florida law.

Sec. 7-54. – Notice.

Any notice required under this Article shall be accomplished by sending a written notification by U.S. Mail, postage paid, to the mailing address of the Vacation Rental Agent set forth on documents filed with the City of Belle Isle under this Article, which shall be considered for all purposes as the correct address for service, or by personal service or delivery to the Vacation Rental Agent.

Sec. 7-55. – Immunity from prosecution.

The City of Belle Isle, the City Council, the Mayor, the City Commissioners, and any of the City's departments or agents, and any law enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon a Vacation Rental while acting within the scope of this Article.

Sec. 7-56. – Construction of Article.

(a) This Article shall be liberally construed to accomplish its purpose of regulating Vacation Rentals, protecting the residential character of Belle Isle, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by Belle Isle's residents of their residential property.

(b) Neither this Article nor any provision contained herein shall be construed to override, repeal, or in any way invalidate the prohibition on short-term rentals provided for in Section 7-30 of the City Code, and such provision remains in full force and effect and shall apply to the extent that a vacation rental or short-term rental is not allowed under this Article.

DIVISION II. – VACATION RENTAL LICENSE.

Sec. 7-57. - License required.

After the effective date of the passage of this ordinance, an active Vacation Rental License shall be required to operate a Vacation Rental within the City of Belle Isle. After the effective date, only Vacation Rentals holding an active Vacation Rental License issued by the City of Belle Isle may operate within the City. Prior to the issuance of a Vacation Rental License, the City of Belle Isle shall ensure that the building in which the Vacation Rental is or will be located is in full compliance with the appropriate portions of the Florida Building Code and the Florida Fire and Life Safety Codes. A separate Vacation Rental License shall be required for each Vacation Rental. Applications for Vacation Rental License(s) for currently existing Vacation Rentals shall be submitted to the City of Belle Isle in accordance with the Vacation Rental Application Schedule or any other policy adopted by Resolution of the City Council of the City of Belle Isle or by the City Manager.

Sec. 7-58. - Permitted by HOA.

Prior to the application for a permit, if the residence is overseen by an HOA, the resident shall get approval from the HOA prior to applying for a license. The written authorization of the HOA shall be included with the City application.

Sec. 7-59. - Application for Vacation Rental license.

(a) There is no "grandfathering" of Vacation Rental Properties that were operating prior to the existence of this ordinance. A property owner seeking initial issuance of a Vacation Rental License, or the renewal, or modification of a Vacation Rental License, shall submit to the City a completed Vacation Rental License application in a form promulgated by the City,

together with an application fee in an amount set by resolution of the City Council or by the City Manager.

(b) A complete application for the initial issuance, or renewal, or modification, of a Vacation Rental License shall demonstrate compliance with the standards and requirements set forth in this Chapter through the following submittals:

(1) A completed Vacation Rental License application form.

(2) Payment of applicable fees.

(3) A copy of the Vacation Rental's current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation if the applicant has such license. Pursuant to Section 166.033, Florida Statutes, the City may process and issue a Vacation Rental License before the issuance of that state license; provided, however, that the Vacation Rental may not operate prior to receiving such state license if required by law.

(4) A copy of the Vacation Rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue. Pursuant to Section 166.033, Florida Statutes, the City may process and issue a Vacation Rental License before the issuance of that state certificate of registration; provided, however, that the Vacation Rental may not operate prior to receiving such state certification of registration.

(5) Letter from the HOA authorizing the residence to be a vacation rental.

(6) Evidence of the Vacation Rental's current and active account with the Orange County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Orange County Tax Collector. Pursuant to Section 166.033, Florida Statutes, the City may process and issue a Vacation Rental License before the establishment of such account; provided, however, that the Vacation Rental may not operate prior to the establishment of such account if required by law.

(7) A copy of the current Certificate of Occupancy for the building in which the vacation rental is or will be located. The City shall check to ensure that the current Certificate of Occupancy indicates an occupancy pursuant to Section 310.01 of the Florida Building Code of R-1 for the building planned to be used as a Vacation Rental. In the event the current Certificate of Occupancy is for an occupancy other than R-1, the applicant must apply to the City of Belle Isle for a Change of Use to R-1 pursuant to the Florida Building Code prior to the issuance of a Vacation Rental License.

