



city council agenda

Agenda
November 07, 2017 * 6:30 PM
City Council Meeting

City Hall Chambers 1600 Nela Ave, Belle Isle, FL

Lydia Pisano Mayor	Frank Kruppenbacher City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
-----------------------	--------------------------------------	-----------------------------	-----------------------	-------------------------------	-------------------------------	---------------------------	---------------------------	---------------------------	---------------------------

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.

Meeting Procedures

Workshops are a working session and do not allow for public comment. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

1. Call to Order and Confirmation of Quorum

2. Invocation and Pledge to Flag - Sue Nielsen - Commissioner District 7

3. Consent Items

- a. Approval of the City Council regular session minutes for October 17, 2017
- b. Approval of the City Council special called session minutes for October 17, 2017

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. Final Charter Changes

6. New Business

- a. ORDINANCE 17-03 – First reading and Consideration
AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA REZONING THAT CERTAIN REAL PROPERTY LOCATED AT 7710, 7728 AND 7740 DAETWYLER DRIVE, BELLE ISLE, FLORIDA, HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 29-23-30-0000-00-013, 29-23-30-4986-00-010 AND 29-23-30-4986-00-040 OWNED BY COMINS DEVELOPMENT I, LLC, FROM MULTIPLE-FAMILY DWELLING (R-2) TO PLANNED DEVELOPMENT (PD); APPROVING A PLANNED DEVELOPMENT (PD) DISTRICT CONCEPT PLAN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
- b. ORDINANCE NO. 17-16 - First Reading and Consideration
AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY OF BELLE ISLE AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; CREATING CHAPTER 15, ARTICLE III REGARDING DISPENSING FACILITIES; PROVIDING FOR

"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 80

INTERPRETATION AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR A MORATORIUM CONTINGENCY; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

- [c.](#) Discussion of Open Space Zoning Classification
- [d.](#) Discussion of Revised Boat Dock Ordinance

7. Attorney's Report

8. City Manager's Report

- a. Discuss if a meeting will be held on November 21
- b. Belle Isle Bulletin deadline – November 10, 2017
- [c.](#) Issues Log update
- d. Chief's Report

9. Mayor's Report

- a. Appointment of District 6 Commissioner
- [b.](#) Holiday Budget for Santa Ride Around the City and Pre-toy Drive Pictures with Santa
- c. Legislative updates

10. Council Reports

11. Adjournment



city council minutes

MINUTES
October 30, 2017 * 6:00 p.m.
Special Called Session

The Belle Isle City Council met in a Special Called session on October 30, 2017 at 6:00 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Bobby Lance
Commissioner Sue Nielsen

Absent was:

District 6 - OPEN

Also present was City Manager Bob Francis, Attorney John Bennett, Chief Laura Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:00pm and the City Clerk confirmed quorum. Vice Mayor Readey gave the invocation and led the Pledge to the flag.

NEW BUSINESS

Approval of the Holiday events budget

Mayor Pisano presented the Santa Night event budget totaling \$4,230.00 for discussion. Mayor reported that some of the items in the budget, such as the Christmas tree, decorations and lights, may be given as an in-kind donation. She further reported that the Special events Committee approved to increase Santa's appreciation fee to \$200.00. The Committee's consensus was to move forward with Santa Night.

Comm Nielsen asked how the City staff hours will be allocated. The budget that was presented is a bare bones budget and does not include the other holiday events or separate costs of city services. At the last Council meeting the social media policy was discussed and the proposed budget does not meet the requirements of the policy.

Mayor Pisano said the Santa Night event is the bigger event and needs to be coordinated and advertised as soon as possible. The other events will be added to the November 7th budget for discussion and approval. Discussion ensued on policy procedures and event coordination.

City Manager Francis provided an updated budget for Santa Night which included revenues, expenses, cost share totals with other holiday events and in-kind donations which totaled \$5,456 of which \$3,889 would come from the special events line item in the City's General Fund budget. The other Holiday events will come before Council for approval at the November 7th meeting.

After discussion, Comm Weinsier asked if the event is covered by the City's General Liability Insurance. City Manager Francis said the event is covered, other than any amusement park activity which is not part of this event. In addition, the City owns the school property so the Charter School does not have to be named as a secondary insurer.

Comm Weinsier motioned to approve the budget as presented by City Manager Francis.

Comm Carugno seconded the motion.

Motion passed 5:1 with Comm Nielsen, nay.

Ordinance 17-15 No Wake Zone update

City Manager Francis gave an update on Ordinance 17-15 – No Wake Zone. He said when the City Council passed the Ordinance it was under a State of Emergency and sent to Florida Wildlife Commission (FWC) for approval under FL Statutes 327. He was advised by FWC, if the City is going to enforce the ordinance it will be able to continue enforcement under FL Statute 250.50 with FWC approval. On September 4, Governor Scott issued a State of Emergency which will expire on November 3, 2017. If the State of Emergency is not extended, Ordinance 17-15 will automatically expire along with the 60 day benchmark. Discussion ensued.

Comm Gold asked if the Ordinance continues to be a priority. City Manager Francis said the lake levels are still high. One of the issues that exist is the navigational hazard of the floating debris in the Lake. He stated for the record, the City did not put this in place to safeguard the shoreline but for the safety of the lake users and the floating debris.

Officer Herbert Frerking from FWC with offices at 1239 SW 10th Street, Ocala FL 34771 said ultimately FWC is the approval agency on permitting signs and enforcement of County Ordinances on Lake Conway. Based upon that, there needs to be evidence that there is a building and safety need for approval of any code change. There is usually a high threshold to obtain approval, such as high number of boating accidents and citations before consideration.

Randy Holihan residing at 2513 Trentwood Blvd asked where is the navigational hazard and how are they being addressed. Mr. Francis said, as an example, there was part of a boat dock that was found around Delia Beach; the other half remains in the lake. Mr. Francis stated if any lake user finds any navigational hazard they should call the Police Department Marine Patrol or City Hall. Discussion ensued on the lake water level.

Based upon the discussion, Comm Weinsier motioned to repeal Ordinance 17-15.

Comm Gold seconded the motion for discussion.

Comm Lance said the ordinance was not enacted for shoreline restoration but for safety concerns on the hurricane debris. Since that is the case, he is in support to repeal the ordinance. He did state that residents should remain conscious of the shoreline and stay away from the shore where possible.

After discussion, motion failed 3:3 with Comm Nielsen, Comm Readey and Comm Carugno, nay.

Resolution 17-26 Local Mitigation Strategy

City Manager Francis reported that the City was contacted by Orange County to be part of the Local Mitigation Strategy. This Resolution joins Orange County and the Municipalities in Orange County. The down side for not joining the Local Mitigation Strategy is that the City will not be able to apply for FEMA assistance for future projects.

Comm Weinsier motioned to approve Resolution 17-26.

Comm Lance seconded the motion, which passed unanimously.

Adjournment

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 6:45 p.m.

Yolanda Quiceno, CMC, City Clerk



city council minutes

MINUTES
October 17, 2017 * 6:30 p.m.
Regular Session

The Belle Isle City Council met in a Regular session on October 17, 2017 at 6:30 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Vice Mayor/Commissioner Harvey Readey
Commissioner Bobby Lance
Commissioner Sue Nielsen

Absent was:

Commissioner Lenny Mosse - resigned

Also present was Attorney Kurt Ardaman, City Manager Bob Francis, Chief Laura Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm and the City Clerk confirmed quorum. Comm Gold gave the invocation and led the Pledge to the flag.

Consent Items

- Approval of the City Council Regular session minutes for September 19, 2017
- Approval of the City Council Regular session minutes for October 3, 2017
- Proclamation declaring November 4th-11th, 2017 Week of the Family

Mayor Pisano read the Proclamation and presented same to Stefanie and Chris Dowdy.

Comm Lance motioned to approve the consent agenda as presented.

Comm Weinsier seconded the motion, which passed unanimously.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.
There being none, she closed citizen comments.

UNFINISHED BUSINESS

Approval of agreement between the City of Belle Isle and the Cornerstone Charter School Academy (CCA) for use of the Wallace Field.

City Manager Francis presented a draft agreement, in final form, for review as per Council discussion at the October 3rd meeting. He is not asking for an approval of this agreement tonight however; recommends Council consensus to send the agreement to CCA for their review and approval. Once CCA approves the agreement, it can be put on a future Council Agenda for action.

Comm Weinsier asked that Section 3(c) be modified to not allow any pickups or parking at the Wallace field. Mr. Francis clarified that the road is a public right away.

Comm Nielsen stated that the contract should clearly state that students should be picked up and dropped off at the school parking lot only.

Comm Gold asked if the Tree Board can research landscaping that will prohibit parking and drop off on the Wallace property. City Manager Francis said CCA will be required to bring forward a site plan for review and Council can require specific landscaping options.

After discussion, Council consensus was to move forward with the proposed changes and send the agreement to CCA for their review and approval. The proposed changes are as follows,

- **Item 2(e) of the agreement to read, “(e) *Ownership*. This Agreement grants a license to CCA for the express purposes set forth herein and does not convey any property...”**
- **Item 3(c) should clearly state, dropping-off and picking-up of students is prohibited in this area.**

ORDINANCE 17-12 – 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 PUBLIC BUILDINGS DISTRICT(PUB); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Pisano opened for public comment.

- Gary Meloon residing at 6101 Matchett Road shared his concerns and asked that the property be restricted to recreational open space areas and no garages, storage units or buildings be allowed to be built. The reason for the City purchasing this property was to fulfill the City’s requirement of open space. He further asked that Council to take a good look at the parking issue before approving any agreement.
- Donella Altice residing at 1309 E Wallace Street owns the property adjacent to the field. She shared her concern with the school’s use of the field, parking on the City’s property and her private road. She gave for the record a few pictures that show the coach and the students on her property blocking her private driveway in addition to a few cars parked illegally on the road. There is no respect for private property or the parking rules. She is also concerned about the school having too much access to the property and monetary investment on their part.
- James Koonce residing at 1311 E Wallace Street shared his concern with the school’s continued use of the field, parking and trash left on the property. He would like to see the zoning conditions to include an additional statement that it is used for recreational use only and the parking restriction be enforced on Wallace Street.
- Comm Carugno read an email from Jeff and Hilary Maull residing at 1130 Waltham Avenue addressing items 5(a) and (b) of the CCA agreement referencing the recreational open space.

There being no further comment, Mayor Pisano closed public comment and opened for Council discussion.

City Manager Francis asked the public if they will be willing to attend the Cornerstone Charter School Board meeting and express the same concerns.

Comm Carugno asked if the City will be able to create a new classification of open space in our Code for all parks within the City along with the Wallace property. Attorney Ardaman said yes it can be done by Ordinance.

Chief Houston stated that the Agency has had some traffic issues in that area creating a safety hazard. Council discussed traffic enforcement on political boundaries in our city and partnering, through an interlocal agreement, with the Orange County Sheriff’s office.

After Council discussion, Comm Nielsen motioned to authorize the City Manager and the City Attorney to explore if there is any enforcement options, with respect to roadway issues through the Sheriff’s Office or the County. Comm Lance seconded the motion, which passed unanimously.

Comm Carugno stated that he would like to halt moving forward with the CCA agreement until the City can correct the drainage, approve the zoning change and solve traffic enforcement issues. Comm Carugno motioned to deny advancing to second reading and adoption.

Comm Lance seconded the motion, which passed 6:0 on roll call,

Comm Nielsen, aye
Comm Lance, aye
Comm Weinsier, aye

Vice Mayor Readey, aye
Comm Carugno, aye
Comm Gold, aye

NEW BUSINESS

RESOLUTION 17-24 - A RESOLUTION

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

Mr. Francis said the Resolution is for the changes that City Council made to the retirement plan for the Police department and non-uniform staff. The defined contribution increase will be from 7 to 9.5 for general employees and from 10 to 12.5 for Law Enforcement.

**Comm Lance made a motion to approve Resolution 17-24.
Comm Weinsier seconded the motion, which passed unanimously.**

• ATTORNEY'S REPORT

Attorney Ardaman asked, with respect to the email related to the constitutional revisions, please forward any responses and information to him to submit to the League of Cities Attorneys who are working on a proposed amendment to the Florida Constitution that will enhance the Home Rule provision.

• CITY MANAGER'S REPORT

- a. City Manager Francis spoke on the Medical Marijuana Dispensaries and the Moratorium that ends on November 30, 2017. Comm Nielsen said there are many citizens in the community that may benefit from the convenience of having a business in the City. She believes the City should explore the options, and noted the tough regulations from the State.

Attorney Ardaman said the City can prohibit the dispensaries or allow them in the City and regulate them as you would a pharmacy.

**Comm Weinsier motioned to ban the dispensaries for now and revisit at a later date.
Comm Lance seconded the motion for discussion.
For the record Comm Carugno said he is in agreement with Comm Weinsier.**

Attorney Ardaman said if the City annexes new property that has an existing dispensary that particular business will be a non-conforming use.

After discussion, Comm Lance said, "...the worst thing a City can do in this case is to adopt regulation without first having figured out how they will enforce it". The City should not move forward and adopt something until it is researched further.

Comm Weinsier withdrew his motion and Council consensus was to bring forward an ordinance to prohibit the use at the following meeting. Comm Lance agreed and withdrew his seconded to the motion.

City Manager Francis reported on the following,

- Gene Polk Park final plans have been developed. He will be scheduling a meeting with the residents around Delia Beach.
- They have started to mil Windsor Place and will start Lake Conway East on the 19th. The City will distribute door hangers advising residents accordingly.
- New City limit signs are going up around the City.
- He reported on the Wallace storm water discharge. He said the engineers are working on this issue. The waddles were all choked up and have been replaced. The City is going to continue to keep the ditch dry until the testing results have been completed. The most important part is the discharge that is coming from an unknown location; however, the engineers found three pipes at the school that are not connected to anything and may be the cause of the problem.
- Over the Veteran's Day weekend he will be flying out to Oregon attending another funeral service and will be out of the office from the 8th to the 12th.
- Mr. Francis reported that the Mayor and the Council have executed a letter to FWC to strengthen the Bird Sanctuary Ordinance according to FWC guidelines. If this request is not approved by FWC the other recourse is to write to the Legislature for support.

- **CHIEF'S REPORT**

Chief Laura Houston reported that two officers are completing their Marine Patrol classes. Five officers will be working at the Richard Spencer Protest in Gainesville. Deputy Chief Grimm has been activated to the National Guard.

- **MAYOR'S REPORT**

- Mayor Pisano asked if Council would like to reschedule the November 21st and the December 19th Council meeting due to the holidays. Council consensus was to bring forward at the Nov 7th meeting for discussion.

Mayor Pisano asked for approval for the Snow Day event on the first Wednesday of the Month in December at CCA. Comm Nielsen asked for a holiday budget from the Special Events committee before approval. Discussion ensued on a proposed budget, cost of the snow and Santa toy giveaways. Karl Shuck residing at 1658 Wind Willow Road said the Special Events Committee Policy was drafted in June and specifically outlines the requirements for approval of events by City Council.

Comm Weinsier said the committee was just formed and Council should give them a little leeway. At this time the event cannot be approved until a budget is presented and when the Mayor and the Committee are ready to provide a budget for approval, Council can schedule a special meeting.

Council discussed their concern on the liability of any injuries on the school property. City Manager Francis said he will check with the insurance company to ensure that the City event and the Charter School are covered under the general liability.

After discussion, Council consensus was to schedule a Special Meeting on October 30, 2017 at 6:00pm to discuss and approve a proposed budget for holiday events.

- Mayor Pisano reported that Comm Lenny Mosse resigned effective immediately. She will be bringing forward a candidate for Council approval at the next regular session. Comm Nielsen and Comm Weinsier recommended that Council wait until after the qualification period in November to appoint any new candidate for the remainder of the term.

COUNCIL REPORTS

Comm Gold – District 1

- Comm Gold reported a cave in at the tennis court in Lake Conway Estates due partially to the pumping of water from the condo property and party to Hurricane Irma. The cave in was reported to the City and he asked if the Home Owners Association will be eligible for a BING grant. Attorney Ardaman said it would be beneficial to have the HOA hire an engineer to evaluate the issue and submit a report of the findings.

Comm Carugno – District 2

- Comm Carugno requested that the City pull the CCA agreement at this time. City Manager Francis said he would still like to have the City be held harmless or indemnified from anything that happens from the use of field.

Comm Gold recommended that the agreement be changed to not allow CCA to put any expenditures into the upgrades, include the insurance riders and use the field as is, stay as far away from the residents as possible and no pickups, drop offs or parking.

Comm Nielsen said the agreement is well written and will not give CCA additional ownership rights to the property. The City can revoke the agreement within 90 days if the agreement guidelines are not followed.

After discussion, Comm Nielsen moved that the City Manager forward the amended agreement as discussed to CCA for review and comment and back to City Council for final approval.

Vice Mayor Readey seconded the motion.

Comm Gold added the following stipulations to include no pickups, drop offs, no cars around the property and no citizens within 50 yards from the neighboring resident's property.

Comm Lance said there is no way for the City and the Belle Isle Police Department to enforce the use of the field and may need to be researched further.

Comm Nielsen withdrew her motion.

Vice Mayor Readey withdrew his second.

Council consensus was to bring back the agreement for discussion at the November 7th, 2017 Council session.

- Comm Carugno said he would like to have the City be more aggressive on annexation options. Attorney Ardaman said he will forward a copy of the amended Statute that allows non-contiguous property to be annexed into a City for discussion.
- City Manager Francis said there are some tree branch hangers throughout the City that will be removed as part of the Hurricane cleanup.
- The Boat Parade will be held on Saturday, December 16th for the Center and South Lake and Sunday, December 17th for the North Lake.

Vice Mayor Readey – District 5

Vice Mayor Readey shared his concern with the flow of the meeting and Council discussions. He asked that the Mayor take more control over the meeting and not allow others to talk out of turn.

Comm Weinsier – District 3

Comm Weinsier spoke on the confusing traffic signs on Swann and Idaho. City Manager Francis said he spoke to the Orange County Traffic Engineer who said that they will not allow a four way stop because it is their job to make traffic flow as easily as possible. There is no crash data available at the intersection however he would look into placing additional signage that will notify oncoming traffic before they get to the intersection.