(8) Exterior site sketch. An exterior sketch of the Vacation Rental facility shall be provided, demonstrating compliance with the standards and requirements set forth in this Chapter. The sketch provided shall be drawn to scale, and shall show and identify all

structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off-street parking and trash collection. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided.

(9) Interior building sketch by floor. A building sketch by floor shall be provided, showing a floor layout and demonstrating compliance with the standards and requirements set forth in this Chapter. The sketch provided shall be drawn to scale, and shall show and identify all bedrooms, other rooms, exits, hallways, stairways, smoke and carbon monoxide detectors, fire extinguishers and exit signage/lighting.

(10) Certification from Certified Building Official that the building is in compliance with Florida Building Codes and Florida Life Safety Codes.

(c) Incomplete applications will not be accepted, but will be returned with a notation of what items are missing. Any fees, minus a \$50 processing fee, submitted as part of the application will be returned to the applicant.

(d) Vacation Rental License applications shall be sworn to under penalty of perjury, and false statements in an application shall be a basis for the revocation of any license issued pursuant to such application.

Sec. 7-80. Modification of Vacation Rental License.

An application for modification of a Vacation Rental License shall be required in the event that any of the following changes to the Vacation Rental are proposed:

- (1) An increase in the gross square footage of the Vacation Rental.
- (2) An increase in the number of bedrooms in the Vacation Rental.
- (3) An increase in the maximum occupancy of the Vacation Rental.
- (4) An increase in the number of parking spaces, or a change in the location of parking spaces for the Vacation Rental.
- (5) An increase in the number of bathrooms in the Vacation Rental.
- (6) Any other material modifications that would increase the intensity of use of the Vacation Rental.

Sec. 7-81. - Duration of Vacation Rental License.

A Vacation Rental License shall be valid for two (2) years after the date of issuance.

Sec. 7-82. - Renewal of Vacation Rental License.

A Vacation Rental Owner must apply annually for a renewal of the Vacation Rental License no later than sixty (60) days prior to the expiration date of the previous Vacation Rental License. It is the responsibility of the Vacation Rental Owner to know when the renewal period is.

Sec. 7-83. - Initial and Periodic Compliance Inspections of Vacation Rentals.

(a) Inspection of a Vacation Rental to verify compliance with this Chapter, the Florida Building Code, and the Florida Fire and Life Safety Codes, shall be required prior to issuance of an initial Vacation Rental License. If instances of noncompliance with the standards and requirements set forth in this Chapter are found, all such instances of noncompliance shall be corrected and the Vacation Rental shall be re-inspected prior to the issuance of an initial Vacation Rental License.

(b) Once a Vacation Rental License is issued for a Vacation Rental, such Vacation Rental shall be properly maintained in accordance with the standards and requirements set forth in this Article. The City may establish a schedule to re-inspect such Vacation Rental as to ensure compliance with the standards and requirements set forth in this Article and the Belle Isle Code of Ordinances. All violations of this Article or the Belle Isle Code of Ordinances identified in such inspection shall be corrected and re-inspected within 30 calendar days after the issuance of a notice of violation, with the exception of life safety violations, which must be corrected within the earlier of three (3) working days or the start of the next rental period. Failure to correct such violations within the timeframes provided shall result in the suspension of the Vacation Rental License until such time that the violations are corrected, re-inspected, and found in compliance.

(c) The City may inspect a Vacation Rental at any time upon reasonable notice to the Vacation Rental Agent. Inspections shall be made by appointment with the Vacation Rental Agent. If a City inspector has made an appointment with Vacation Rental Agent for an inspection, and the City inspector is unable to complete the inspection as a result of an action or inaction of the Vacation Rental Agent, Vacation Rental Owner, or an occupant of the Vacation Rental, the Vacation Rental shall be charged a "re-inspection" fee in an amount set by resolution of the City Council to cover the inspection expense incurred. The re-inspection fee shall be paid prior to scheduling the re-inspection.

(d) If, after two attempts, a City inspector is unable to complete an inspection of a Vacation Rental as a result of an action or inaction of the Vacation Rental Agent, Vacation Rental Owner, or an occupant of the Vacation Rental, the City inspector shall provide notice of failure of inspection to the Vacation Rental Agent at the address shown on the Vacation Rental License or application for Vacation Rental License. With respect to an application for a Vacation Rental License, such notice of failure of inspection shall constitute a basis for the denial of the Vacation Rental License. With respect to an active Vacation Rental License, such notice of failure of inspection shall result in the suspension of the Vacation Rental License until such time that the Vacation Rental is inspected and found in compliance.

Sec. 7-84. - Vacation Rental License non-transferable, non-assignable.

Vacation Rental Licenses are non-transferable and non-assignable. If the ownership of any Vacation Rental is sold or otherwise transferred, any outstanding Vacation Rental License as to that Vacation Rental shall be null and void upon the sale or transfer.

Sec. 7-85. Vested Rights/Waiver/Estoppel

The issuance of a Vacation Rental License shall not be construed to establish any vested rights or entitle the license holder to any rights under the theory of estoppel. Issuance of a Vacation Rental License shall not be construed as a waiver of any other requirements contained within the City of Belle Isle City Code or Comprehensive Plan, and is not an approval of any other code requirement outside this chapter. The receipt of a Vacation Rental License is not an approval of a use or activity that would otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire Code or Life Safety Code, or in violation of the Belle Isle City Code or Comprehensive Plan.

DIVISION III. VACATION RENTAL AGENT.

Sec. 7-86. - Designation, application.

(a) Prior to the issuance, modification or renewal of a Vacation Rental License, the Vacation Rental Owner shall designate a Vacation Rental Agent on the Vacation Rental License application. In order to designate a Vacation Rental Agent, the Vacation Rental Owner and Vacation Rental Agent shall complete documentation as prescribed by the City of Belle Isle that includes the following:

(1) Designation of Vacation Rental Agent by Vacation Rental Owner; The Vacation Rental Owner may be the Vacation Rental Agent

(2) Vacation Rental Agent's full name, home and business addresses, home telephone number, business telephone number, cellular phone telephone number, facsimile machine phone number, and e-mail address, together with copies of the Vacation Rental Agent's Florida Driver's License, and proof of professional licensure, if any.

(3) Certificate on a form prescribed by the City certifying that the Vacation Rental Agent meets the qualifications of a Vacation Rental Agent as set forth herein; that he or she has read the Vacation Rental Article in full and certifies that he or she meets the qualifications of a Vacation Rental Agent and agrees to perform the duties of a Vacation Rental Agent as set forth herein; that he or she agrees to be bound by the requirements, conditions, and penalties for Vacation Rental Agents as set forth herein; and that in the event he or she no longer has the qualifications, or is unable or unwilling to fulfill the role of Vacation Rental Agent, he or she will immediately so notify the City of Belle Isle and the owner of the Vacation Rental.

(4) A document prescribed by the City of Belle Isle, and signed under oath before a notary public, by both the Vacation Rental Owner and the Vacation Rental Agent, agreeing to, jointly and severally, indemnify, defend, save and hold harmless the City of Belle Isle, and its elected officials, officers, agents, and employees, from any and all liability, claims,

Comment [LDK1]: Does it make sense to require and regulate rental agents so extensively considering that only owner-occupied vacation rentals are allowed?

demands, disputes, damages, costs, attorney's fees, and expenses (including prior to trial, through trial, and to and on appeal), as a result, directly or indirectly, of any matter relating to the application for Vacation Rental License, the Vacation Rental License, actions or inactions of the Vacation Rental Owner, actions or inactions of the Vacation Rental Agent, actions of any Vacation Rental Occupants, tenants, guests, or invitees, or the operation or use of the Vacation Rental.

(5) Proof of insurance held by the Vacation Rental Agent as required herein.

(6) Proof of compliance with all Vacation Rental Agent requirements as provided herein.

(7) If the Vacation Rental Agent is associated in any way with a Vacation Rental Agency, such association shall be disclosed, along with the name, address, phone number, and e-mail address of such Vacation Rental Agency.

(b) A Vacation Rental Owner may change his or her designation of a Vacation Rental Agent temporarily or permanently; however, there shall only be one Vacation Rental Agent for each Vacation Rental at any given time. The method to change the designated Vacation Rental Agent is the same as the method set forth hereinabove for the initial designation of Vacation Rental Agent.

(c) Any notice of violation or legal process which has been delivered or served upon the previous Vacation Rental Agent, prior to the appointment of a subsequent Vacation Rental Agent, shall be deemed effective notice for all purposes.

(d) A Vacation Rental Agent may serve as Vacation Rental Agent for more than one Vacation Rental, but a separate designation of Vacation Rental Agent and applicable documentation must be submitted as to each Vacation Rental.