Comm Lance – District 4

- Comm Lance gave a NAV Board report and said they have more than doubled the Belle Isle Police Marine Patrol hours. He was not pleased to report that EPD reported that it wasn't appropriate to give the City funds for a new marine boat, street sweeper or drainage repair. City Manager Francis shared his displeasure with his request to the NAV Board being received and answered by the liaison and the manager instead of by the Orange County Commission directly.

Comm Nielsen – District 7

No report.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:00 p.m.

Yolanda Quiceno
CMC, City Clerk



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

Meeting Date: November 7, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Charter Changes

Background: Over the past months, the City Council held workshops to discuss changes to the Belle Isle City Charter. The proposed changes are in Article III and Article IV of the Charter. Any charter changes are due to Supervisor of Elections by November 17.

Staff Recommendation: Approve the Charter Changes.

Suggested Motion: I move we approve the Charter changes and direct the City Clerk to forward the changes to the Supervisor of Elections to be placed on the next ballot.

Alternatives: Do not approve the changes and let the charter remain as it is.

Fiscal Impact:

Attachments: Proposed Charter changes; Minutes of September 25, 2017 Workshop

Proposed Charter Changes

Sec. 3.02. - Qualifications.

City council and candidates for any position of city council shall have resided in the city and the city district at least one (1) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner or mayor; shall be a registered voter in Orange County with proof from the Orange County Supervisor of Elections; or as later designated, at an address within the city district for at least one (1) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner, or mayor; and shall meet and satisfy all qualifications to be a voter in the State-of Florida.

Sec. 3.06. – Commissioner or mayor not to hold two elected offices: vacancies.

(A) No person may qualify as a candidate for commissioner or mayor who holds another elected public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. However, a commissioner or mayor may continue to serve on an advisory federal, state, district, county, or municipal board, or commission, or committee.

(B) No commissioner or mayor may qualify for another office unless at least ten (10) days prior to the first day of qualifying for the other office, the commissioner or mayor seeking the office must submit to the City Clerk a written resignation, which resignation shall be effective no later than the date the commissioner or mayor would take the new office, if elected. The resignation shall be irrevocable.

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

(A) Vacancies: The office of a commissioner or mayor shall become vacant upon his or her death, disability, resignation, or removal from office in any manner authorized by this Charter or state law or forfeiture of office.

(B) Forfeiture of office: A commissioner or mayor shall be deemed to have forfeited the office if the commissioner or mayor:

(1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.

(2) Violates any standard of conduct or code of ethics established by law or this Charter or is convicted of a misdemeanor of the second degree or a felony of any degree.

(3) Misses five (5) regularly scheduled council meetings in a twelve month period from first Tuesday of April of each year, without being excused as specifically approved by Resolution or motion by the council for each absence.

(4) Failure to maintain and keep a bona-fide residency in the city district as elected for the term in Section 3.05, above, or be a bona-fide resident of the city.

(C) Filling of vacancies: A vacancy on the council whether of a commissioner or mayor shall be filled by the council appointing a candidate where the vacancy has occurred.

(1) The council shall direct the City Manager to post the vacancy on the city website and at city hall. The City Manager shall provide and process applications for the vacancy, review the application for completeness, and provide the completed applications to the City Clerk. The City Clerk shall verify that the applicant satisfies the residency and qualifications requirements to hold the office as indicated in this Charter and under State law, and all public disclosure requirements for any elected official that

may be required under state law, this Charter or other applicable law. City Manager and City Clerk shall then submit the applications to the City Council for review, consideration or approval.

(2) City Council may interview all or a portion of the applicants if it so desires. The method and manner of selection of the applicant to fill the vacancy shall be in the Council's discretion. A majority vote of the council, at a public meeting, shall approve the new member to fill the vacancy. The selected applicant must agree to accept the position and comply with all applicable state, local or municipal laws, rules, charters or ordinances including all public disclosure requirements. If not, the council shall select another applicant for the vacancy.

(3) The filling of the office shall be completed no later than 60 days of the date that the council seat or office of mayor was vacated. After the seat has been filled, the newly appointed commissioner or mayor shall hold office until the next regular election for that district office.

(D) Extraordinary vacancies: In the event that a majority of the commissioners are removed by death, disability, resignation or forfeiture of office, the governor shall appoint an interim council who shall immediately call for a special election to be held within 90 days.

Sec. 3.08. - Procedure.

(A) Meetings.

(i) The council shall meet regularly at least once in every month.

(ii) Special meetings may be held on the call of the mayor or a majority of the commissioners and, whenever practicable, upon no less than twelve (12) hours' notice to each commissioner and the public.

(iii) All meetings shall be posted online and at the City Hall and be open to the public.

(B) Rules and journal.

(i) The council shall determine its own rules for parliamentary procedure and the approval at the meeting, except the rules shall not be in conflict with the terms of this Charter.

(ii) The Mayor shall preside over the meeting, participate in discussion but not vote. If the Mayor needs to abstain from any portion of the proceeding due conflict of interest as defined under state law or under this charter, the mayor shall set pass the gavel to the Vice Mayor or in its absence to a commissioner designated by council

(iii) The order of the agenda and order of business for the meeting shall be set by the City Manager no later than 4 business days prior to the regularly scheduled meeting. The City Manager shall include any items as requested or designated to the City Manager by majority vote of the Council. The City Manager shall include any items submitted by the mayor for the meeting agenda prior to the agenda cut-off date. Three business days prior to the City Council meeting, the agenda package and backup items shall be ready the City Council members and shall be available for public inspection at the City Clerk office. The City Manager shall attempt and use best efforts to make the agenda and all back up documentation available to the public for view on the City website.

(iv) The agenda package at a minimum shall contain the minutes from the prior meeting, and a report of the expenditures, check register or similar report and report of all city issued checks or drafts since the previous meeting.

(C) Voting. Voting on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent commissioners in the manner and subject to the penalties

prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

Sec. 4.02. - Mayor: Qualifications and terms of office.

- (A) The mayor shall have and possess, and maintain for the duration of the term, all of the qualifications outlined in Section 3.02 above. The mayor shall be elected for a term of three (3) years and shall serve until a successor takes office.
- (B) The mayor shall be subject to the terms and conditions listed in Section 3.06 and 3.07, above.

Sec. 4.04. - Vice-mayor: Duties, term and appointment of council member [commissioner].

- (A) During the temporary absence or temporary disability of the mayor, the vice-mayor of the council shall perform the duties of the office of mayor and during such time shall not serve in the capacity of a retains his or her duties as commissioner.
- (B) In the case of the death, resignation, removal of the mayor, or a prolonged disability that is expected to last beyond the normal term of the mayor, the vice-mayor shall perform the duties of the office of mayor until the next regular election. At the next regular election, an election for a new mayor shall be held for the unexpired portion of the original mayor's term.
- (C) Upon assuming the duties of the office of mayor in (B), above, the council shall appoint a commissioner, in accordance with section 3.07 of the city charter, to fill the vacancy created by the vice-mayor serving as acting mayor. However, such commissioner shall only hold office until the next regular election or if the vice-mayor reassumes the office, whichever first occurs.

Sec. 4.05. - Powers and duties of the mayor.

The mayor shall:

- (A) Preside over all council meetings and shall have the right to take part in discussion but may not vote.
- (B) Represent the city at meetings designated by City Council in advance concerning matters of the intergovernmental relationships;
- (C) Serve as the ceremonial head of the City
- (D) Be responsible to the Governor for the purposes of military law;
- (E) Present an annual "state of the city" message to the City council on the first meeting in the Month of November of each year from the floor of the City Hall outlining issues of concern for the up-coming year and legislative and grant sessions;
- (E) Sign contracts as directed by City Council on behalf of the city that have been previously approved by the council.
- (F) Shall perform such other duties, consistent with his/her office, as may be delegated to him by the City Council.

Sec. 4.11. - City Clerk

There shall be a city clerk appointed and subject to removal, upon recommendation of the City Manager, by a majority of the city council. The city clerk shall give notice of council meetings to its members and the public, keep a record and journal of its proceedings which shall be a public record, prepare minutes of meetings, maintain city records, be the custodian for city records, comply with all requirements under Florida Law or the city's charter, ordinances or resolutions for records management, perform such other duties as are assigned

by this charter, city ordinances and resolutions or vote by City Council. The City clerk shall be under the supervision of the City Manager. In addition to the record keeping duties of the City Clerk, the City Clerk may be designated tasks by the City Manager.

Sec. 4.13. - Administrative code.

The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council, subject to approval by Council and adopted by resolution.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ORDINANCE 17-03

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA REZONING THAT CERTAIN REAL PROPERTY LOCATED AT 7710, 7728 AND 7740 DAETWYLER DRIVE, BELLE ISLE, FLORIDA, HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 29-23-30-0000-00-013, 29-23-30-4986-00-010 AND 29-23-30-4986-00-040 OWNED BY COMINS DEVELOPMENT I, LLC, FROM MULTIPLE-FAMILY DWELLING (R-2) TO PLANNED DEVELOPMENT (PD); APPROVING A PLANNED DEVELOPMENT (PD) DISTRICT CONCEPT PLAN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Comins Development I, LLC, (hereinafter "Owner") has made application for the rezoning of its property located at 7710, 7728 and 7740 Daetwyler Drive, Belle Isle, Florida, having Orange County Tax Parcel Identification Numbers 29-23-30-0000-00-013, 29-23-30-4986-00-010 and 29-23-30-4986-00-040 being approximately 3.791 acres and legally described in **Exhibit "A"** attached hereto (hereinafter "the Property") from Multiple-Family Dwelling (R-2) to Planned Development (PD); and

WHEREAS, the Property has a Medium Density Future Land Use Map designation; and

WHEREAS, the Planning and Zoning Board of the City of Belle Isle has reviewed the Owner's request at a public hearing and has made a recommendation to the City Council; and

WHEREAS, after public notice and due consideration of public comment, the City Council of the City of Belle hereby finds and declares the adoption of this Ordinance and the proposed development of the Property is consistent with the City of Belle Isle Comprehensive Plan and the land development regulations set forth in the City of Belle Isle Code of Ordinances; and

WHEREAS, based on competent substantial evidence in the record, the requested rezoning and preliminary concept plan set forth in this Ordinance meets all applicable criteria specified in the City of Belle Isle Comprehensive Plan and the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida as follows:

SECTION 1. The Property described above and in Exhibit "A" attached hereto is hereby rezoned from Multiple-Family Dwelling (R-2) to Planned Development (PD) subject to the following conditions and restrictions:

- 1 A. *Concept Plan.* The Silver Isles Townhome Preliminary Concept Plan attached hereto as **Exhibit "B"** ("Concept
2 Plan") is hereby approved. All development of the Property must conform to Concept Plan, including the
3 development standards and requirements identified on the Concept Plan. Should any conflict be found between this
4 Ordinance and the Concept Plan then the standards and conditions established by this Ordinance shall control.
- 5 B. *Code Provisions.* Unless specifically noted elsewhere in the Concept Plan attached hereto, or expressly provided for
6 herein, all development on the Property must comply with the general zoning requirements of the Planned
7 Development zoning district. Such requirements include any approval or amendment procedures pertaining to the
8 Planned Development zoning district. The Land Development Code of the Belle Isle Code of Ordinances, as
9 amended, shall govern the development of the Property with respect to any matter not addressed by this
10 Ordinance or its attached exhibits.
- 11 C. *Permitted Uses.* The permitted uses for the Property are as follows: Attached single-family townhome dwellings
12 and community amenities consistent with the Concept Plan. All other uses are prohibited.
- 13 D. *Minimum Size.* The minimum size of each townhome unit shall be 2,000 square feet under air conditioning. The
14 minimum size of each lot shall be 1,703 square feet of land.
- 15 E. *Maximum Building Height.* The maximum height of structures shall be 30 feet for lakefront lots. The maximum
16 height of structures shall be 35 feet for non-lakefront lots.
- 17 F. *Garages.* Each townhome unit shall be developed with a double car garage.
- 18 G. *Setbacks.* The setbacks shall be consistent with those depicted on the Concept Plan.
- 19 H. *Density.* There shall be a maximum of thirty (30) townhome dwelling units on the Property.
- 20 I. *Architectural Features.* The lakefront townhome dwelling units shall be developed consistent with one of the
21 architectural concepts set forth in **Exhibit "C"** attached hereto and incorporated herein by this reference, and the
22 non-lakefront townhome dwelling units shall include elements from the architectural concept that is selected for the
23 lakefront units.
- 24
25

1 J. *Recreational Open Space.* The Property shall be developed and maintained to preserve recreational open space as
2 depicted on the Concept Plan. The recreational open space areas located on either side of the center lakefront
3 building shown on the Concept Plan shall be developed to include hardscape elements and landscape plantings
4 substantially similar to the depiction set forth in **Exhibit "D"** attached hereto and incorporated herein by this
5 reference.

6 K. *Platting.* The Property shall be platted in a single phase. The Owner shall obtain a single final plat for the subdivision
7 of the Property to accommodate all of the proposed townhome lots and common area tracts. The final plat shall
8 contain necessary dedications of easements, including for drainage, utilities and access, with terms acceptable to the
9 City. All site infrastructure improvements (not including docks and piers) must be completed prior to final plat
10 approval, unless the completion of such improvements are secured by a performance bond, then in such case these
11 improvements shall be completed prior to occupancy of any structure.

12 L. *HOA.* The Owner shall create a homeowners association ("HOA") pursuant to Chapter 720, Florida Statutes, to
13 enforce a set of declaration of covenants, conditions and restrictions ("Declaration") binding upon the Property and
14 its lot owners and to be responsible for the operation, maintenance and repair of all common areas and
15 improvements thereon and having the power to assess the lots and lot owners within the subdivision to pay for
16 common area operation, maintenance and repair expenses. The Declaration shall also incorporate the requirements
17 and restrictions on dock and fishing/observation piers set forth in subsection N which are acceptable to the City and
18 give the City the right to enforce such restrictive covenants. As part of the platting process, the Owner shall submit
19 the proposed Declaration to the City for review and approval. The Declaration shall be executed and recorded in the
20 public records concurrently with the recording of the approved final plat. The common area tracts shall be deeded
21 to the HOA concurrently with the recording of the final plat.

22 M. *Private Right-of-Way/Roads.* The internal rights-of-way to the Project will be privately owned, operated and
23 maintained by the Project's HOA and each lot shall be given an easement by the HOA providing rights for access to
24 and from their lots and public rights-of-way. The final plat shall dedicate to the City of Belle Isle and other public
25

1 service and emergency service providers, a non-exclusive easement over and through private right-of-way
2 tract(s) and any other privately owned internal roads, alleys, paved areas and sidewalks for vehicular and
3 pedestrian ingress and egress access for the purpose of providing public and emergency services to the
4 subdivision, including but not limited to, postal, fire protection, police protection, emergency medical
5 transportation, code enforcement, garbage, utilities and other public and emergency services. The City shall
6 have no obligation to maintain the private right-of-way and improvements thereon.

7
8 N. *Dock*. The following conditions shall apply to the dock and fishing/observation piers:

- 9 i. Dock permitting shall only occur after approval and recording of a final plat and the creation of the HOA
10 for the Property;
- 11 ii. The applicant for any dock or fishing/observation piers shall be the HOA;
- 12 iii. The dock and fishing/observation piers shall be owned and maintained by the HOA. The HOA may lease
13 boat slips to individual owners of the townhomes units in this PD;
- 14 iv. No boathouses shall be allowed on the dock or on the fishing/observation piers;
- 15 v. No storage lockers shall be located on the dock or the fishing/observation piers;
- 16 vi. No dock or fishing/observation pier shall be located within thirty feet (30') from the residential property
17 to the north of the Property or twenty feet (20') from the property to the south of the Property.
- 18 vii. No overnight mooring, or other mooring more than 1 hour per vessel in a 24-hour period, shall be
19 allowed on a fishing/observation pier. Drop-off and pick-up of boat passengers from the southern
20 fishing/observation pier is allowed.
- 21 viii. The length and location of the dock and the fishing/observation piers shall be governed by the City
22 Code permitting process; provided, however, that the size of the dock and of the fishing/observation
23 piers shall comply with the following conditions set forth below that were recommended by the
24 Planning and Zoning Board on April 25, 2017. In the event of a conflict between the City Code and the
25 conditions set forth in this subsection, the conditions set forth in this subsection shall control.
- ix. The existing boat docks and boat ramp on the Property as of the Effective Date of this Ordinance shall
be removed prior to the installation of any new boat dock and fishing and observation docks;
- x. The proposed docks shall not be permitted by the City nor constructed prior to 25% of the total number
of dwelling units approved with this Ordinance are permitted, constructed, and receive a certificate of
occupancy;
- xi. The proposed boat dock shall be deed restricted for use only by residents/lot owners within the
development and not utilized for commercial lease or profit; and

1 xii. The location, length and layout and design of the boat dock and fishing/observation piers shall be
2 determined through a separate Belle Isle permitting process in accordance with the Belle Isle boat dock
3 regulations, except that the terminal platform of the fishing/observation piers shall be no larger than
4 ten feet by twenty feet (10' X 20'), the height of the dock and the fishing/observation piers shall be no
5 greater than five feet (5') above the Normal High Water Line ("NHWL"), and the maximum size of the
6 boat dock terminal platform shall be 3,600 square feet.

7 O. *Development Plan/PD Expiration.* The Owner shall submit a development plan for review and approval pursuant
8 to the provisions of Chapter 54, Section 54-77 (e) (4) of the Land Development Code of the Belle Isle Code of Ordinances.
9 Copies of the State Department of Environmental Protection (DEP) and Orange County permits issued for lakefront
10 clearing shall be provided with the Development Plan submittal. If the Owner fails to obtain final approval of said
11 development plan within one year of the Effective Date of this Ordinance, the entitlements under this Ordinance shall
12 become null and void and the zoning classification of the Property shall revert to R-2 pursuant to the provisions of Section
13 54-77 (e) (4), Land Development Code of the Belle Isle Code of Ordinances.