Sec. 7-87. - Insurance for Vacation Rental Agent.

(a) Vacation Rental Agent, at his or her own cost and expense, shall have in force at all times, and as a condition of being appointed a Vacation Rental Agent, insurance from an insurance company licensed in the State of Florida and rated "Class A" or better by A. M. Best or some other form of assurance reasonably approved by the City of Belle Isle as follows:

(1) Commercial General Liability Insurance insuring the Vacation Rental Agent against liability arising from his or her actions in the capacity as Vacation Rental Agent and all actions incidental thereto. Vacation Rental Agent shall list and endorse the City of Belle Isle as an additional insured under the general liability policy. Except as otherwise agreed in writing by the City, the insurance shall be provided on a form no more restrictive than the Standard Commercial General Liability Form (ISO FORM CG 00 01) without any restrictive endorsements, and the City shall be included as an "Additional Insured" on a form no more restrictive than Form CG 20 10, Additional Insured-Owners, Lessees, or Contractors (Form B). The minimum limits (inclusive of amounts by an umbrella or excess policy) shall be available at all times and shall be:

\$1,000,000 General Aggregate
\$1,000,000 Products Liability/Completed Operation Aggregate
\$1,000,000 Personal and Advertising Injury
\$1,000,000 Each Occurrence

The General Liability policy is to contain or be endorsed to name the City of Belle Isle, its elected officials, officers, officials and employees as additional insureds as respects to the liability arising out of the activities performed as the Vacation Rental Agent. Such coverage shall be primary to the extent of the Vacation Rental Agent's negligent acts or omissions or willful misconduct, and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. In addition, a waiver of subrogation by the commercial liability insurer shall be provided that lists or names the additional insured as subject to the waiver.

(2) Worker's Compensation Insurance, as filed for use in Florida by the National Council on Compensation Insurance, without restrictive endorsements. In addition to coverage for the Florida Workers' Compensation Act, where appropriate, coverage is to be included for the Federal Employer's Liability Act and any other applicable Federal and State law. If the Vacation Rental Agent is exempt from Worker's Compensation Insurance, the Vacation Rental Agent shall supply documentation sufficient to prove such exemption. The minimum amount provided by an umbrella or excess policy shall be:

Part One-"Statutory" requirements
Part Two-\$500,000 Each Accident
\$500,000 Disease-Policy Limit
\$500,000 Disease Each Employee

(3) Automobile Liability Insurance on a form no more restrictive than that provided by Section II (Liability Coverage) of the Standard Business Auto Policy (ISO Form CA 00 01) and shall cover User owned, non-owned, and hired autos used in any manner or incidental to the duties of the Vacation Rental Agent. The minimum limits (inclusive of any amounts provided by an umbrella or excess policy) shall be \$1,000,000 per each Occurrence-Bodily Injury and Property Damage Combined.

(b) The required insurance shall be evidenced by a certificate of insurance which must be submitted to the City of Belle Isle prior to the appointment of the Vacation Rental Agent. A copy of all notices, from all insurance companies providing coverage, directly or indirectly related to the insurance required hereunder, must be provided to the City of Belle Isle within five (5) days of receipt. All insurance companies shall be instructed in writing by the Vacation Rental Agent to provide thirty (30) days' notice of any cancellation to the City. Failure to comply with this requirement shall render this designation of Vacation Rental Agent null and void, and Vacation Rental Owner shall be required to designate another Vacation Rental Agent. The Vacation Rental Agent shall provide the City with renewal or replacement evidence of insurance at least ten (10) days prior to expiration or termination of such insurance.

Sec. 7-88. - Vacation Rental Agent's qualifications.

All Vacation Rental Agents shall be twenty-one (21) years of age or older with a valid Florida Driver's License, and must not be a registered sex offender. The Vacation Rental Owner may serve as the Vacation Rental Agent, but only if such Vacation Rental Owner otherwise meets the qualifications of, and is able to fulfill the duties of, a Vacation Rental Agent as provided herein. In addition, the Vacation Rental Agent must either customarily be present at a business location within Orange County for the purposes of transacting business; or have his or her permanent residence within Orange County. If the Vacation Rental Owner serves as the Vacation Rental Agent, the Vacation Rental Owner must reside on the property at all times that the Vacation Rental Property is occupied by the Vacation Rental Occupants (guests).