14 P. *Violation.* A violation of this Ordinance or any of its Exhibits is considered a violation of the Land Development
15 Code of the Belle Isle Code of Ordinances and zoning of the Property.

16 **SECTION 2.** Zoning Map. The City Manager is hereby authorized and directed to amend the Official City of Belle Isle Zoning
17 Map consistent with the provisions of this Ordinance.

18 **SECTION 3.** Severability. If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be
19 invalid, void or unconstitutional, the remainder of this Ordinance shall remain in effect.

20 **SECTION 4.** Effective date. This Ordinance shall take effect immediately upon adoption.

21 First Reading held this 7th day of November, 2017

22 Second Reading held this 21st day of November, 2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

YES

NO

ABSENT

Ed Gold

Anthony Carugno

Jeremy Weinsier

Bobby Lance

Harvey Readey

OPEN SEAT

Sue Nielsen

LYDIA PISANO, MAYOR

ATTEST: _____
Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

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 17-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of
_____ 2017, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

EXHIBIT A

LEGAL DESCRIPTION:

TRACT 1:

THAT PART OF THE SOUTH 75 FEET OF THE NORTH 235 FEET OF THE SOUTH ONE HALF OF GOVERNMENT LOT 3, OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, LYING WEST OF THE COUNTY PAVED ROAD.

TRACT 2:

BEGINNING AT A POINT WHICH IS 823.5 FEET SOUTH AND 1792.55 FEET WEST OF THE NORTHEAST CORNER OF GOVERNMENT LOT 3, OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, SAID POINT OF BEGINNING, BEING IN THE ORIGINAL GOVERNMENT MEANDER LINE OF THE EASTERLY SHORE OF "LAKE CONWAY"; RUN WITH THE SAID ORIGINAL GOVERNMENT MEANDER LINE SOUTH 3 DEGREES 57 MINUTES WEST, 75.16 FEET TO A POINT IN THE SOUTH LINE OF THE SOUTH 75 FEET OF THE NORTH 235 FEET OF THE SOUTH HALF OF GOVERNMENT LOT 3; THENCE WITH THE EXTENSION OF SAID SOUTH LINE, WESTERLY 64.0 FEET TO A 4" X 4" CONCRETE MONUMENT SET ON THE 86.4 FOOT CONTOUR LINE AS ESTABLISHED FROM THE UNITED STATES COAST AND GEODETIC SURVEY DATUM THENCE WITH SAID 86.4 FOOT CONTOUR LINE NORTH 0 DEGREES 29 MINUTES WEST, 75.0 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH 75 FEET OF THE NORTH 235 FEET OF THE SOUTH HALF OF SAID GOVERNMENT LOT 3, EXTENDED WESTERLY; THENCE WITH NORTH LINE EASTERLY 70.0 FEET TO THE POINT OF BEGINNING.

TRACT 3:

THE NORTH 160 FEET OF THE SOUTH ONE HALF OF GOVERNMENT LOT 3, OF SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, LYING WEST OF THE COUNTY ROAD.

TRACT 4:

BEGINNING AT A POINT 666.53 FEET SOUTH AND 1784.45 FEET WEST OF THE NORTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, SAID POINT BEING AT THE INTERSECTION OF THE ORIGINAL GOVERNMENT MEANDER LINE OF LAKE CONWAY WITH THE PROJECTED SOUTH LINE OF LOT 7, BLOCK 2, OF SILVER BEACH SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK L, PAGE 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT OF BEGINNING BEING WESTERLY ALONG THE PROJECTION OF THE SOUTH LINE OF SAID LOT 7 AND 60.9 FEET FROM THE ORIGINAL SOUTHWEST CORNER OF LOT 7, BLOCK 2 OF SILVER BEACH SUBDIVISION, RUN THENCE WITH THE ORIGINAL GOVERNMENT MEANDER LINE SOUTH 3 DEGREES 57 MINUTES WEST 160.38 FEET TO A CONCRETE MONUMENT IN THE SOUTH LINE OF THE NORTH 160 FEET OF THE SOUTH HALF OF GOVERNMENT LOT 3; THENCE WITH SAID LINE WEST 70.0 FEET TO A 4" X 4" CONCRETE MONUMENT SET IN THE 86.4 FOOT CONTOUR LINE AS ESTABLISHED BY THE UNITED STATES COAST AND GEODETIC SURVEY DATUM; THENCE WITH THE SAID 86.4 FOOT CONTOUR LINE, NORTH 15 DEGREES 33 MINUTES EAST, 166.08 FEET TO A 4" X 4" CONCRETE MONUMENT IN THE SOUTH LINE OF SILVER BEACH SUBDIVISION; THENCE WITH SAID LINE EAST 38.5 FEET TO THE POINT OF BEGINNING.

LESS THAT PART OF TRACTS 3 AND 4 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LAND DESCRIPTION CREATED: A TRACT OF LAND SITUATED IN SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE ORIGINAL GOVERNMENT MEANDER LINE OF LAKE CONWAY WITH THE PROJECTED SOUTH LINE OF LOT 7, BLOCK 2 OF SILVER BEACH SUBDIVISION, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK L, PAGE 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT OF BEGINNING BEING WESTERLY ALONG THE PROJECTION OF THE SOUTH LINE OF SAID LOT 7 AND 60.9 FEET FROM THE ORIGINAL SOUTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 89 DEGREES 36 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF GOVERNMENT LOT 3 BEING THE PROJECTED SOUTH LINE OF SAID SILVER BEACH SUBDIVISION FOR A DISTANCE OF 45.42 FEET TO A POINT OF INTERSECTION WITH THE NORMAL HIGH WATER LINE OF LAKE CONWAY; THENCE ALONG SAID NORMAL HIGH WATER LINE THE FOLLOWING COURSE AND DISTANCE: SOUTH 10 DEGREES 58 MINUTES 06 SECONDS WEST, 7.89 FEET; SOUTH 25 DEGREES 24 MINUTES 46 SECONDS EAST, 17.24 FEET; SOUTH 10 DEGREES 37 MINUTES 44 SECONDS WEST, 47.43 FEET; SOUTH 12 DEGREES 35 MINUTES 16 SECONDS WEST, 17.64 FEET; SOUTH 13 DEGREES 16 MINUTES 08 SECONDS WEST, 13.50 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 25 SECONDS EAST PARALLEL WITH SAID NORTH LINE OF SAID SOUTH HALF OF GOVERNMENT LOT 3, A DISTANCE OF 143.92 FEET; THENCE NORTH 10 DEGREES 37 MINUTES 44 SECONDS EAST, A DISTANCE OF 101.84 FEET TO A POINT OF INTERSECTION WITH SAID NORTH LINE; THENCE NORTH 89 DEGREES 38 MINUTES 25 SECONDS WEST ALONG SAID NORTH LINE, 107.31 FEET TO SAID POINT OF BEGINNING.

TRACT 5:

A TRACT OF LAND SITUATED IN SECTION 29, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE ORIGINAL GOVERNMENT MEANDER LINE OF LAKE CONWAY WITH THE PROJECTED SOUTH LINE OF LOT 7, BLOCK 2 OF SILVER BEACH SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK L, PAGE 72, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT OF BEGINNING BEING WESTERLY ALONG THE PROJECTION OF THE SOUTH LINE OF SAID LOT 7 AND 60.9 FEET FROM THE ORIGINAL SOUTHWEST CORNER OF SAID LOT 7; THENCE RUN NORTH 89 DEGREES 38 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTH HALF OF GOVERNMENT LOT 3 BEING THE PROJECTED SOUTH LINE OF SAID SILVER BEACH SUBDIVISION FOR A DISTANCE OF 45.42 FEET TO A POINT OF INTERSECTION WITH THE NORMAL HIGH WATER LINE OF LAKE CONWAY; THENCE ALONG SAID NORMAL HIGH WATER LINE THE FOLLOWING COURSE AND DISTANCE: SOUTH 10 DEGREES 58 MINUTES 06 SECONDS WEST, 7.89 FEET; SOUTH 25 DEGREES 24 MINUTES 46 SECONDS EAST, 17.24 FEET; SOUTH 10 DEGREES 37 MINUTES 44 SECONDS WEST, 47.43 FEET; SOUTH 12 DEGREES 35 MINUTES 16 SECONDS WEST, 17.64 FEET; SOUTH 13 DEGREES 16 MINUTES 08 SECONDS WEST, 13.50 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 25 SECONDS EAST, PARALLEL WITH SAID NORTH LINE OF SAID SOUTH HALF OF GOVERNMENT LOT 3, A DISTANCE OF 143.92 FEET; THENCE NORTH 10 DEGREES 37 MINUTES 44 SECONDS EAST, A DISTANCE OF 101.84 FEET TO A POINT OF INTERSECTION WITH SAID NORTH LINE; THENCE NORTH 89 DEGREES 38 MINUTES 25 SECONDS WEST ALONG SAID NORTH LINE, 107.31 FEET TO SAID POINT OF BEGINNING.

CONTAINS 116,262 SQUARE FEET OR 2.6690 ACRES MORE OR LESS.

W6
P16
4.2

AND

LOTS 1 THROUGH 4, LARKINVILLE USA, ACCORDING TO THE PLAT
THEREOF, RECORDED IN PLAT BOOK 15, PAGE 16, OF THE PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINS 48,895 SQUARE FEET OR 1.1225 ACRES MORE OR LESS.

PLANNED DEVELOPMENT/
 PRELIMINARY SUBDIVISION PLAN
 FOR
SILVER ISLES TOWNHOME PROJECT
7710, 7728, AND 7740 DAETWYLER DRIVE
BELLE ISLE, ORANGE COUNTY, FLORIDA

PARCEL I.D. Nos. 29-23-30-4986-00-010, 29-23-30-4986-00-040, AND 29-23-30-4986-00-013

OWNER/APPLICANT: COMINS DEVELOPMENT
 9145 NARCOOSSEE RD. #102
 ORLANDO, FL 32832
 PHONE: 407-281-8455

GEOTECHNICAL: UNIVERSAL ENGINEERING SCIENCES
 3532 MAGGIE BLVD.
 ORLANDO, FLORIDA 32811
 PHONE: 407-423-0504

SURVEYOR: IRELAND & ASSOCIATES SURVEYING INC
 1300 INTERNATIONAL PKWY #2001
 LAKE MARY, FLORIDA 32746
 PHONE: 407-678-3366

PERMITTING AGENCIES
 S.J.R.W.M.D.: ENVIRONMENTAL RESOURCE PERMIT
 F.D.E.P.: WATER AND WASTEWATER SYSTEM PERMITS
 F.D.E.P.: NOTICE OF INTENT (NPDES PERMIT)
 CITY OF BELLE ISLE: SUBDIVISION PLAN APPROVAL
 ORLANDO UTILITIES COMMISSION: WATER SYSTEM PERMITS

UTILITY COMPANIES
 WATER: (407) 434-2576
 WASTEWATER: (407) 254-9764
 WASTEWATER: (407) 246-3525
 ELECTRIC: (407) 905-3321
 TELEPHONE: (561) 997-0240
 CABLE: (407) 532-8509
 (352) 516-3824

ORLANDO UTILITIES COMMISSION
 ORANGE COUNTY UTILITIES
 CITY OF ORLANDO BUREAU OF WASTEWATER
 DUKE ENERGY
 AT&T
 SPECTRUM
 COMCAST CABLE COMMUNICATIONS

SITE VICINITY MAP



NOT TO SCALE

PLAN INDEX

- C-1 COVER SHEET
- C-2 BOUNDARY & TOPOGRAPHIC SURVEY, SHEET 1 OF 2
- C-3 BOUNDARY & TOPOGRAPHIC SURVEY, SHEET 2 OF 2
- C-4 SITE GEOMETRY PLAN
- C-5 PRELIMINARY SITE DRAINAGE & UTILITY PLANS

5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325



Engineering the Future
 www.feg-inc.us

FLORIDA ENGINEERING GROUP
 STATE LICENSE NO. 15384
 PROFESSIONAL ENGINEER IN THE STATE OF FLORIDA

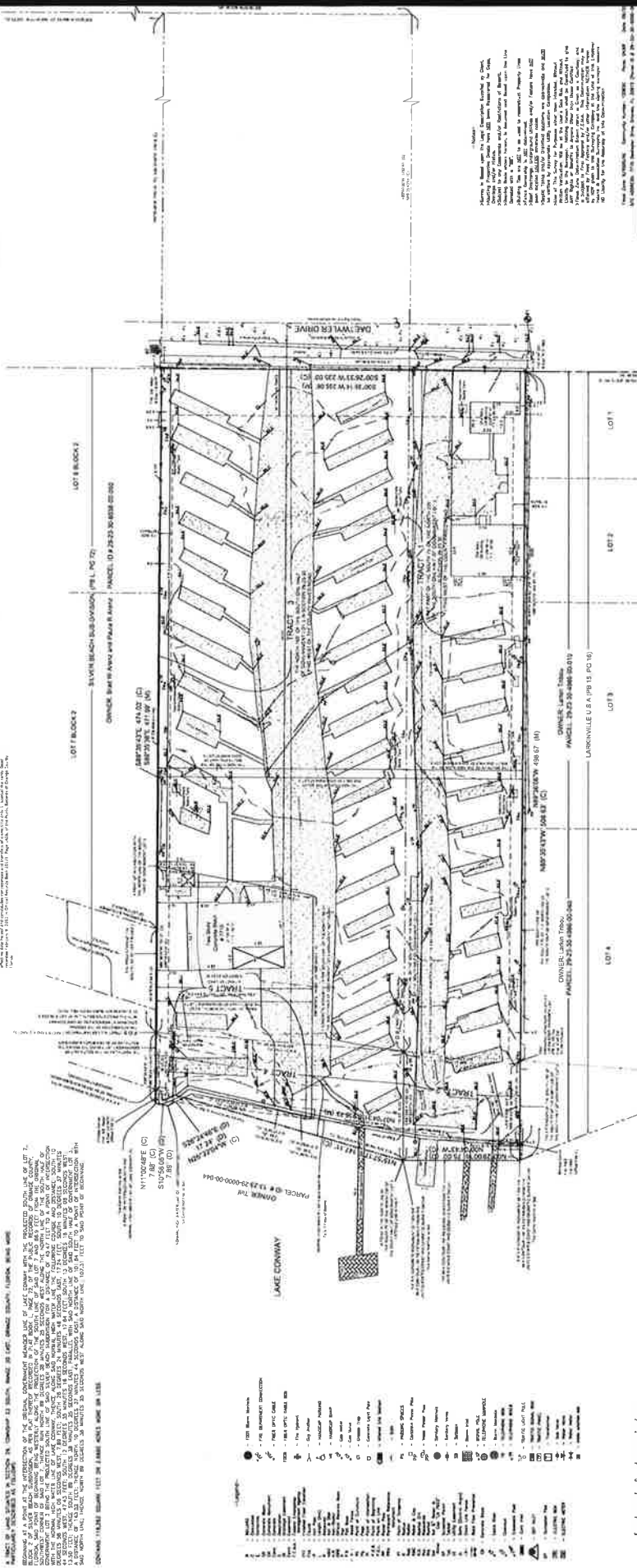
ALTA / ACSM Land Title Survey

LOCAL DESCRIPTION
 TRACT 1: ...
 TRACT 2: ...
 TRACT 3: ...
 TRACT 4: ...

LEGAL DESCRIPTION
 BEGINS AT A POINT ...
 BEGINS AT A POINT ...
 BEGINS AT A POINT ...
 BEGINS AT A POINT ...



RECORDING INFORMATION
 This Survey is being recorded in accordance with the provisions of the Florida Land Surveying Act, Chapter 473, F.S., and the Florida ACSM Act, Chapter 409, F.S.
 The Survey is being recorded in accordance with the provisions of the Florida Land Surveying Act, Chapter 473, F.S., and the Florida ACSM Act, Chapter 409, F.S.



OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

DATE: 02/15/2017
SCALE: 1" = 20'
PROJECT: ALTA / ACSM Land Title Survey

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

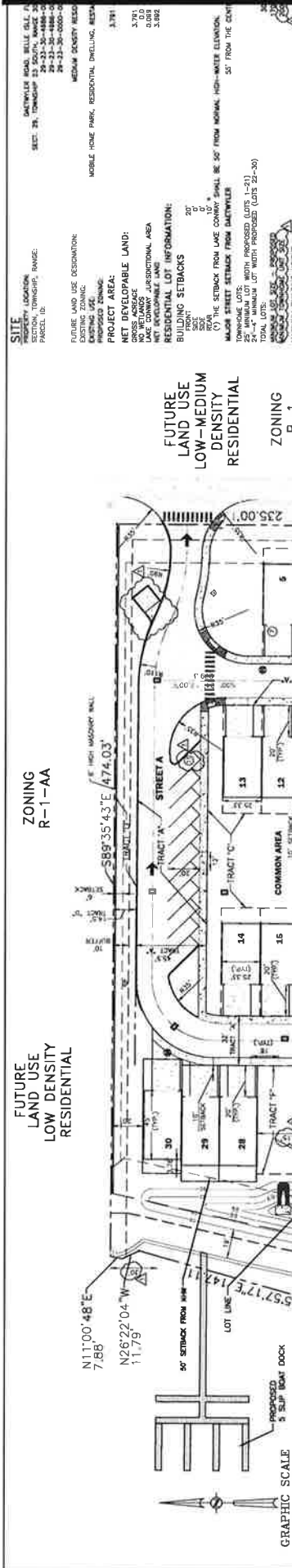
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS
OWNER: LAKELAND TRUSS

Ireland & Associates
Surveying, Inc.
 1807 E. International Parkway, Suite 2007
 Fort Lauderdale, FL 33316
 Office - 407.678.3366
 Fax - 407.920.8165

EXHIBIT B



TOTAL PROJECT AREA CALCULATIONS

TRACT	USE	AREA	%
TRACT 1	ACCESS, DRAINAGE & UTILITIES	0.340 ACRES	24.03%
TRACT 2	OPEN SPACE/RECREATION AREA	0.315 ACRES	3.87%
TRACT 3	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 4	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 5	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 6	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 7	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 8	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 9	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 10	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 11	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 12	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 13	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 14	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 15	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 16	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 17	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 18	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 19	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 20	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 21	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 22	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 23	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 24	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 25	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 26	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 27	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 28	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 29	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 30	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TRACT 31	OPEN SPACE/RECREATION AREA	0.188 ACRES	5.17%
TOTAL		3.781 ACRES	100.00%

PROPOSED NET RESIDENTIAL DENSITY:
OPEN SPACE/RECREATION AREA REQUIRED: 0.823 ACRES
OPEN SPACE/RECREATION AREA PROVIDED: 3.781 ACRES

TYPICAL LOT DIMENSIONS
N.T.S.

ADDITIONAL NOTES:
(*) ALL LAKE FRONT LOTS ARE 49' (LOTS 22-30)
(*) ALL LAKE FRONT LOTS ARE 49' (LOTS 22-30)

LOT AREA TABLE

LOT	AREA, SF	AREA, AC.
1	1773.16	0.041
2	1794.02	0.042
3	1794.02	0.042
4	1794.02	0.042
5	1794.02	0.042
6	1794.02	0.042
7	1794.02	0.042
8	1794.02	0.042
9	1794.02	0.042
10	1794.02	0.042
11	1794.02	0.042
12	1794.02	0.042
13	1794.02	0.042
14	1794.02	0.042
15	1794.02	0.042
16	1794.02	0.042
17	1773.16	0.041
18	1794.02	0.042
19	1794.02	0.042
20	1794.02	0.042
21	1794.02	0.042
22	1794.02	0.042
23	1794.02	0.042
24	1794.02	0.042
25	1794.02	0.042
26	1794.02	0.042
27	1794.02	0.042
28	1794.02	0.042
29	1794.02	0.042
30	1794.02	0.042
31	1773.16	0.041
TOTAL	1773.16	0.041

GENERAL NOTES

- ANY PROPOSED SPACING SHALL COMPLY WITH SECTION 62.32
- PROPOSED INTERCOURSE ARE TO BE OWNED AND MAINTAINED BY HOA
- FINAL DESIGN OF RECREATION TRACTS INCLUDING TRACT FACILITY, SETBACKS ACCESS AND SECTION 62.37(1) OF THE CITY OF BELLE ISLE ORDINANCE SHALL BE SUBMITTED WITH FINAL ENGINEERING PLANS FOR THE APPROPRIATE PHASE OF THE PROJECT
- PROJECT SHALL BE SERVED BY CENTRAL WATER AND WASTEWATER SYSTEMS
- ALL RECREATION AREAS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNER ASSOCIATION
- THIS PROJECT WILL BE CONSTRUCTED IN ONE PHASE
- THE PROPOSED LAYOUT WILL BE REVIEWED BY THE PLANNING AND ZONING DEPARTMENT OF BELLE ISLE
- DURING CONSTRUCTION, WHEN CONSIDERABLE USE IS REQUIRED INTO THE SITE, ACCESS ROADS, AND SHALL BE RESPONSIBLE FOR PERMANENT SURVEY OF WATER ADJACENT TO THE SITE
- RELAYED AND POLE SITES SHALL BE PROHIBITED
- NO COMMERCIAL OR PROFESSIONAL OFFICE USES WILL BE LOCATED WITHIN THE PLANNED DEVELOPMENT
- DEVELOPMENT PROPOSERS SHALL BE RESPONSIBLE FOR ALL NEW CONSTRUCTION
- EXISTING ROADWAYS TO REMAIN
- EXISTING BOAT DAMPS AND DOCK SHALL BE DEMOLISHED PRIOR TO NEW CONSTRUCTION

STREET 'A' W/ PARKING TYPICAL SECTION
SCALE: N.T.S.

INTERNAL ROADWAY TYPICAL SECTION
SCALE: N.T.S.

INTERNAL ROADWAY TYPICAL SECTION
SCALE: N.T.S.

INTERNAL ROADWAY TYPICAL SECTION
SCALE: N.T.S.

PRELIMINARY SITE GEOMETRY

5627 S. Orange Avenue, Suite 200
Orlando, FL 32835-0324
Phone: 407-895-0324
Fax: 407-895-0325
www.feg-inc.us

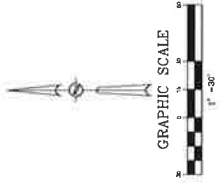
FEG FLORIDA ENGINEERING GROUP
Engineering the Future

PLANNED DEVELOPMENT PRELIMINARY SUBDIVISION PLAN FOR SILVER ISLES 7728, AND 7740 DAETWYLER DRIVE BELLE ISLE, ORANGE COUNTY, FLORIDA

REVISIONS

NO.	DATE	BY	CHECKED	APPROVED
1	10/11/17	JAN	JAN	JAN

10/11/17 REVISOR PER CLIENT TO ADD A NOTE ON THE PLAN



SANITARY SEWER SERVICE NOTES

1. CONSTRUCTION OF THE SANITARY SEWER SERVICE SYSTEM SHALL MEET ORANGE COUNTY UTILITIES AND FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUIREMENTS.

CLEAN-OUT NOTE

1. ALL SANITARY CLEAN-OUTS SHALL HAVE COVERS WHICH ARE IDENTIFIED AS "SANITARY".

WASTEWATER NOTE

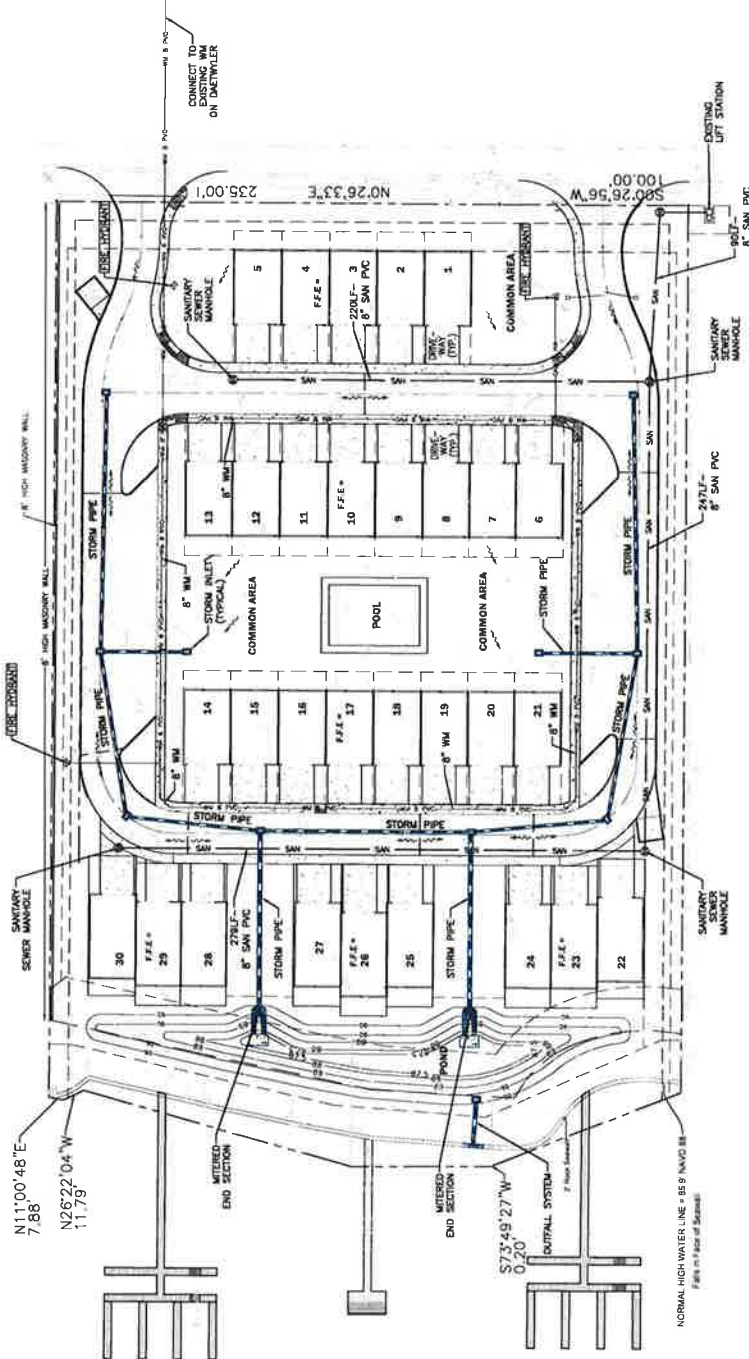
1. WASTEWATER SHALL BE COLLECTED BY A GRAVITY SEWER COLLECTION SYSTEM WHICH WILL DISCHARGE TO THE STORMWATER MANAGEMENT SYSTEM. A UTILITY AGREEMENT WILL BE IN PLACE AND APPROVED BY ORANGE COUNTY PRIOR TO THE CONNECTION.

STORMWATER MANAGEMENT SYSTEM

1. THE STORMWATER SYSTEM WILL BE DESIGNED TO MEET WATER QUALITY STANDARDS OF THE STORMWATER MANAGEMENT DISTRICT. THE DESIGN FLOW RATE FOR WATER MANAGEMENT DISTRICT "H" IMPERVIOUS AREA IS DESIGNED UP TO 55%.

IMPERVIOUS AREA CALCULATIONS:

PAVEMENT & SIDEWALK AREA	0.281 ACRES
DRIVEWAY AREAS	0.251 ACRES
COMMON AREAS	0.251 ACRES
TOTAL IMPERVIOUS	1.083 ACRES
PERCENT IMPERVIOUS	48.02%



5127 S. Orange Avenue, Suite 200 Orlando, FL 32809 Phone: 407-895-0324 Fax: 407-895-0325 www.feg-inc.us	PRELIMINARY SITE DRAINAGE AND UTILITY PLANS		PROJECT NO. 15-084 DATE 11-20 DATE OCTOBER 2016 SHEET C-5 OF 5
	5127 S. Orange Avenue, Suite 200 Orlando, FL 32809 Phone: 407-895-0324 Fax: 407-895-0325 www.feg-inc.us	PRELIMINARY SITE DRAINAGE AND UTILITY PLANS	PROJECT NO. 15-084 DATE 11-20 DATE OCTOBER 2016 SHEET C-5 OF 5

PLANNED DEVELOPMENT/
 PRELIMINARY SUBDIVISION PLAN
 FOR
 SILVER ISLES
 7710, 7728, AND 7740 DAETWYLER DRIVE
 BELLE ISLE, ORANGE COUNTY, FLORIDA

DATE	REVISIONS	BY	CHECKED	VP	AW

10/11/17 REVISED PER SETTLEMENT AGREEMENT WITH CITY OF BELLE ISLE

REVISOR PER CLIENT TO ADD A NOTE ON THE PLAN

DATE: 08/23/2017

PROJECT: Silver Isles Townhomes



Silver Isles Townhomes
 Belle Isle, Orange County, Florida

Elevation - West Side
 3-3-3 Units Buildings - Lake View - Elevation A

CMH ASSOCIATES
 CMH ASSOCIATES, INC.
 10000 W. Alhambra Avenue, Suite 1000
 Alhambra, CA 91803
 626.444.1111
 08.23.2017



Lake View Elevation

Building 3

Building 2

Building 1



Lake View Elevation Building 3

Lake View Elevation Building 2

Lake View Elevation Building 1

Silver Isles Townhomes
 Belle Isle, Orange County, Florida

Elevation - West Side
 3-3-3 Units Buildings - Lake View - Elevation B

canin associates
 3000 Parkway • Suite 200 • Orlando, Florida 32835
 Phone: 407.226.1111 • Fax: 407.226.1112
 CA, Reg. No. 21700A-1
 06.23.2017



Lake View Elevation

Building 3

Building 2

Building 1



Lake View Elevation Building 3



Lake View Elevation Building 2



Lake View Elevation Building 1

Silver Isles Townhomes
 Belle Isle, Orange County, Florida

Elevation - West Side
 3-3-3 Units Buildings - Lake View - Elevation C

CMH ASSOCIATES
 5700 Alandale Avenue, Suite 100, Orlando, FL 32810
 407.226.1100
 08.23.2017

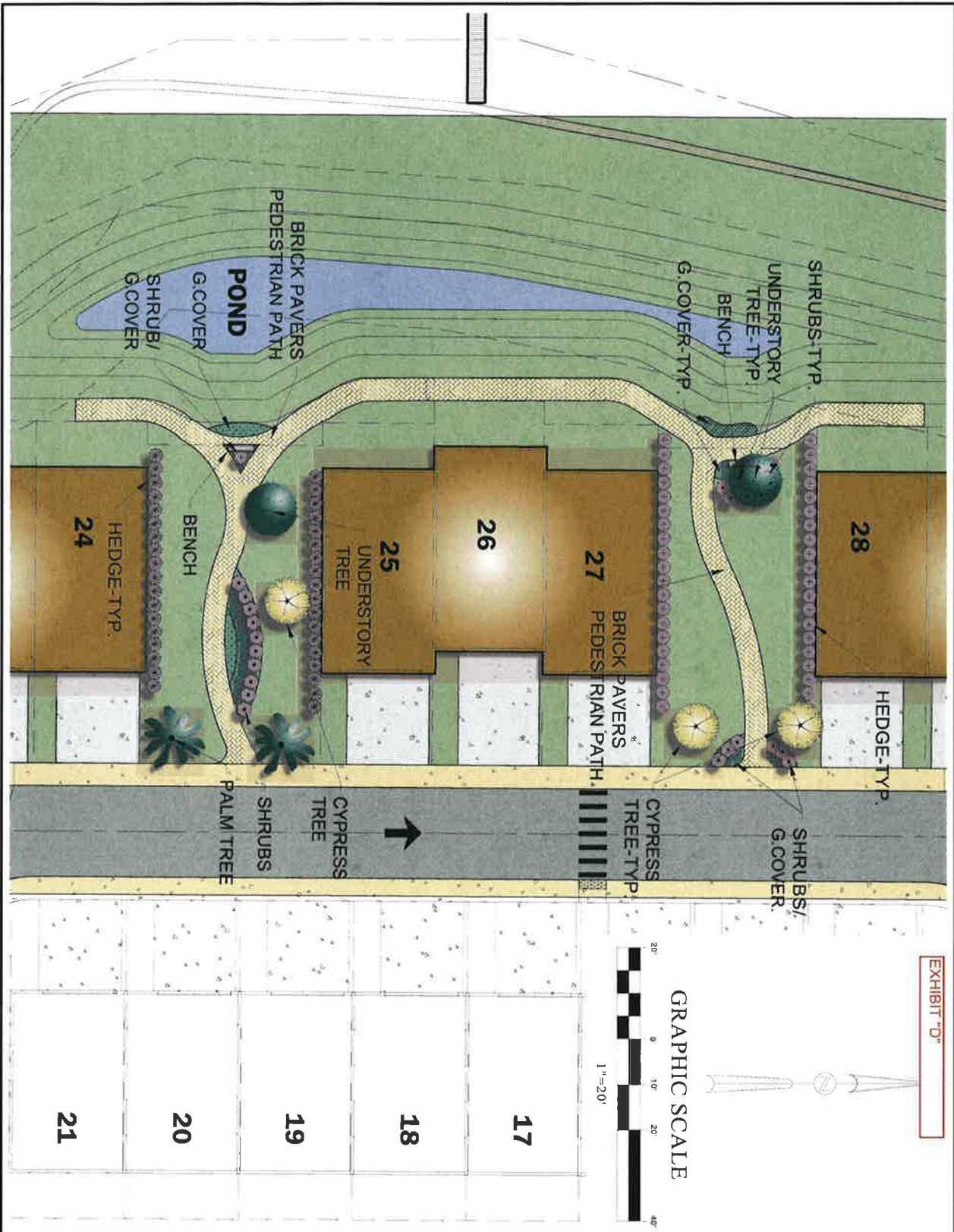


EXHIBIT "D"



GRAPHIC SCALE

PROJECT NAME: LANDSCAPE CONCEPT PLAN
 SILVER ISLES TOWNHOME PROJECT
 7710, 7728, AND 7740 DAETWYLER DRIVE
 BELLE ISLE, ORANGE COUNTY, FLORIDA

CLIENT: COMINS DEVELOPMENT
 9145 NARCOOSSEE RD. #102

F.E.G. PROJECT NO.: 15-084

DATE: 08/31/2017

SCALE: 1" = 20'

FEG FLORIDA ENGINEERING GROUP
 Engineering the Future

5127 S. Orange Avenue, Suite 200
 Orlando, FL 32809
 Phone: 407-895-0324
 Fax: 407-895-0325
 www.feg-inc.us



Aquatic Plant Control Permit
 FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
 Division of Habitat and Species Conservation
 Invasive Plant Management Section
 3800 Commonwealth Boulevard, Mail Station 705
 Tallahassee, Florida 32399

Permittee Name: Christopher Comins Permit Number: IPM-17-00034
 Permittee Address: Comins Development Effective Date: 01/27/2017
 6413 Pine Castle Blvd. Expiration Date: 01/27/2020
 ORLANDO, FLORIDA 32806
 UNITED STATES
 Agent Name: Robert Williamson
 Agent Address: Aquascapes of Central Florida LLC-
 President
 PO BOX 1354
 WINDERMERE, FLORIDA 34786
 UNITED STATES

IS AUTHORIZED TO:

1. Pursuant to the Agency's authority under Chapter 369.20 Florida Statutes and Chapter 68F-20 Florida Administrative Code, the Permittee is authorized to control aquatic plants under the conditions listed below and in accordance with any site map that may be attached to this permit. A copy of this permit must be present on site and available for review during any aquatic plant control activities.