Sec. 7-89. - Duties of Vacation Rental Agent.

Every Vacation Rental Agent shall:

(a) Be available by landline or mobile telephone answered by the Vacation Rental Agent at the listed phone number 24-hours a day, seven days a week to handle any problems arising from the Vacation Rental; and

(b) Be willing and able to be physically present at the Vacation Rental within thirty (30) minutes following notification from a Vacation Rental Occupant, the Vacation Rental Owner, law enforcement officer, emergency personnel, or the City of Belle Isle for issues related to the Vacation Rental, and shall actually be physically present at that location in that time frame when requested; and

(c) Conduct an on-site inspection of the Vacation Rental no less often than weekly to assure continued compliance with the requirements of this Chapter.

(d) If the Vacation Rental Owner serves as the Vacation Rental Agent, the Vacation Rental Owner must reside on the property at all times that the Vacation Rental Property is occupied by the Vacation Rental Occupants (guests).

Sec. 7-90. - Suspension of Vacation Rental Agent/Agency.

(a) If a Vacation Rental Agent has received an aggregate total of three (3) Unresolved Violations for the Vacation Rentals the Vacation Rental Agent manages, within a continuous twelve (12) month period, the Vacation Rental Agent shall lose the ability to act as a Vacation Rental Agent in the City of Belle Isle for a period of twenty-four (24) months. In that event, the Vacation Rental Agent, and all Vacation Rental Owners of Vacation Rentals that he or she manages, shall be notified by the City of Belle Isle that he or she has been removed as the Vacation Rental Agent for all Vacation Rentals managed. If the Vacation Rental Agent so removed is associated with a Vacation Rental Agency, no employee or associate of that Vacation Rental Agency may be a Vacation Rental Agent for the particular Vacation Rentals that had formerly been managed by the removed Vacation Rental Agent for a period of twenty-four (24) months. All Vacation Rental Licenses associated with the removed Vacation Rental Agent shall be suspended until new Vacation Rental Agents are appointed by the relevant Vacation Rental Owners.

(b) If Vacation Rental Agents associated with a particular Vacation Rental Agency collectively receive an aggregate total of ten (10) Unresolved Violations for the Vacation Rentals the Vacation Rental Agents associated with the Vacation Rental Agency manage, within a continuous twelve (12) month period, all Vacation Rental Agents associated with that Vacation Rental Agency shall lose their ability to act as Vacation Rental Agents in the City of Belle Isle for a period of twenty-four (24) months. In that event, the Vacation Rental Agents associated with the Vacation Rental Agency, and all Vacation Rental Owners of Vacation Rentals managed by those Vacation Rental Agents shall be notified by the City of Belle Isle that their Vacation Rental Agent has been removed as the Vacation Rental Agent for all Vacation Rentals managed. All Vacation Rental Licenses associated with the removed Vacation Rental Agents shall be suspended until new Vacation Rental Agents are appointed by the relevant Vacation Rental Owners.

(c) For purposes of this section, an Unresolved Violation shall mean any time the Vacation Rental Agent does not comply with the specific duties of the Vacation Rental Agent as set forth in this Chapter, and any time, in the reasonable determination of the City Manager or his or her designee, violations relating to the Vacation Rentals managed by the Vacation Rental Agent are the result of negligent or intentional actions or inactions of the Vacation Rental Agent, such as, but not limited to, knowingly allowing more Occupants than allowed in a Vacation Rental, or not appropriately preventing or mitigating violations of this Chapter by Occupants of the Vacation Rental.

DIVISION 4. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

Sec. 7-91. - Generally

The standards and requirements set forth in the Article shall apply to the rental, use, and occupancy of Vacation Rentals in the City of Belle Isle.

Sec. 7-92. - Owner-Occupied

All Vacation Rentals in the City of Belle Isle shall be 100% owner occupied. This means that at all times there is a Vacation Rental Occupant, the Vacation Rental Owner will be on-site. For example, if the Vacation Rental Owner will be "on vacation" or travelling away for the Vacation Rental for a period of longer than 12-hours, then no Vacation Rental will take place.

Sec. 7-93. - Minimum safety and operational requirements

Vacation Rentals in the City of Belle Isle shall meet the following minimum safety and operational requirements, and the applicable standards under the Florida Statutes, Florida Building Code and the Florida Fire Code and Life Safety Code. Whenever there is an inconsistency among the requirements of this section, the Florida Statutes, the Florida Building Code, or the Florida Fire Code and Life Safety Code, the most restrictive requirement shall apply.