AUTHORIZED LOCATION(S): **Area of operation:** Conway, Lake (ORANGE)
Site Address: 7740 Daetwyler Drive
POS: Latitude 28° 27' 16.71' N Longitude 81° 20' 23.22' W

Permittee Signature: _____ Date: _____
 Not valid unless signed. By signature, confirms that all information provided to issue the permit is accurate and complete, and indicates acceptance and understanding of the provisions and conditions listed below. **Any false statements or misrepresentations when applying for this permit may result in felony charges and will result in revocation of this permit.**

Authorized By: Ed Harris Authorized for: Nick Wiley, Executive Director

Authorizing Signature: Ed Harris Date: 01/27/2017
 Invasive Plant Management Section

Is Authorized To (Continued):

PLANT	ACRES	METHOD
Cattail (Typha spp.)	0.10	2,4-D (liquid), Glyphosate, Hand Removal
Torpedo grass (Panicum repens)	0.10	2,4-D (liquid), Glyphosate, Hand Removal

Primrose Willow (<i>Ludwigia octovalvis/peruviana</i>)	0.10	2,4-D (liquid), Glyphosate, Hand Removal
Wedelia (<i>Sphagneticola trilobata</i>)	0.10	2,4-D (liquid), Glyphosate, Hand Removal
Lake Rush (<i>Fuirena</i> spp.)	0.10	2,4-D (liquid), Glyphosate, Hand Removal

PERMIT CONDITIONS AND PROVISIONS:

- 1 Permittee must manage the above listed aquatic plants in accordance with the attached site plan which is made part of this permit.
- 2 Permittee may maintain clear the above listed aquatic plants from within an access corridor not to exceed 50 feet in width, of sufficient length waterward from the shore to allow access to open water.
- 3 Lake rush may be removed within the access corridor only.
- 4 Permittee shall notify the Commission in writing upon the sale of this property. A copy of this permit shall be provided to prospective buyers of this property.
- 5 Areas to be revegetated shall be planted with native aquatic plants in a minimum of 15 rows on no more than two-foot centers. The site must be revegetated within 90 days after the issue date of this permit. If the permitted aquatic plants are not removed from the revegetation areas in time to meet the revegetation time frame stated above, the permittee must notify the Commission's regional biologist, in writing, when the removal of aquatic vegetation began. There must be 80 percent survival of any revegetated plants one year after the issue date of this permit or 180 days after notifying the Commission, in writing, when the removal of aquatic vegetation began. If 80 percent survival is not achieved within these time frames, additional plantings may be required until 80 percent survival is achieved.
- 6 Issuance of this permit does not relieve the permittee of the responsibility to comply with all applicable federal, state, county, and municipal law, ordinances, or rules; nor is the permittee relieved of the responsibility to obtain any other license or permits. Please contact the Orange County Environmental Protection Department at (407) 836-1400 for information on County Permitting requirements.
- 7 All aquatic vegetation removed pursuant to this permit shall be deposited on a self-contained upland site which shall be located so as to prevent the reintroduction of the removed vegetation into waters of the State.
- 8 Permittee shall not disturb or destabilize the shoreline substrate while using any mechanical equipment. If substrate will/may be disturbed or removed while using a tractor/mower, bush-hog or other mechanical equipment, then a dredge & fill permit may be required by the Department of Environmental Protection.
- 9 Permittee may remove entire plant (including roots) from the site, as long as no offsite turbidity occurs or sediment is removed. If substrate is removed while conducting the above permitted activities then a dredge & fill permit may be required by the Department of Environmental Protection.
- 10 The permit or a copy of the permit must be present and available for review on site during the time of any aquatic plant control activities.
- 11 This permit is valid for only the activities printed on the front of this document.
- 12 If an aquatic herbicide(s) is authorized for use by this permit, the permittee is required to use the permitted herbicide(s) in a manner that is consistent with the application directions on the product label.
- 13 The Permittee agrees to hold and save the State of Florida, the Fish and Wildlife Conservation Commission, its inspectors and employees, harmless from any damage, no matter how occasioned and no matter what the amount, to persons or property, which might result from the aquatic plant management activities pursuant to the permit. [If the Permittee is a Florida "state agency or subdivision" as defined in 768.28, F.S., this provision does not constitute a waiver of the Permittee's sovereign immunity or extend the Permittee's liability beyond the limits established in Section 768.28, F.S.]

- 14 The Permittee is responsible for complying with the restrictions/requirements of any recorded conservation easement along the shoreline. If the activities authorized by this permit are inconsistent or contrary with the restrictions/requirements of a conservation easement, then the permittee must obtain authorization from the conservation easement holder prior to conducting any aquatic plant control activities at the site.
- 15 The removal of aquatic plants is exempt from chapters 373 and 403, Florida Statutes, dredge and fill permitting requirements, provided the activities are performed in compliance with the conditions of paragraph 403.813(1)(r), Florida Statutes (copy attached). Turbidity caused by aquatic plant control activities must be contained on site so as to prevent violation of state water quality standards.

A person whose substantial interests are affected by FWC's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. A person seeking a hearing on FWC's action shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision. The petition must contain the information and otherwise comply with section 120.569, Florida Statutes, and the uniform rules of the Florida Division of Administration, chapter 28-106, Florida Administrative Code. If the FWC receives a petition, FWC will notify the Permittee. Upon such notification, the Permittee shall cease all work authorized by this permit until the petition is resolved. The enclosed Explanation of Rights statement provides additional information as to the rights of parties whose substantial interests are or may be affected by this action.



Environmental Protection Division

**LAKESHORE
PROTECTION PERMIT**

Permit Number: LSP-16-12-103

Date Issued: February 21, 2017

A Permit Authorizing:

The removal of Category I and II invasive exotic vegetation as listed in the Florida Exotic Pest Plant Council's (FLEPPC) most recent List of Invasive Plant Species (List) on the property described below located adjacent to Lake Conway.

This permit is issued pursuant to Orange County Code, Chapter 15, Article VII, Orange County Lakeshore Protection Regulations and is subject to the permit conditions provided on the following pages.

Activity Location:

7740 Daetwyler Drive
Belle Isle, FL 32812
Lake Conway
Parcel ID Number: 29-23-30-4986-00-040
Orange County Commission District: 3

Permittee:

Comins Development I LLC
E-mail: steve@realtygroupfl.com

Orange County Environmental Protection Division
3165 McCrory Place, Suite 200
Orlando, Florida 32803.
407-836-1400 Fax: 407-836-1499
www.OCEPD.org

It is the property owner's responsibility to ensure that all of the following conditions are met, even if you are using a contractor to perform the authorized activities. If you fail to meet any of the conditions, the Environmental Protection Division (EPD) staff may cite you and you may be subject to penalties.

Approval of this permit is subject to the following conditions:

Specific Conditions:

1. This permit shall become final and effective upon expiration of the fifteen (15) calendar day appeal period following the date of issuance, unless an appeal has been filed within this timeframe. Any appeal shall stay the effective date of this permit until any and all appeals are resolved.
2. This permit authorizes only selective removal of invasive exotic vegetation. **Replanting of native vegetation is required.** The planting plan must be implemented in accordance with the 'Planting Plan' as dated as received on December 15, 2016 by EPD. New plantings must be installed within thirty (30) days of completion of removal of invasive exotic vegetation. The permitted work must be completed within one (1) year from the date of issuance of the permit. Requests for permit extension must be submitted to EPD prior to the expiration date.
3. Native vegetation, including but not limited to Arrowhead (*Sagittaria lancifolia*), may not be removed from the shoreline outside of the specified access corridor.
4. Cleared vegetation must be removed landward of the Normal High Water Elevation (NHWE) on Lake Conway, within twenty-four (24) hours.
5. Removal of native trees, including but not limited to, cypress (*Taxodium spp.*), red maple (*Acer rubrum*), or sweetbay (*Magnolia virginiana*) is prohibited.
6. Successful establishment will have occurred when:
 - i. At least 80 percent cover by appropriate wetland/aquatic species (outside of the access corridor) has been obtained; and
 - ii. The enhancement/ restoration area comprises less than five (5) percent exotic vegetation, as listed in the Florida Exotic Pest Plant Council's 2015 List of Invasive Species Category I and II (as amended from time to time).
7. The Permittee is required to submit an initial planting report upon completion of the shoreline plantings (time zero) and an annual monitoring report, utilizing the attached EPD Qualitative Monitoring Form(s). If at the end of the one year monitoring period, the restoration area is not meeting the success criteria, the Permittee shall be required to provide a restoration plan (which may include additional planting) and continue monitoring until success has been demonstrated, or the permit shall be voided and the property may be determined to be in violation of County Code (Chapter 15, Article VII).
8. EPD staff may conduct a site inspection at any time in order to determine if the project is in compliance with the permit conditions and/or if success criteria has been met. If, at any time,

EPD determines the lakeshore area has less than an eighty (80) percent vegetative coverage (outside of the access corridor), the Permittee may be required to install additional plantings and continue monitoring until the success of the plantings areas has been demonstrated. Once the area has met success criteria, to EPD's satisfaction, this permit shall allow continued maintenance activities, in perpetuity, so long as the restoration area maintains appropriate vegetative coverage and all permit conditions are being met.

9. The permittee may maintain a clear access corridor below the NHWE of 86.90 feet above mean sea level (NGVD 1929) for Lake Conway, not to exceed thirty (30) feet or twenty (20) percent of the shoreline in width, whichever is greater to a sufficient length waterward from the shoreline to gain access to the water. Any structures such as boat ramps and boat docks shall be located within the access corridor. No access corridor is allowed within a conservation easement and/or area.

General Conditions:

10. Anyone who uses herbicides for management of aquatic plants must be certified in accordance with the Florida Pesticide Law administered by the Florida Department of Agriculture and Consumer Services. All aquatic herbicides must have an aquatic-use label and must be applied in strict compliance with the directions stated on the product label. It is a violation of state and federal law to use herbicides in a manner that is inconsistent with its label. The label is the law. Before using any herbicide, the applicator should read the label to determine any water use restrictions, herbicide toxicity, location and sites where herbicide can be used and what personal protective clothing and equipment is required.
11. Subject to the terms and conditions herein, the permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawings, plans, and other documents attached hereto or on file with EPD. The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If EPD determines at any time that activities, including without limitation the performance of the required mitigation, are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked immediately by the Environmental Protection Officer. Notice of the revocation shall be provided to the permit holder promptly thereafter.
12. The permittee shall require the contractor to maintain a copy of this permit, complete with all approved drawings, plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee shall require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit shall be available upon request by Orange County staff.
13. Issuance of this permit does not warrant in any way that the permittee has riparian or property rights to conduct any activity authorized herein and any such activity is done at the sole risk of the permittee. In the event that any activity permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, the permittee agrees to either obtain written consent or to remove the offending encroachment within sixty (60) days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate revocation.

14. This permit does not release the permittee from complying with all other federal, state, and local laws, ordinances, rules and regulations. Specifically, this permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities upon property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 15, Article VII of the Orange County Code. If these permit conditions conflict with those of any other regulatory agency the permittee shall comply with the most stringent conditions. The permittee shall immediately notify EPD of any conflict between the conditions of this permit and any other permit or approval.
15. The permittee is hereby advised that Section 253.77, Florida Statutes, states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereign lands or other state-owned lands.
16. Should any other regulatory agency require changes to the property, permitted activities, or approved mitigation, the permittee shall provide written notification to EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
17. The permittee shall immediately notify EPD in writing of any previously submitted information that is later discovered to be inaccurate.
18. EPD staff, with proper identification, shall have permission to enter the site at any reasonable time to either, at a minimum: inspect, sample, or test to ensure conformity with the plans and specifications approved by the permit.
19. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.
20. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit shall be required to be paid by the permittee.
21. The permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
22. **Turbidity and sediments shall be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC).** Best Management Practices, as specified in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the

permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.

23. The Florida Fish and Wildlife Conservation Commission (FWC) may require a permit for the proposed activities. Please contact Ed Harris of the FWC at 407-858-6170 for more information.
24. Pursuant to Section 125.022, Florida Statutes, issuance of this permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of the activity authorized herein.

If you should have any questions concerning this review, please contact Aimee Krivan at (407) 836-1496 or Aimee.krivan@ocfl.net.

Project Manager:



Aimee Krivan, Senior Environmental Specialist

Authorized for the Orange County Environmental Protection Division by:



Lori Cunniff, Environmental Protection Officer

AK/EC/ERJ/LC:gdjr

Attachment: Site Plans
EZ Monitoring Report Forms(s)

Cc: FWC – Invasive Plant Management Section, Ed Harris ed.harris@myfwc.com



**ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION
BASELINE EZ MONITORING REPORT**

Return form to:
 Email: Orangetogreen@ocfl.net Attn: Permitting Supervisor
 FAX: 407-836-1499

DATE: _____

PERMIT # _____

Date project planting completed: _____

Complete the following table for the planting area(s) associated with the permitted activities:

STRATA	Check If Used	APPROXIMATE % COVER	APPROXIMATE % SURVIVAL	SPECIES NAMES (If Other)
Trees				
Cypress				
Red Maple				
Sweet Bay				
Dahoon Holly				
Loblolly Bay				
Other(s)				
Shrubs				
Wax Myrtle				
Buttonbush				
Other(s)				
Ground Covers				
Canna Lily				
Pickerelweed				
Duck Potato				
Sand Cord Grass				
Spike Rush				
Fachahatchee				
Blue Flag Iris				
Muhly Grass				
Maldencane				
Other(s)				
TOTAL % COVER				
Exotic/Nuisance				

Attach the following information:

- A copy of the approved planting plan.
- Representative photographs of the planting area(s).
- A description of any problems encountered _____

I hereby certify that the above information is true and factual.

Printed Name

Signature

Date



ORANGE COUNTY ENVIRONMENTAL PROTECTION DIVISION ANNUAL EZ MONITORING REPORT

Return form to:

DATE: _____

Email: Orangetogreen@ocfl.net Attn: Permitting Supervisor

FAX: 407-836-1499

PERMIT # _____

Year# _____

Date project planting completed: _____

Date(s) of site inspection(s)/maintenance visit(s) since previous report: _____

Complete the following table for the planting area(s) associated with the permitted activities:

STRATA	Check If Used	APPROXIMATE % COVER	APPROXIMATE % SURVIVAL	SPECIES NAMES (If Other)
Trees				
Cypress				
Red Maple				
Sweet Bay				
Dahoon Holly				
Loblolly Bay				
Other(s)				
Shrubs				
Wax Myrtle				
Buttonbush				
Other(s)				
Ground Covers				
Canna Lily				
Pickeralweed				
Duck Potato				
Sand Cord Grass				
Spike Rush				
Fachahatchee				
Blue Flag Iris				
Muhly Grass				
Maidencane				
Other(s)				
TOTAL % COVER				
Exotic/Nuisance				

Please attach the following information:

- A copy of the approved planting plan.
- Representative photographs of the planting area(s).
- A description of any problems encountered _____

• Are you requesting signoff for successful completion of the planting activities: Yes _____ No _____

I hereby certify that the above information is true and factual.

Printed Name

Signature

Date

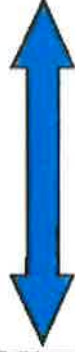


APPROVED BY THE
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 2/20/2017
INITIAL: AK

LSP - 16-12-103

Lake Conway

30 feet access



L.S.P.

5 ft.

4 ft.

3 ft

2 ft

1 ft

torpedo grass & cat tails

torpedo grass & cat tails

sea wall NWWE: 86.90

250.00' linear feet

REMOVAL PLAN

**Comins Development
7710 Daetwyler Dr.**

APPROVED BY THE
ORANGE COUNTY
ENVIRONMENTAL PROTECTION DIVISION
DATE: 2/20/2017
INITIAL: AK
LSP-16-12-103



Lake Conway

30 feet access



L.S.P.

5 ft.

4 ft

3 ft

2 ft

1 ft

P P P P P P
d P d P d P d

r P P P P P
d P d P d P d

sea wall NWWE: 86.90

250.00' linear feet

P = pickerel weed
d = duck potato

PLANTING PLAN

Comins Development
7710 Daetwyler Dr.

DCEPD DEC152016PM4:22



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

Meeting Date: November 7, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 17-16, Ban on Medical Marijuana Dispensaries

Background: In December 2016, the City Council adopted resolution 16-19 placing a 90-day moratorium on temporary building and zoning moratorium on the establishment and operation of dispensing facilities within the corporate limits of the City of Belle Isle until adequate regulations have been developed, considered and adopted is in the best interest of the health, safety and general welfare of the community and the residents of the City. This initial moratorium has expired but the City Council would like to extend the moratorium for another 90-day period. The Council then directed the City Manager and City Attorney to draft an ordinance that banned medical marijuana dispensaries in the City.

Staff Recommendation: Read Ordinance 17-16 for the first time

Suggested Motion: I move that we read Ordinance 17-16 for the first time by title only and advertise ordinance 17-16 for a second reading on November 21, 2017 (or December 5, if no November meeting).

Alternatives: Do not adopt the ordinance and allow the public to apply for establishing and operating dispensing facilities in Belle Isle

Fiscal Impact: Unknown at this time how much revenue could be generated.

Attachments: Ordinance 17-16

ORDINANCE NO. 17-16

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY OF BELLE ISLE AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; CREATING CHAPTER 15, ARTICLE III REGARDING DISPENSING FACILITIES; PROVIDING FOR INTERPRETATION AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR A MORATORIUM CONTINGENCY; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 and 166, Florida Statutes; and Section 381.986, Florida Statutes; and

WHEREAS, The Marijuana Policy Group has published a memorandum called “Municipal Dispensary Allocation: Florida” which evaluated the market need for medical marijuana dispensing facilities and the harmful consequences and secondary effects of oversaturation of medical marijuana dispensing facilities within the market place; and

WHEREAS, the Marijuana Policy Group determined that Florida should have no more than one dispensing facility for each 50,000 residents and the optimal ratio is one dispensing facility per 67,222 residents. The City of Belle Isle has an estimated population of 6,500 residents, well below the estimated ratios; and

WHEREAS, Section 381.986 (11), Florida Statutes, authorizes a municipality to “ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that municipality”; and

WHEREAS, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

WHEREAS, Section 381.986, Florida Statutes severely limits, through State preemption, the City’s control over the zoning and permitting of medical marijuana dispensing facilities, thereby substantially restricting the City’s ability to protect surrounding land uses for which dispensing facilities may not be compatible; and

WHEREAS, based on the above considerations, including the Marijuana Policy Group’s analysis of optimal population ratios, the statutory restrictions placed on a municipality if it allows medical marijuana dispensing facilities within its jurisdiction, the potential negative secondary effects of dispensing facilities, and other considerations, there is a rational basis for the City to exercise its authority under Section 381.986(11), Florida Statutes to ban medical marijuana dispensing facilities within the boundaries of the City; and

WHEREAS, the City finds that this Ordinance is in the interests of the health, safety, and welfare of the residents of Belle Isle and the general public.

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. Chapter 15 of the Belle Isle City Code is hereby amended to add a new Article III containing the following provisions:

ARTICLE III. – MEDICAL MARIJUANA DISPENSING FACILITIES

Sec. 15-70. Interpretation and Definitions.

(a) This article shall be interpreted in accordance with F.S. § 381.986 and Ch. 64-4 of the Florida Administrative Code, as may from time to time be amended, and all words and phrases used in this article shall have the same meaning as provided therein.

(b) “Medical Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed or intended for medical use as authorized by Florida law.

(c) “Medical Marijuana Dispensing Facility” means any facility where Medical Marijuana, any product derived from Medical Marijuana, or any Medical Marijuana delivery device is dispensed at retail.

Sec. 15-71. Prohibition of Medical Marijuana Dispensing Facilities.

Medical Marijuana Dispensing Facilities are prohibited and shall not be located within the boundaries of the city. The city shall not accept, process or approve any request or application for a development order, building permit or other approval associated with a proposed Medical Marijuana Dispensing Facility.

SECTION 3: CODIFICATION. This Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar like errors may be

corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Code may be freely made.

SECTION 4: MORATORIUM CONTINGENCY. In the event Section 381.986, Florida Statute is amended or interpreted by a court of competent jurisdiction in a way as to eliminate or prevent the City's ability to ban or prohibit Medical Marijuana Dispensing Facilities within the City limits, upon the effective date of such, an automatic one-year moratorium shall go into place on the acceptance, processing and approval of applications for any development order, building permit, or other approval associated with a proposed Medical Marijuana Dispensing Facility within the City limits, in order to give the City time to evaluate changes in the applicable law and the City's ability to regulate such uses and activities, and to potentially enact regulations regarding the same. Such one-year moratorium may be terminated at an earlier time or otherwise modified through resolution or ordinance of the City Council.

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

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

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

FIRST READING: _____, 2017

SECOND READING: _____, 2017

ADOPTED this ____ day of _____, 2017, 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\Medical Marijuana\ORDINANCE MM Ban [CLEAN 10-23-17].docx



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

Meeting Date: November 7, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Open Space Zoning District

Background: The City is in the process of rezoning the Wallace Street Property to public open space. The only Zoning Classification in the BIMC for this is Public buildings district PUB. The City Council's opinion was that the PUB classification was too broad of a classification to protect Wallace Field as open space and directed the city staff to develop an ordinance to add an Open Space Classification to the BIMC. This classification would provide for open space and be more stringent in protecting those areas that the City will want to preserve strictly for open space initiatives.

Staff Recommendation: Review the draft of the Open Space Classification and direct the staff to prepare an ordinance.

Suggested Motion: I move we approve the Open Space Classification as written (**or as amended in tonight's meeting**) and direct the City Attorney to prepare the ordinance for a first reading at the next Council meeting.

Alternatives: Do not approve the classification and pass Ordinance 17-12 for the second time to rezone the Wallace field as PUB.

Fiscal Impact: None to add new classification to the BIMC

Attachments: Proposed Open Space Classification



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 & Council
Date: November 7, 2017
Re: Draft- Proposed Open Space (OS) Zoning District

-
- a) *Intent and purpose of district.* The open space district is primarily intended to help protect environmentally sensitive natural systems, preserve major open spaces, and provide for passive recreational needs of the city. Permitted uses are restricted to those with low-intensity characteristics, designed to protect open tracts of land that are owned by municipal, state, or federal governments.
- b) *Definitions:* The following definitions apply to the open space district:
- 1) *Active Recreation:* Active recreation is generally any recreational activity that requires significant infrastructure for the purposes of active sports or organized events. It is about engaging in adventure sports or outdoor games. An active park refers to structured recreational activities which require specialized parkland development and management which may restrict general use of the parkland or facility. Examples of active recreation include, but are not limited to, sports fields, ball fields, playgrounds, skateparks, swimming pools, gymnasiums, and outdoor theaters.
 - 2) *Passive Recreation:* Passive recreation area is generally an undeveloped space or environmentally sensitive area that requires minimal development. Emphasis is placed on preservation of wildlife and the environment. Passive park use refers to less structured recreational activities which require little or no specialized parkland development and management, and therefore can be provided at a low cost to communities. It involves casual activities and pursuit of hobbies, with no adverse impact to the natural habitat. Examples of passive recreation include, but are not limited to, walking and jogging, hiking and nature walks, community gardens, painting, photography, kite flying, picnicking, Frisbee, fishing, and outdoor theaters.
- c) *Uses permitted.* The following uses are permitted in the open space district:
- 1) Passive recreational uses;
 - 2) Noncommercial agriculture or horticulture such as community gardens; and,
 - 3) Customary accessory uses in support of the primary uses listed in 1 and 2 above.
- d) *Special exceptions.* The following uses shall be permitted in the open space district through the special exception process:
- 1) Active recreational uses; and,

- 2) Public municipal government buildings, without repair facilities or outdoor storage yards.
- e) *Uses prohibited.* The following uses are prohibited in the open space district:
- 1) Any use that is not owned by a municipal, state, or federal governmental agency;
 - 2) Any use that is owned by a municipal, state, or federal governmental agency, but not identified in subsection (b), (c) or (d) of this section; and
 - 3) Parking that is not associated with the recreational use of the property.
- f) *Development standards.* The following development standards apply to the open space district:
- 1) No parking shall be located within 25 feet of any residentially zoned property nor within 15 feet of any right-of-way line;
 - 2) No building, or structure, except fences or walls, shall be located within 50 feet of any residentially zoned property line or right-of-way line; and,
 - 3) Impervious surfaces shall not cover more than 35% of the lot area; and,
 - 4) Maximum building height is restricted to 35 feet.
- g) *General requirements.* General requirements in the open space district shall be as follows:
- 1) The first one inch of rainfall from each storm shall be retained and either percolated into the ground or collected and evaporated. All drainage systems shall include special engineering design features to minimize pollution from oil, suspended solids and other objectionable material in stormwater runoff within limits set by the SJRWMD rules. Treatment facilities shall be designed by a state-registered engineer to adequately treat the stormwater runoff resulting from rainstorms of the maximum intensity predicted for the Belle Isle area at 25-year intervals for major drainageways and ten-year intervals for all other drainageways and shall be subject to approval by the council prior to construction. The SJRWMD shall determine which drainageways shall be classified as major.
 - 2) Each application for a building permit shall be accompanied with a site plan incorporating the regulations established herein. Said site plan shall be submitted to the board for review and approval. The board shall approve the site plan prior to the granting of a building permit. Upon such approval, said site plan becomes a part of the building permit and may be amended only by the board.



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

Meeting Date: November 7, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Dock Ordinance

Background: In February 2017, the Council adopted Ordinance 17-02 for the regulation, construction and repair of docks. Since its adoption, there has been difficulty in administering this ordinance due to places where it conflicts with itself. The City Manager requested the City Council to place a moratorium on dock permits until the ordinance could be written to eliminate the conflicts. There have also been complaints by constituents that the ordinance is not easy to follow and is confusing. For example, the ordinance states that the access walkway, by definition, is part of the dock, yet in the total square footage calculation, the access walkway is not included. Another confusing issue was the determination of what a “grandfathered” dock may be and how that grandfathered dock can be rebuilt. The City Council agreed to put a moratorium in place until changes to the ordinance could be made. The City Manager and City Attorney completed a new ordinance that eliminates the conflicts and gives better guidance to those applying for dock permits. Another issue that the previous ordinance did not address was guidance on riparian and littoral rights of adjacent property owners. Riparian rights, briefly, include the right to an unobstructed view and the right of ingress to and egress from the water. Littoral rights refer to rights concerning properties that abut an ocean, bay, delta, sea or lake. Littoral rights are usually concerned with the use and enjoyment of the shore. The City Attorney can expound on these two rights if more explanation is needed.

Attached is the current ordinance 17-02 for comparison.

Staff Recommendation: Approve the draft ordinance for a first and second reading.

Suggested Motion: I move we approve the draft ordinance for the Docks as written (or as amended in tonight’s meeting) and direct the City Manager to publicize for a first reading at the next Council meeting.

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

Fiscal Impact: None

Attachments: Dock Ordinance draft and Current Ordinance 17-02

ORDINANCE No.: 17-____

**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.**

WHEREAS, Citizens of the City of Belle Isle have expressed concern to the City Council about the scope and extent of regulation of docks within the City; and

WHEREAS, on March 21, 2017, the City Council adopted Ordinance No. 17-02 amending Chapter 48, Article II the City Land Development Code with respect to dock regulations; and

WHEREAS, the City Council has determined that further amendment to Chapter 48, Article II of the City Land Development Code is necessary in order to further improve and clarify the City's dock regulations and to respond to the concerns of citizens of Belle Isle; and

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

WHEREAS, the Planning and Zoning Board, acting in its capacity as the City's Local Planning Agency, has duly considered and recommended approval to the City Council of the revisions to the dock regulations effected by this Ordinance at a public meeting on _____; and

WHEREAS, the City Council has found and determined that the adoption of this Ordinance is in the interests of the public health, safety and welfare, will aid in the harmonious, orderly and progressive development of the City, and serves a valid public purpose.

BE IT ORDAINED by the City Council of Belle Isle, Florida:

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

SECTION 2. Amendment of Land Development Code. Chapter 48, Article II of the City Land Development Code is hereby repealed in its entirety and replaced with the following:

ARTICLE II. - DOCKS

Sec. 48-30. – Definitions

The following words, terms and phrases, when used in this article, will have the following meanings unless the context clearly indicates a different meaning:

Access walkway means that portion of the dock that commences on the upland parcel and extends to and terminates at the junction with the terminal platform.

Boats means all rowboats, sailboats, canoes, kayaks, skiffs, rafts, dugouts, dredges, personal watercraft, and other vehicles of transportation for use on water, including inboard and outboard motorboats, unless otherwise indicated; and any and all objects tied to or connected therewith while being propelled through the water.

Boathouse means a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft.

Boathouse lot means a lot that is waterfront and was platted as a "B" lot to a primary "A" lot under the same parcel identification number and serves as a lake access lot for the parcel with the primary "A" lot having a principal structure.

Dock means any permanently fixed or floating structure, slip, platform (whether covered or uncovered) extending from the upland into the water, capable of use for boat or vessel mooring and other water-dependent recreational activities. The term "dock" also includes the area used to dock or moor a boat, jetski, watercraft or vessels, and any device or structure detached from the land that is used for or is capable of use as a swimming or recreational platform, boat lift and/or for other water-dependent recreational activities, or as a platform for non-boating use. This term does not include any boat, jetski watercraft or vessel that is temporarily docked, moored, or anchored for less than 2 hours in any one day.

Maintenance means the act of keeping the dock in a safe and useable condition consistent with original design specifications.

Mooring area means the portion of a docking facility used for the mooring of watercraft.

Normal High Water Contour (NHWC) means the horizontal location of the theoretical shoreline when the lake level is at the Normal High Water Elevation as defined herein. This is more specifically the horizontal location of the surface ground elevation points which match the Normal High Water Elevation as defined herein.

Normal High Water Elevation (NHWE) means the water surface elevation of Lake Conway and its directly connected water bodies as defined by Orange County. As of December 2016 the NHWE was 85.45, NAVD 88.

NHWE Shoreline means the edge of a body of water at the normal high water elevation (NHWE).

Principal structure means the building or structure in which the principal use of the parcel or lot is conducted. A dock shall not be the principal structure on a parcel or lot.

Principal use means a use of the upland parcel for residential, commercial or governmental purposes. At a minimum, a principal use shall be established by the issuance of a building permit for a principal structure.

Private dock means a dock, which may be used by only those persons living on the upland parcel and their usual and customary guests.

Projected property line means a continuation of, and extension to, the upland property line. In cases of privately owned bottomland, that is, non-sovereignty submerged lands underlying a water body, the projected property line is the actual property line.

Public dock means a dock which is subject to public access. Docks associated with governmental and non-governmental institutions, and private organizations are included in the definition of public dock.

Repair means to restore to the permitted design specifications of a dock structure, including the replacement of the entire dock or portions of the dock.

Semi-private dock means a dock, which may be used by a group of residents living in a subdivision or multifamily development and their usual and customary guests.

Slip or boat-slip means a space designed for the mooring or storage of a single watercraft.

Terminal platform means that portion of a dock beginning at the waterward end of the access walkway. The terminal platform shall be designed for the mooring and launching of boats, or other water-dependent activities.

Sec. 48-31. - Application process.

(a) Permit and review. Any person desiring to construct a new dock, repair an existing non-conforming dock or add to an existing dock, regardless of whether it is made of wood or another material, within the city shall first apply for a permit to the city. The City shall determine for a pre-existing dock, whether a permit for repair is necessary under sec. 48-34 below. The city shall review the application for completeness and sufficiency as to whether all data, documentation, and materials required herein are provided and shall contact the applicant if the application fails to meet any of the requirements set forth in this section. After an application has been deemed complete and sufficient by the City, the City shall perform a site review of the proposed dock location.

(1) City's administrative review fees. Application fees shall be in accordance with the city fee schedule. The administrative review fee does not include the City of Belle Isle building permit's processing fee.

(2) Application. The applicant shall submit a completed city dock application, a survey and five sets of plans showing the proposed dock. These forms shall be available in the city hall office.

(3) The survey shall be a boundary survey signed and sealed by a surveyor holding a current license with the State of Florida and certifying to the applicant and the City accuracy of the following information:

- (i) Lot lines or boundaries of the upland area;
- (ii) Location of the edge of water;
- (iii) Location of any wetlands vegetation both upland or aquatic;
- (iv) Any fences, docks, bulkheads, seawalls, ramps, buildings, paths or walkways or any structure on the upland and lake area;
- (v) The NHWE line across the property;
- (vi) Elevation 79.5 (NAVD 1988) of the lake bottom closest to the upland subject of the application; and
- (vii) Elevation 80 (NAVD 1988) of the lake bottom closest to the upland subject of the application.

(4) The plans shall include a scale drawing(s) signed and sealed by a professional licensed professional engineer or architect and accompanied by five (5) copies that provide accurate information as to each of the following elements:

- (i) An arrow indicating the northerly direction and an indication of the scale to which the drawing was prepared. All drawings must be drawn utilizing an industry standard engineering scale;
- (ii) The dimensions of the property, and the length and location of the proposed dock, or dock addition, as measured from the shoreline to the point most waterward of the shoreline, and identify the licensed contractor who will be installing or constructing the improvements;
- (iii) The exact distance between the existing shoreline, at the point where the dock is to be constructed, and two permanent objects (e.g., house, tree) to be used as reference points;
- (iv) The exact distance of setbacks from adjacent property lines and projected property lines to the nearest portion of the proposed dock, and an approximation of the distance from the closest dock on each side of the property;
- (v) The floor and roof elevation of the proposed dock, boathouse or other structure connected to the dock;
- (vi) Location of any water lines, electrical outlets or sources, hose bibs;

(vii) All items of the survey in (3) above; and

(viii) Location of lifts, hoists, mooring pilings and mooring areas of any boat.

(5) Building permit. Following the approval by the city of a dock application, the applicant is also required to obtain a building permit from the City of Belle Isle building department prior to commencing construction. In the event electricity is run to the dock, the proper electrical permit must also be obtained from the City of Belle Isle building department.

(6) Each dock length will be measured perpendicularly from the NHWC to the most waterward point on the dock. A distance from two fixed objects or structures on each lot shall be referenced on the dock permit application plans.

(b) Commencement and completion of construction. All construction must be commenced, or completed, or both, within the guidelines established by the City of Belle Isle building department. The applicant is responsible for all fees associated with the procurement of the necessary permits.

(c) The approved permit is valid for one year from the date of the application.

Sec. 48-32. - Design criteria.

(a) Dock applications shall be reviewed under the following design criteria:

(1) Setbacks. Private docks shall have a minimum side setback of five feet from the projected property lines of all abutting shoreline properties. Public and Semi-private docks shall have a minimum side setback of twenty-five feet from the projected property lines of all abutting shoreline properties. For purposes of setback, the terminal platform includes any moored boats.

(2) Length. The lakeward end of the terminal platform shall be allowed to project to the greater of:

(i) Where the lake bottom has an elevation of 79.5 (NAVD 88);

(ii) 15 feet lakeward of the point where the lake bottom has an elevation of 80 (NAVD 88); or

(iii) 40' from the NHWE shoreline.

(3) Total area. The dock collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and then five times the linear shoreline frontage for each foot in excess of 75 feet thereafter, and the total of each when combined shall not to exceed a maximum of 1,000 square feet. The minimum dock area for any dock shall be 400 feet or ten times the shore linear frontage, whichever is less. The area

for the docking and mooring of boats, jet skis, watercrafts and other appurtenances is included in the dock area calculation

(4) Height. Except for floating docks, the minimum height of dock decks shall place them one foot above the NHWE of Lake Conway. The maximum height, which is to be measured from the top of the structure, shall be 13 feet above the NHWE of Lake Conway.

(5) Access Walkway. Access walkways shall be a minimum of four and a maximum of five feet in width. The area for a walkway shall be included as part of the total area for the dock.

(6) Number and location of docks:

(i) No dock shall be allowed to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location for the dock or dock addition.

(ii) No dock construction permit shall be issued on a lot or combination of lots that does not have a principal building first located thereon.

(iii) Only one dock per principal building that is located on a lot or combination of lots shall be allowed on any such lot or combination of lots.