(a) Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub offered or made available as an amenity at a Vacation Rental shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes. The Vacation Rental Agent shall cause the swimming pool drain system, any underwater lighting system, and the electrical pump system of such swimming pools, spas, and hot tubs to be inspected annually by an appropriately licensed technician. The Vacation Rental Agent shall maintain a concurrent log of such inspections, which shall be made available to the City for inspection upon request during normal business hours.

(b) Swimming pool, spa and hot tub hours of use. Swimming pools, spas and hot tubs offered or made available as an amenity at a Vacation Rental may only be used between the hours of 8:00 a.m. and 10:00 p.m.

(c) Swimming pool, spa and hot tub screening. In all Vacation Rentals located in any Residential District swimming pools, spas, and hot tubs shall be screened by a six-foot, 100 percent opacity fence. Swimming pool equipment shall be separately screened on all open sides with a six-foot 100 percent opacity fence constructed with acoustical material.

(d) Bedrooms. All bedrooms within a Vacation Rental shall meet the applicable requirements of the Florida Building Code, and the Florida Fire Code and Life Safety Code.

(e) Smoke and carbon monoxide (CO) detection and notification system. An interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be installed within the Vacation Rental and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code - Residential.

(f) Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor of a Vacation Rental. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

(g) Emergency egress maintenance and lighting. Halls, entrances and stairways within a Vacation Rental shall be clean, ventilated and well lighted day and night. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.

(h) Local phone service. At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Vacation Rental.

Sec. 7-94. - Maximum occupancy based on site capacity limitations.

The maximum occupancy of a Vacation Rental shall be limited to the lesser of:

- (1) Two persons per bedroom within the Vacation Rental (counting only those rooms that satisfy the definition of bedroom under this Article).

(2) A total of six occupants per Vacation Rental, inclusive of day guests.

(3) In the event there is more than one building or dwelling on one platted lot, the maximum occupancy shall be capped at the lesser of six occupants per lot, or two persons per bedroom, regardless of the building in which such bedroom(s) are located.

Sec. 7-95. Parking standards.

In all Vacation Rentals located in a residential zoning district, the following parking standards shall apply. There shall be one off-street parking space for each bedroom in a Vacation Rental. One such required parking space for each Vacation Rental shall be in a covered garage or carport. Recreational vehicles and accessory trailers shall only be permitted in driveways, or other parking areas specifically designated for such use by the City. No recreational vehicle or any other motor vehicle parked on the premises of a Vacation Rental shall be used for sleeping. Parking spaces shall not be tandem. Neither on-street parking nor parking within the right-of-way shall be permitted for use by Vacation Rentals or Occupants.

Sec. 7-96. - Solid waste handling and containment.

In all Vacation Rentals located in a residential zoning district, the following standards shall apply. One trash storage container shall be provided per three occupants or fraction thereof, calculated based upon the maximum occupancy of the Vacation Rental. Trash storage containers shall be screened with a six foot fence, with an opening for container removal. The Vacation Rental shall contract with the waste management provider for side door pick-up service. Notice of side door pick up and the times and regulations thereof shall be posted by the main entrance of the Vacation Rental.

Sec. 7-97. Quiet hours and pool hours.

Quiet hours for Vacation Rentals shall be from 10:00 p.m. to 8:00a.m. daily. Swimming pool, spa and hot tub use on the premises of a Vacation Rental is limited to the hours of 8:00 a.m. to 10:00 p.m. daily. During quiet hours, no excessive or boisterous noise or amplified sound extending beyond the lot or parcel line is permitted.

Sec. 7-98. Violations of other legal provisions.

No person shall allow the occupancy or use any portion of a structure as a Vacation Rental if the structure or its use is in violation of or inconsistent with any applicable zoning, comprehensive planning, building, housing, density, life safety, utility, public health, sanitary or fire code, ordinance, plan, statute, regulation, or rule. Such a violation shall also be considered a violation of this Chapter.

Sec. 7-99. Vacation Rental advertising.

Advertising of a Vacation Rental shall be consistent with the information contained within the Vacation Rental's Vacation Rental License. Such advertising shall conspicuously disclose the maximum occupancy of the Vacation Rental under this Chapter.