(iv) Dock(s) that are privately owned or attached to private property shall only be permitted on lots or combinations of lots zoned or used for residential purposes, and no docks shall be permitted on any lot or combination of lots used for agricultural, commercial, professional-office and/or industrial purposes. If the permit is for a combination of lots, the dock shall be built on the lot where the principal building is located.

(v) Dock(s) that are semi-private or owned by a homeowners association (HOA) or governmental agency shall be adjacent to and attached to upland property that is semi-private or owned by the HOA or public agency. These docks shall be exempt from provisions of subsections (6)(i) and (ii) of this section so long as the HOA, public agency, or other relevant owner owns the attached upland property and is the applicant. However, only one dock per parcel may be located on the property. The term "parcel" as used in this subsection (v) shall mean all contiguous property owned by a HOA or by a public entity.

vi) All dock(s) shall be permanently affixed to the lake bottom, and shall be subject to the provisions of this article.

vii) A floating structure, unless it is associated with a permanent dock, shall be considered a separate dock subject to all provisions of this article.

viii) A floating structure shall be considered to be associated with a dock, if it is installed within the boat slip area, is attached to the dock, or is immediately adjacent to a

side of the dock. In no case shall any floating structure extend the permitted length of a dock or extend into the side yard setback, or violate other relevant restrictions.

ix) Notwithstanding any other regulation to the contrary, no dock shall extend across more than 50% of the linear shoreline. The linear shoreline frontage shall be measured in a straight line between the two outermost property corners at the NHWC.

(b) Dock or Boathouse on canal lot:

(1) Boathouses and docks on canal lots are subject to this article and the additional requirements of this subsection (b), notwithstanding that the lots along the canals interconnecting with Lake Conway within the city were platted and accepted by the city under the premise that these lots would serve as lake access for the residents of the associated parcel.

(2) Docks on canals are limited to the edge of the canal, and only if the proposed dock does not impede or restrict the boat traffic in the canal.

(3) The length, size and location of a Dock on a canal are further limited to no more than a width of 10 feet along the canal frontage if boat traffic in the canal is not impeded or restricted by the proposed Dock.

(c) Restrictions. All docks are subject to the additional restrictions below:

(1) No dock or work for or on a dock shall be within areas which constitute easements for ingress or egress, or for drainage held by individuals or the general public.

(2) The maximum pitch of the roof on a boathouse on a dock shall be a slope of 5:12.

(3) Except as described in subsection f. of this section, no structure having enclosed sidewalls shall be permitted on any dock. The term "enclosed" shall include, by way of example but not by limitation, plastic, canvas and other screening enclosures, chain link and lattice fencing, or any form of paneling.

(4) Under no circumstances shall a dock be used, permitted or occupied as living quarters, or as a bunk house, enclosed recreational use, or for any other non-water related use.

(5) Storage lockers shall be limited on a dock to a cumulative maximum of sixty-five (65) cubic feet. Storage lockers on a dock shall not be used to store boat maintenance and/or repair equipment and materials, fuel, fueling equipment, and hazardous materials or hazardous wastes. Storage lockers are prohibited on semi-private or publicly owned docks.

(6) Any permit to place, locate, extend, expand, use or otherwise construct a dock, whether along Lake Conway or any canal or any other water body within the City, is subject to and shall not be construed as inconsistent with any law or regulation of the State of Florida or the United States. In addition, in granting or denying any application under this article the City

may consider whether the proposed construction or activities would create unreasonable interference with the riparian or littoral rights of one or more nearby property owners, or the general public, as determined by the City in its discretion. As used in this subsection (6), “unreasonable interference” shall include but not be limited to situations in which a proposed structure or activity would impede access to, ingress to, or egress from the relevant body of water by boaters, swimmers, and others with a right to utilize the water body; encroaches upon, intersects, or otherwise interferes with commonly traveled boat routes or established watercraft channels; creates an unusual configuration of the shoreline that restricts boating access within navigable sections of the waterway; unreasonably impairs the view of the water body from one or more other waterfront properties; or otherwise unreasonably impairs or encroaches upon a riparian or littoral right held by one or more property owners or the general public under the law. Notwithstanding the foregoing, the City does not represent or guarantee that a dock or other permitted activity under this article will not affect a riparian or littoral right held by a property owner or the public, which rights are by law subject to local government regulations such as those contained in this article, and the City disclaims to the extent consistent with the law any liability for claims related to such.

Sec. 48-33. – Dock Variances.

(a) In the event the applicant wishes to construct, expand, extend, or repair a dock, or conduct any other activity not meeting one or more of the criteria or requirements described in section 48-32, a variance application must be made for hearing by the Belle Isle Planning and Zoning Board. Application fees shall be in accordance with the city fee schedule.

(b) The board shall not approve an application for a variance unless and until each of the following criteria have been met:

- (1) The dock shall not create conditions hazardous to navigation nor any safety hazards;
- (2) The location and placement of the dock shall be compatible with other docks in the area, and the shoreline contour of the lake;
- (3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance
- (4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property; and
- (5) The requirements of subsection 42-64(1) except for subsection 42-64(1)d.

Sec. 48-34. - Dock maintenance and repair and minor modifications.

(a) *Dock maintenance and repair, responsibility of property owner.* The owner of property on which a dock is located is responsible for maintaining a dock in safe and useable condition. Every dock and associated structures shall remain adequately supported, not create debris or

obstructions, and shall be maintained in sound condition and good repair, so as to prevent negative impact on adjacent properties or waterway use and recreation.

(b) *Maintenance and repair of docks.* When maintenance and repair of docks involves the repair or replacement of pilings or other portions of the dock at or below the water surface, or of any roofed structure, the permit holder shall submit an application for a permit pursuant to section 48-31 of this article. Maintenance or repair of the deck surface of a dock that does not involve activity at or below the water surface, or of any roofed structure, is allowed without notice or permit, except that all such maintenance and repair activities must maintain the original design and original footprint of the dock and structures located on such dock or associated therewith.

(c) *Nonconforming "grandfathered" docks.* A dock that was duly permitted and authorized by the County when under County jurisdiction, or by the City under a previous version of the City's dock regulations, which dock does not conform with the City's current dock regulations under this article, shall be considered a "grandfathered" dock and shall be an authorized non-conforming use. However, when a grandfathered dock is damaged or requires any maintenance or repairs, the costs of which equal or exceed 75 percent of the assessed value of the dock, such maintenance or repair shall not be permitted unless the dock is brought into compliance with the current regulations under this article and any other relevant City regulation.

(d) *Minor modifications to permitted docks.* Minor modifications to all existing docks must be approved by the city. The applicant must submit a request for the proposed deviation change or modification to the original site plan to the city manager for consideration. Additional information may be requested from the applicant in order to complete the review. Minor modifications must comply with the provisions of this article. Any modification that may require a variance or waiver of any provision of this article shall not be considered a minor modification. Any modification that increases the size of the terminal platform shall not be considered a minor modification. The city manager may require notification of abutting shoreline property owners of the application for minor modification. City approval or disapproval shall include a statement regarding requirement or no requirement for a permit.

(e) *When repair of an existing dock is subject to a new permit by the City, an applicant shall provide to the City the prior dock permit and survey whether issued by Orange County or the City. The City shall determine whether or not the proposed repair necessitates a permit under this section. The applicant shall have the burden of proof to show the dock preceded any dock regulation of Orange County or the City or provide the prior permit and survey for the dock.*

Sec. 48-35. - Violations; penalties; enforcement.

(a) *It shall be unlawful for any person to violate any provision of this article, or any provision of any resolution enacted pursuant to the authority of this article. Any person who violates this chapter, or any provision of any resolution enacted pursuant to the authority of this article, may be prosecuted in accordance with Chapter 14 of the Belle Isle code.*

(b) In addition to the enforcement and penalty provisions provided in Chapter 14, the city may avail itself of any other legal or equitable remedy available to it, including without limitation, injunctive relief or revocation of any permit involved.

(c) Any person violating this article shall be liable for all costs incurred by the city in connection with enforcing this article or any provision of any resolution enacted pursuant to this article, including without limitation, attorneys' fees and investigative and court costs.

(d) If the code enforcement officer determines that construction is occurring without prior approval or not in accordance with these regulations, the code enforcement officer shall promptly issue a written notice of violation to the applicant and/or designated contractor. The notice of violation shall include a description of the site where the violation has occurred, cite the provisions of these regulations, general or special laws which have been violated, and set forth the remedial action required by the city. Such remedial action may include submittal of revised drawings, reapplication for a permit, double the permit fee, removal of dock, and administrative and civil penalties.

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

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

SECTION 6. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

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

FIRST READING: _____, 2017

SECOND READING: _____, 2017

ADOPTED this ____ day of _____, 2017, 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

ORDINANCE No.: 17-02

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT DOCK REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 48, ENVIRONMENTAL REGULATIONS, ARTICLE II, BOAT DOCKS; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING SECTION 54-1, RESTRICTIONS UPON LAND, BUILDING AND STRUCTURES; BY AMENDING SECTION 54-79, RETAIL COMMERCIAL DISTRICT C-1; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Citizens of the City of Belle Isle have expressed concern to the City Council about the scope and extent of regulation of boat docks within the City; and

WHEREAS, it is the desire of the City Council that the City of Belle Isle revise its land development regulations relating to boat docks; and

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

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

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

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on September 27, 2016 and November 29, 2016; and

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency, at the November 29, 2016, public hearing, found the revised regulations to be consistent with the City of Belle Isle Comprehensive Plan and recommended that the City Council adopt the revised boat dock regulations; and

WHEREAS, the City Council held two (2) public hearings on March 7, 2017, and March 21, 2017, to receive public comments, and considered the recommendation of the Planning and Zoning Board and the proposed revised boat dock regulations; and

WHEREAS, the Board has found and determined that the adoption of the proposed revised boat dock regulations will foster and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

BE IT HEREBY ORDAINED by the City Council of the City of Belle Isle, Florida as follows:

SECTION 1. ARTICLE II. BOAT DOCKS of the Belle Isle Code of Ordinances is hereby amended, as follows:

ARTICLE II. - BOAT DOCKS

Sec. 48-30. – Definitions

The following words, terms and phrases, when used in this article, will have the following meanings unless the context clearly indicates a different meaning:

Access walkway means that portion of the dock that commences at the Normal High Water Contour (NHWC) and terminates at the junction with the terminal platform.

Boats means all rowboats, sailboats, canoes, kayaks, skiffs, rafts, dugouts, dredges, personal watercraft, and other vehicles of transportation for use on water, including inboard and outboard motorboats, unless otherwise indicated; and any and all objects tied to or connected therewith while being propelled through the water.

Boathouse means a roofed structure constructed over or adjacent to water to provide a covered mooring or storage place for watercraft.

Boathouse lot means a lot that is waterfront and was platted as a "B" lot to a primary "A" lot under the same parcel identification number and serves as a lake access lot for the parcel with the primary "A" lot having a principal structure.

Dock means any permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term "dock" also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term "dock" also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored.

Maintenance means the act of keeping the dock in a safe and useable condition consistent with original design specifications.

Mooring area means the portion of a docking facility used for the mooring of watercraft.

Normal High Water Contour (NHWC) means the horizontal location of the theoretical shoreline when the lake level is at the Normal High Water Elevation as defined herein. This is more specifically the horizontal location of the surface ground elevation points which match the Normal High Water Elevation as defined herein.

Normal High Water Elevation (NHWE) means the water surface elevation of Lake Conway and its directly connected water bodies as defined by Orange County. As of December 2016 the NHWE was 85.85, NAVD 88.

NHWE Shoreline means the edge of a body of water at the normal high water elevation (NHWE).

Principal structure means the building or structure in which the principal use of the parcel or lot is conducted. A dock shall not be the principal structure on a parcel or lot.

Principal use means a use of the upland parcel for residential, commercial or governmental purposes. At a minimum, a principal use shall be established by the issuance of a building permit for a principal structure.

Private dock means a dock, which may be used by only those persons living on the upland parcel and their usual and customary guests.

Projected property line means a continuation of, and extension to, the upland property line into the waterbody. In cases of privately owned bottomland, that is, non-sovereignty submerged lands underlying a water body, the projected property line is the actual property line.

Public dock means a dock which is subject to public access. Docks associated with governmental and non-governmental institutions, and private organizations are included in the definition of public dock.

Repair means to restore to the permitted design specifications of a dock structure, including the replacement of the entire dock or portions of the dock.

Semi-private dock means a dock, which may be used by a group of residents living in a subdivision or multifamily development and their usual and customary guests.

Slip or boat-slip means a space designed for the mooring or storage of watercraft.

Terminal platform means that portion of a dock beginning at the waterward end of the access walkway.

Sec. 48-31. - Application process.

(a) Permit and review. Any person desiring to construct a boat dock, regardless of whether it is made of wood or another material, within the city shall first apply for a permit to construct the boat dock. Applications shall be made to the city. Upon receiving the application, a city administrative officer shall perform a site review of the proposed dock location. The city shall review the application and shall contact the applicant if the application fails to meet any of the requirements set forth in this section.

(1) City's administrative review fees. Application fees shall be in accordance with the city fee schedule. The administrative review fee does not include the City of Belle Isle building permit's processing fee.

(2) Application. The applicant shall submit a city boat dock application, a survey and five sets of plans showing the proposed dock. These forms shall be available in the city hall office. The plans shall provide accurate information as to all of the following items:

- a. An arrow indicating the northerly direction and an indication of the scale to which the drawing was prepared;
- b. The dimensions of the property, and the length and location of the proposed dock; as measured from the NHWC to the point most waterward of the NHWC;
- c. The exact distance between the point where the access walkway to be constructed crosses the NHWC, and two permanent objects (e.g., house, tree) to be used as reference points;

d. The exact distance of setbacks from adjacent property lines and projected property lines to the nearest portion of the proposed dock, and an approximation of the distance from the closest dock on each side of the property;

e. The floor and roof elevation of the proposed dock, boathouse or other structure connected to the dock;

f. The lake bottom elevation at the waterward end of the proposed dock; and

g. A copy of a survey of the real property which accurately depicts current conditions.

h. The NHWE shoreline, as established herein, indicated on the survey; and

i. Location of lifts, hoists, mooring pilings and mooring areas.

(3) Building permit. Following the approval by the city of a boat dock application, the applicant is also required to obtain a building permit from the City of Belle Isle building department prior to commencing construction. In the event electricity is run to the boat dock, the proper electrical permit must also be obtained from the City of Belle Isle building department.

(b) Commencement and completion of construction. All construction must be commenced, or completed, or both, within the guidelines established by the City of Belle Isle building department. The applicant is responsible for all fees associated with the procurement of the necessary permits.

(Ord. No. 09-16, § 1, 3-2-2010; Ord. No. 15-03, § 1, 7-7-2015)

Sec. 48-32. - Design criteria.

Boat dock applications shall be reviewed under the following design criteria:

(1) Setbacks. Private boat docks shall have a minimum side setback of five feet from the projected property lines of all abutting shoreline properties. Public and Semi-private docks shall have a minimum side setback of twenty-five feet from the projected property lines of all abutting shoreline properties.

(2) Length.

a) The lakeward end of the terminal platform shall be allowed to project to the greater of:

1. where the lake bottom has an elevation of 79.5 (NAVD 88) or

2. 15 feet lakeward of the point where the lake bottom has an elevation of 80 (NAVD 88)
or

3. 40' from the NHWC shoreline.

Lake bottom elevations may be measured by the dock builder and the information provided as part of the application. A new survey is not required.

b) No dock shall be allowed to extend greater than 15 feet lakeward of existing dock within 300 feet of the proposed dock.

c) For comparison, each dock length will be measured perpendicularly from the NHWC to the most waterward point on the dock. A distance from two fixed objects or structure on each lot shall be referenced on the dock permit application plans.

(3) Total area. A boat slip, platform and any other portion of the dock, covered or uncovered, and including any floating vessel platform(s), collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet. In no case shall the maximum be less than 400 square feet. The linear shoreline frontage shall be measured in a straight line between the two outermost projected property lines and the NHWC or a straight line between the two outermost property corners as shown on a survey, upland of the NHWC, or whichever is greater.

(4) Height. Except for floating docks, the minimum height of boat dock decks shall be one foot above the NHWE of Lake Conway.

The maximum height, which is to be measured from the top of the structure, shall be 14 feet above the NHWE of Lake Conway.

(5) Access Walkway. That portion of the dock lying waterward of the NHWC line of Lake Conway, and extending to the juncture of the slip or terminal platform, whichever is closest to the shore. An access walkway shall be a minimum of four feet and a maximum of five feet in width. The area for a walkway shall not be included as part of the total area for the structure.

(6) Number and location of boat docks.

a. No boat dock construction permit shall be issued on a lot or combination of lots that does not have a principal structure first located thereon, or building permit issued for a principal structure.

b. Only one boat dock per principal building that is located on a lot or combination of lots shall be allowed on any such lot or combination of lots.

c. Private boat docks shall only be permitted on lots or combinations of lots zoned or used for residential purposes, and no boat docks shall be permitted on any lot or combination of lots used for, commercial, professional-office and/or industrial purposes.

d. Semi-private or public boat docks on public property and/or homeowners' associations lots shall be exempted from provisions of subsections (6) a. and b. of this section. However, only one boat dock per parcel may be located on public property and/or homeowners' association property. The term "parcel" shall mean all contiguous property owned by a homeowners' association or by a public entity.

e. All boat docks shall be permanently affixed to the lake bottom, and shall be subject to the provisions of this article except where noted.

f. A floating structure, unless it is part of a permanent boat dock, shall be considered a separate boat dock subject to all provisions of this article, except subsection (6) e. A floating structure shall be considered to be associated with a permanent boat dock if it is installed within the boat slip area, is attached to the boat dock, or is immediately adjacent to a side of the boat dock. In no case shall any floating structure extend the permitted length of a boat dock according to Sec. 48-32 (2).

(7) Boathouse lots on canals.

The boathouse lots which exist along the canals interconnecting with Lake Conway within the city were platted and accepted by the city under the premise that these lots would serve as lake access for the residents of the associated parcel and in compliance with 6c above.

(-8) Restrictions. All boat docks shall adhere to the following restrictions:

- a. No work shall be within areas which constitute easements for ingress or egress, or for drainage.
- b. No structures having flat roofs will be permitted. The pitch of the roof shall have a minimum slope of 2:12 and a maximum slope of 5:12.
- c. Except as described in subsection f. of this section, no structure having enclosed sidewalls shall be permitted. The term "enclosed" shall be defined as, by way of example but not by limitation, to be plastic, canvas and other screening enclosures, chain link and lattice fencing, or any form of paneling.
- d. Under no circumstances shall a permit for the construction of a boat dock to be utilized for living quarters and other non-water dependent structures be issued.
- e. Storage lockers shall be limited to a cumulative maximum of sixty-five (65) cubic feet. Storage lockers shall not be used to store fuel, fuelling equipment, and hazardous materials or hazardous wastes. Storage lockers are prohibited on semi-private docks and public docks.

(9) Notwithstanding anything to the contrary, no boat or boats shall be moored, beached, placed, or parked, either permanently or temporarily, within five feet of any side yard setback extending from the projected property lines of all abutting shoreline properties.

(Ord. No. 09-16, § 1, 3-2-2010)

Sec. 48-33. - Variances.

In the event the applicant wishes to construct a boat dock in excess of any of the criteria mentioned in section 48-32, a variance application must be made for hearing by the Belle Isle Planning and Zoning Board. Application fees shall be in accordance with the city fee schedule. The board shall not approve an application for a variance unless and until each of the following criteria have been met:

- (1) The boat dock shall not create conditions hazardous to navigation nor any safety hazards;
- (2) The location and placement of the boat dock shall be compatible with other docks in the area, and the shoreline contour of the lake;
- (3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance; and
- (4) The requirements of subsection 42-64(1) except for subsection 42-64(1)d.

(Ord. No. 09-16, § 1, 3-2-2010)

Sec. 48-34. - Dock maintenance and repair and minor modifications.

(a) Dock maintenance and repair, responsibility of property owner. The owner of property on which a dock is located is responsible for maintaining a dock in safe and useable condition. Every boat dock and associated structures shall remain adequately supported, not create debris or obstructions, and shall be maintained in sound condition and good repair, so as to prevent negative impact on adjacent properties or waterway use and recreation.

(b) Maintenance and repair of docks permitted by Belle Isle after December 15, 1992. When maintenance and repair of docks permitted by Belle Isle after December 15, 1992, involves the repair or replacement of pilings or other portions of the dock at or below the water surface, or of any roofed structure, the permit holder shall submit an application for a permit pursuant to section 48-31 of this article. Maintenance or repair of the deck surface that does not involve activity at or below the water surface, or of any roofed structure, is allowed without notice or permit. All maintenance and repair activities must maintain the original design and original footprint of the dock.

(c) Repair of nonconforming "grandfathered" docks constructed on or before December 15, 1992. The repair of nonconforming docks constructed on or before December 15, 1992, requires a permit issued under this article. It is intended that docks constructed before December 15, 1992, be allowed to remain as constructed; except that a nonconforming dock, that is damaged or in disrepair to the extent of 75 percent or more of its assessed value, shall not be repaired for use except in compliance with the regulations of this article.

(d) Maintenance of nonconforming "grandfathered" docks constructed on or before December 15, 1992. Maintenance activities of nonconforming docks constructed on or before December 15, 1992, do not require a permit under this article if the maintenance activities would not normally require a permit and do not include repair or replacement of pilings, structural components, or other portions of the dock at or below the water surface, or of any roofed structure.

(e) Minor modifications to permitted docks. Minor modifications to all existing docks must be approved by the city. The applicant must submit a request for the proposed deviation change or modification to the original site plan to the city manager for consideration. Additional information may be requested from the applicant in order to complete the review. Minor modifications must comply with the provisions of this article. Any modification that may require a variance or waiver of any provision of this article shall not be considered a minor modification. Any modification that increases the size of the terminal platform shall not be considered a minor modification. The city manager may require notification of abutting shoreline property owners of the application for minor modification. City approval or disapproval shall include a statement regarding requirement or no requirement for a permit.

(f) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context clearly indicates a different meaning:

Repair means to restore a dock structure that has been damaged as the result of neglect, accident, or act of God to the original design specifications, including the replacement of the entire dock or portions of the dock.

Maintenance means the act of keeping the dock in a safe and useable condition consistent with original design specifications.

Sec. 48-35. Violations; penalties; enforcement.

(a) It shall be unlawful for any person to violate any provision of this article, or any provision of any resolution enacted pursuant to the authority of this article. Any person who violates this chapter, or any provision of any resolution enacted pursuant to the authority of this article, may be prosecuted in accordance with Chapter 14 of the Belle Isle code.

(b) In addition to the enforcement and penalty provisions provided in Chapter 14, the city may avail itself of any other legal or equitable remedy available to it, including without limitation, injunctive relief or revocation of any permit involved.

(c) Any person violating this article shall be liable for all costs incurred by the city in connection with enforcing this article or any provision of any resolution enacted pursuant to this article, including without limitation, attorneys' fees and investigative and court costs.

(d) If the code enforcement officer determines that construction is occurring without prior approval or not in accordance with these regulations, the code enforcement officer shall promptly issue a written notice of violation to the applicant and/or designated contractor. The notice of violation shall include a description of the site where the violation has occurred, cite the provisions of these regulations, general or special laws which have been violated, and set forth the remedial action required by the city. Such remedial action may include submittal of revised drawings, reapplication for a permit; quadruple the permit fee, removal of dock, and administrative and civil penalties.

(Ord. No. 09-16, § 1, 3-2-2010)

Secs. 48-35—48-60. - Reserved.

Sec. 54-79. - Retail commercial district C-1.

(c) Special exceptions. The following shall be special exceptions in the C-1 retail commercial district:

(1) Residential dwelling units which are accessory in nature and structurally part of the building which contains the permitted principal use. No more than one residential dwelling unit per building.

(2) Any permitted use which is to be located in a building that contains more than two permitted uses and is not a shopping center.

SECTION 2. SEVERABILITY. If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be invalid, void, or unconstitutional, the remainder of this Ordinance shall remain in effect.


SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon adoption.

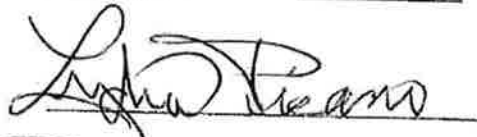
FIRST READING: held this 7th day of March, 2017

SECOND READING: held this 21st day of March, 2017

	YES	NO	ABSENT
Ed Gold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Carugno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeremy Weinsier	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bobby Lance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harvey Readey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lenny Mosse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sue Nielsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:


 Yolanda Quiceno, City Clerk


 Lydia Pisano, Mayor

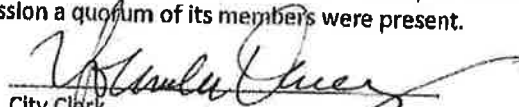


Approved as to form and legality

Tom Callan, 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 17-02 was duly and legally passed by the Belle Isle City Council, in session assembled on the 21st day of March, 2017, at which session a quorum of its members were present.


 City Clerk

**Belle Isle Issues Log
11/7/2017**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Next or Completed Action</u>	<u>Notes</u>
NPDES Reporting	Prepare NPDES TMDL Plan and MS4 Reporting to State	10/1/2016	CM	31-Dec-17	City Manager and Engineer are making corrections to the plan.	State reviewed plan and returned with comments to the city.
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	9/30/2017	After football season, Engineer will look at drainage system on the field. Water sampling revealed that there are high levels of nitrogen causing algae blooms.	OCEPD wants the city to take care of this problem. Possibility of being fined if it continues. SJWMD reviewing City request to divert stormwater to Wallace Field.
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	11/30/2017	Harris Engineering walked site. Initial Schematic drawings should be received by 8/3. Possibility that a large discharger pipe is necessary. Concept for new design complete.	CM set up neighborhood meeting on November 16 at 5 PM to discuss plans with neighborhood. CM applied for funding through Sen. Stewart's Office for cost of project
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	Notify residents of project when it is in their neighborhood. Use of door hangers and meetings	Windsor Place Paving Complete. Conway Lake East complete. Starting to mill on Venetian then Peninsular.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, McCawley Ct., Swann Beach, 3101 Trentwood.	4/3/2017	PW/ENG	9/30/2017	Engineer to develop bid package for McCawley road construction work.	McCawley Court bid package being completed. Should go out for bid within two weeks.
Nela/Hoffner Bridges	Work on Nela/Hoffner Bridges include new lights and painting. Work under Nela Bridge	5/1/2017	PW/CM	7/31/2017	Nela Bridge touch-up. Paint Hoffner Bridge. Meeting with Duke Energy July 31. Nela Bridge lights to be reprogrammed.	Nela Bridge lights delayed to November 30
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.	12/31/2017	Traffic Engineer Scope of Work for Trentwood revised to include counts when school is in session. Discuss parameters for city-wide study.	Trentwood Study completed. Meeting on November 15 with HOA. City attendees at HOA meeting are CM, Police Chief, Engineer and Comm. Lance.

**Belle Isle Issues Log
11/7/2017**

Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	9/30/2017	Contacting fountain installers for quotes. Art work to be contest for residents. Initial Quotes received were for \$75K and \$51K without art work. CM to receive new quote based on new Scope of Work	Use BING funding from Districts 3 and 5. Possibly use remaining BING funds from all districts or carry over to next year.
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	9/30/2017	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	Waiting on quote from sign maker on park signage. Signs for Regal Park, Gene Polk Park, Cross Lake Beach, Swann Beach. Lesser Park, Holloway Park, Trimble Park
Standardize Boat Ramp Signs	Council held a workshop on June 14 to discuss boat ramp issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/17	New signs will be made and replace the current signs for ramps. Perkins and Venetian ramps will have same rules. Lake level closure decided. New signs in for design	Perkins Ramp upgrade is separate issue
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	12/31/2017	Fence quotes received. Zoning change in progress. Agreement for CCA use of the fieldbeing drafted (need Council Input)	Dist. 2 Comm. to reschedule meeting with area residents. Zone change approved by P&Z. Zone change to PUB denied by City Council. Council directed new Zoning of Open Space be developed. City and CCA reviewing agreement for the school to use the field.
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).	Perkins ramp issues may be resolved on work is completed.

**Belle Isle Issues Log
11/7/2017**

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	Engineers inspected CCA facilities. Report received by City and is under review. A Capital Facility Plan will be developed for funding infrastructure. Meeting was held with City and CCA to determine who is responsible for costs of facility maintenance. Once CFP is developed, then a joint agreement will be developed outlining which entity is responsible for maintenance costs.	A Capital Improvement Plan needs to be developed for the future replacement of major systems. This plan does not include the drainage issue at CCA.
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.	CM will present a SWOT memorandum based on his first 180-days as CM. SWOT stands for Strengths, Weaknesses, Opportunities, Threats. A SWOT Analysis is one of the first processes in the Strategic Plan development. CM SWOT delayed to future Council Meeting
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 birds that call Lake Conway home.	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	Council directed the CM to apply for the bird sanctuary designation IAW Florida Statutes.
Social Media Policy	City Council expressed concerns that there were postings to social media sites that were not representative of the City government views. The Council requested a social media policy be developed.	4/3/2017	CM	Completed 7/18/2017	Policy drafted. Council review on 7/18/17. Council adopted policy on 7/18/17 Applications received for social media Specialist. CM to review applications and schedule interviews.	Policy sent to Elected officials and employees to review and sign. Issue considered closed.
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	12/31/2017	Meet with consultant to determine what was done and what is left to do.	It was determined that no code revisions have been completed. CM will start the process by October 1.

**Belle Isle Issues Log
11/7/2017**

Charter Review	The City Council started the process of reviewing the charter for changes. The Council held two workshops and needs to finish the changes in time to be placed on the next ballot.	12/1/2016	Council/CM	8/22/2017	Set another workshop to review changes made and to finish the Charter review. Revisions completed by CA.	Changes will be formalized to determine which changes will go to voters (Council Agenda for November 7).
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	12/31/2017	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. Process to start October 1, 2017
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 discuss	After Priority is established, start evaluation process.
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2017	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	CM/Duke Energy Meeting on July 31. LED Street Lighting to be installed Oct-Nov timeframe. Notification to residents to begin. CM to review places where solar would be used for city property.

2017-2018 -Snow Day and Tree Lighting - Budget / UPDATE 11/7/2017

Project Scope	Responses	TYPE OF RESOURCES		IN-KIND		GENERAL FUND	
		Description	Revenues	Expenses	Revenue	Expenses	
1 Name of Project	Snow Day and Tree Lighting						
2 Purpose of Project	This event has been ongoing for about 15 years. Tree lighting, Snow and Santa for photos and gives stuffed animals to children. See above	Set Up - 3 City Staff@25/hr@3hrs	\$ 225.00				
3 Specific project information		2 OT/PD@\$35/hr@3hrs			\$ 210.00		
4 Estimated timeline: Start Date and Completion Date	5:30pm-9:00pm / December 6th	Set-up/Clean-up (4 Volunteers@12/hr@4hrs)	\$ 192.00				
5 Preliminary sketch of project - before/after	N/A	Stuffed Animals (cost share)			\$ 800.00		
6 Photos of project site	N/A	Santa (4hrs@\$50)	\$ 200.00		\$ 100.00		
7 Cost estimates for materials and labor	See Budget	Snow			\$ 2,200.00		
8 Estimate of number of volunteers needed (detailed)	3 City Staff. 2-Police Officers and blocking off streets. General Fund	Christmas Tree	\$ 100.00				
9 Source of funding for project		Decorations & Lights	\$ 100.00				
10 Estimate of continued maintenance costs (yearly or monthly) and funding sources	N/A	Refreshments			\$ 175.00		
		Cups/Napkins			\$ 40.00		
		CCA Chorus/Band	\$ 500.00				
		Sub-Total	\$ 1,317.00	\$ -	\$ 3,525.00	\$ -	
		TOTAL IN-KIND			\$ 1,317.00	\$ 1,317.00	
		TOTAL EXPENSES				\$ 3,525.00	
		TOTAL				\$ 4,842.00	

*Removal of Cost Share Items: Postcards 347, Stuffed animals 800 and Postage 367
Information will be sent in the 4h Quarter Newsletter*

SANTA NIGHT

REVENUES

Donations

Decorations & Lights	\$100
Christmas Tree	\$100
Santa	\$200 (4 hours@\$50/hr)
Cups/Napkins	\$40
CCA Chorus/Band	\$500

In-Kind

Police	\$210 (2 officers@\$35/hr@3 hrs)
City Staff	\$225 (3 staff@\$25/hr@3 hrs)
Set-Up/Clean-Up	\$192 (4 Volunteers@\$12/hr@4 hrs)

General Fund \$3,889

TOTAL \$5,456

EXPENSES

Snow	\$2,200
Christmas Tree	\$100
Decorations & Lights	\$100
Cups/Napkins	\$40
Postage	\$367 (Cost Share with other event)
Postcards	\$347 (Cost Share with other event)
Stuffed Animals	\$800 (Cost Share with other event)
Refreshments	\$175
Santa	\$200
City Services	\$435
Set-Up/Clean-Up	\$192
CCA Chorus/Band	<u>\$500</u>
TOTAL	\$5,456

2017-2018 - Santa Ride Through the City - Budget

	TYPE OF RESOURCES	IN-KIND		GENERAL FUND	
		Description	Revenues	Expenses	Revenue
1 Name of Project	Santa Ride Through the City				
2 Purpose of Project	This event has been ongoing for about 15 years. Santa rides through the city for photos and gives stuffed animals to children.	Set Up - 4 Volunteers@\$12/hr@4hrs	\$ 192.00		
3 Specific project information	See above	4 OT/PD Escort@\$35/hr@4hrs	\$ 560.00		
4 Estimated timeline: Start Date and Completion Date	5:30pm-9pm December 21st.	Santa	\$ 100.00		
5 Preliminary sketch of project - before/after	N/A	Santa Tracker		\$ 100.00	
6 Photos of project site	N/A	Stuffed Animals (cost share)		\$ 800.00	
7 Cost estimates for materials and labor	See Budget				
8 Estimate of number of volunteers needed (detailed)	Santa and 4 volunteers. Police escort and blocking off streets.				
9 Source of funding for project	See attached budget				
10 Estimate of continued maintenance costs (yearly or monthly) and funding sources					
		Sub-Total	\$ 852.00	\$ -	\$ 900.00
		TOTAL IN-KIND			\$ 852.00
		TOTAL EXPENSES			\$ 900.00
		TOTAL			\$ 1,752.00

2017-2018 - Toy Drive Kick-Off - Budget

	TYPE OF RESOURCES	IN-KIND		GENERAL FUND	
		Description	Revenues	Expenses	Revenue
1 Name of Project	Santa/Toy Drive Kickoff 12/9/2017				
2 Purpose of Project	To have Santa available for pictures for any families that want to stop by and have their pictures taken. This is ideal for newborns and special needs children as they can avoid the crowds and there is no charge for pictures. We also advertise that we are collecting toys for the toy drive. Pictures are taken outside (weather permitting) with Santa. See above	Set Up - 1 Volunteers@\$12/hr@4hrs	\$ 60.00		
3 Specific project information	See above	Santa	\$ 100.00		
4 Estimated timeline: Start Date and Completion Date	10am-3pm 12/09/2017 Belle Isle City Hall				
5 Preliminary sketch of project - before/after	N/A				
6 Photos of project site	N/A				
7 Cost estimates for materials and labor	N/A				
8 Estimate of number of volunteers needed (detailed)	Santa and two volunteers consisting of myself and a committee member. We may have additional, but not required.				
9 Source of funding for project	N/A				
10 Estimate of continued maintenance costs (yearly or monthly) and funding sources	N/A				
	Sub-Total	\$ 160.00	\$ -	\$ -	\$ -
	TOTAL IN-KIND			\$ 160.00	
	TOTAL EXPENSES			\$ -	
	TOTAL			\$ 160.00	