All Vacation Rentals will only be advertised on the commercial booking websites that advertise Vacation Rentals, such as AirBNB, vacationRentals.com, VRBO, misterBNB, etc. When advertising, the Vacation Rental Owner must display the City of Belle Isle permit number plainly on the site.

Comment [LDK2]: Is this necessary? We may wish to review First Amendment implications

Sec. 7-100. Licensure as transient public lodging establishment.

A Vacation Rental shall at all times maintain a current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation, if such is required.

Sec. 7-101. Florida Department of Revenue certificate; Orange County Tax Collector account.

A Vacation Rental shall at all times maintain a current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue. A Vacation Rental shall at all times maintain a current and active account with the Orange County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Orange County Tax Collector.

Sec. 7-102. Prohibition of occupancy by registered sex offenders.

A Vacation Rental shall not be rented to or occupied by a registered sex offender. The Vacation Rental Agent for each Vacation Rental shall have the affirmative duty to research, via third party information service, and document that each Occupant of a Vacation Rental is not a registered sex offender. Such documentation shall be maintained by the Vacation Rental Agent for a period of not less than three years after the stay of a given Occupant, and shall be made available to the City for inspection upon request during normal business hours.

Sec. 7-103. - Vacation Rental agreements- minimum provisions.

Vacation Rentals shall only be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

- (1) Maximum occupancy of the Vacation Rental that is consistent with the Vacation Rental License.
- (2) The name and ages of all Occupants; provided, however, the age of any Occupant over the age of 30 can be stated merely as "Adult".
- (3) The license tag numbers for all vehicles that the Vacation Rental Occupant(s) will be parking at the Vacation Rental, with a total number not to exceed the number of off-street parking spaces at the Vacation Rental as designated on the Vacation Rental License;

(4) The Occupant(s)' agreement to abide by all the requirements of this Chapter, and acknowledgement that his or her rights under the agreement may not be transferred or assigned in whole or in part to anyone else without a new agreement being entered into between the new Occupant(s) and the Vacation Rental Owner; and

(5) The Occupant(s)' acknowledgement and agreement that violation of the agreement or this Chapter may result in immediate termination of the agreement and eviction from the Vacation Rental by the Vacation Rental Owner or Vacation Rental Agent, and potential liability for payment of fines levied by the City.

(6) The permitted off-street parking locations where Occupants may park according to the Vacation Rental License sketch.

(7) A statement that all Occupants must promptly evacuate from the Vacation Rental upon posting of any evacuation order issued by state or local authorities.

(8) Consent to the reasonable entry by the City of Belle Isle inspectors into the Vacation Rental.

(9) A copy of the noise, quiet hours, pool hours, parking, and trash regulations.

Sec. 7-104. Required posting of Vacation Rental information.

(a) In each Vacation Rental, located on the back or next to the main entrance door there shall be posted as a single page the following information:

(1) The name, address and phone number of the Vacation Rental Agent (and Owner);

(2) The maximum occupancy of the Vacation Rental;

(3) Notice that quiet hours are to be observed between 10:00 p.m. and 8:00a.m. daily and that between these hours no excessive or boisterous noise or amplified sound extending beyond the lot or parcel line is permitted;

(4) Notice that swimming pool, spa and hot tub use on the premises of a Vacation Rental is limited to the hours of 8:00 a.m. to 10:00 p.m. daily;

(5) The maximum number of vehicles that can be parked at the Vacation Rental, along with a sketch of the location of the off-street parking spaces;

(6) The days and times of trash pickup;

(7) The number to the City of Belle Isle Police phone; and

(8) The location of the nearest hospital.

(b) There shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map- Minimum 8-112" by 11".

Sec. 7-105. Violation and Penalties.

(a) A person renting a property without a valid rental permit shall be in violation of the Belle Isle Municipal Code and shall be subject to a fine of up to five hundred dollars (\$500) for each day the dwelling has been rented without a permit.

(b) Revocation of Registration. A short-term rental registration issued under the provisions of this Section may be revoked by the City Manager after notice and hearing as provided for in this Section, for any of the following reasons:

- (1) Fraud, misrepresentation, or false statements contained in the application;
- (2) Fraud, misrepresentation, or false statements made in the course of carrying on a short-term rental as regulated by this Section;
- (3) Any violation of any provision of this Section or of any provision of this code;
- (4) Any violation of any provision of federal, state or local laws.

(c) Revocation Hearing. Before revoking a short-term rental registration, the City Manager shall give the responsible host notice in writing of the proposed revocation and of the grounds thereunder, and also of the time and place at which the host will be given a reasonable opportunity to show cause why the registration should not be revoked. The notice may be served personally upon the host or may be mailed to the host at the last known address or at any address shown upon the application at least 10 days prior to the date of the hearing. Upon conclusion of the hearing the City Manager may, for the grounds set forth herein, revoke the registration.

(d) Appeal from Denial or Revocation of Registration. Any host whose application has been denied or registration has been revoked shall have the right to an administrative appeal before the City Council. An appeal shall be filed in writing on a form provided by the City stating the grounds therefor within 10 days of the decision. The City Council shall hold a hearing thereon within a reasonable time and the decision shall be final.

(e) Waiting Period. Any host whose registration has been denied or revoked shall be ineligible from applying for a new registration for a 24-month period.

(f) Records of Compliance. The host shall retain records documenting the compliance with these requirements for a period of three (3) years after each period of short-term rental, including but not limited to records showing payment of transient occupancy taxes by a hosting platform on behalf of a host. Upon reasonable notice, the host shall provide any such documentation to City upon request for the purpose of inspection or audit to the City Manager or his/her designee.

(g) Penalties. For violations of this chapter, the following penalties will be imposed in addition to the fines described above:

(1) For the first violation within a twelve-month period, the penalty shall be a warning notice.

(2) For the second violation within a twelve-month period, the penalty shall be a suspension of the permit for thirty days.

(3) For the third violation within a twelve-month period, the penalty shall be a suspension of the permit for ninety days.

(4) For the fourth violation within a twelve-month period, the penalty shall be a revocation of the permit.

Comment [LDK3]: This provision appears to conflict with Sec. 7-51. We need to clarify the penalties and when a license can be suspended or revoked.

SECTION 3. 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 4. 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 5. PRESERVATION OF CODE SECTION 7-30. This Ordinance and the City Code amendments effected hereby shall not be construed to override, repeal, or in any way invalidate the prohibition on short-term rentals provided for in Ordinance No. 08-03 creating Section 7-30 of the City Code, and such provision remains in full force and effect and shall apply to the extent that a vacation rental or short-term rental is not allowed under the new Article III, Chapter 7 of the City Code created by this Ordinance.

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: _____, 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

Date

S:\DL\Clients\Belle Isle, City of\General B900-29001\Vacation (Short Term) Rentals\Ordinance re vacation rentals [CLEAN 6-14-18].docx



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
 Belle Isle, Florida 32809
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www.cityofbelleislefl.org

June 15, 2018

Ms. Petrina T. Herring
 Community Program Administrator
 Office of Criminal Justice Grants
 Florida Department of Law Enforcement
 2331 Phillips Road
 Tallahassee, Florida 32302

Dear Ms. Herring:

In compliance with State of Florida Rule 11D-9, F.A.C., the Belle Isle City Council approves the distribution of \$322,517 of Federal Fiscal Year 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Grant Program regular funds for the following projects within Orange County:

<u>Subgrantee/Implementing</u>	<u>Title of Project</u>	<u>Dollar Amount</u> <u>Federal</u>
Apopka Police Department	Critical Incident Reconnaissance Initiative	\$12,047
Belle Isle Police Department	Belle Isle PD Body Worn Camera Expansion Program	\$10,000
Eatonville Police Department	Officer Protection	\$10,000
Edgewood Police Department	Surveillance Camera Upgrade	\$10,000
Maitland Police Department	Active Shooter Project	\$10,000
Oakland Police Department	17-18 Department Operations Project	\$10,000
Ocoee Police Department	Forensic Equipment for Crime Scene Unit	\$10,549
Orange County Sheriff's Office	Senior Abuse Awareness Program	\$88,465
	Training Scenario Simulation Software	\$60,500
	Intelligence Surveillance Operations	\$15,500
Orlando Police Department	Active Shooter First Responder Kits	\$54,976
Windermere Police Department	Laptops for Police Officers	\$10,000
Winter Garden Police Department	Field Force Equipment Project	\$10,480
Winter Park Police Department	Stop Speeding Initiative	\$10,000

Sincerely,

Chief Elected Official Signature