



city council agenda

Agenda
February 05, 2019 * 6:30 PM
City Council Meeting
City Hall Chambers 1600 Nela Avenue

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

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

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Anthony Carugno, Commissioner District 3
3. Consent Items
 - a. Proclamation: Pine Castle Pioneer Days - February 23, 2019 (Page 3)

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. **ORDINANCE 18-02 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 48, ARTICLE III, SECTION 48-63 – TREE PROTECTION; PROVIDING SEVERABILITY; CODIFICATION AND PROVIDING AN EFFECTIVE DATE - (Est. 5-minutes) (Page 4)
- b. **ORDINANCE No. 18-05 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE - (Est. 5-minutes) (Page 22)
- c. **ORDINANCE NO. 18-14 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE ISLE, FLORIDA PROVIDING FOR THE REGULATION AND CONTROL OF SECURITY ALARMS; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS CONCERNING THE INSTALLATION, MAINTENANCE AND OPERATION OF ALARMS; PROVIDING FOR REGULATIONS CONCERNING FALSE AND NUISANCE ALARMS; PROVIDING FOR CORRECTIVE ACTION AND PENALTIES FROM FALSE ALARMS; PROVIDING FOR A CITATION PROCEDURE; PROVIDING FOR RESPONSE AND ENFORCEMENT BY LAW ENFORCEMENT OFFICERS; PROVIDING FOR THE PROHIBITION OF AUTOMATIC ALARM COMMUNICATION SYSTEMS; PROVIDING FOR THE LIMITATION OF LIABILITY; PROVIDING FOR THE DISPOSITION OF PENALTIES AND FINES; PROVIDING FOR INCLUSION INTO THE BELLE ISLE CITY CODE; PROVIDING FOR LIBERAL NON-CONFLICTING CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE - (Est. 5-minutes) (Page 35)
- d. **ORDINANCE NO. 18-15 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE CREATING A NEW ARTICLE III IN CHAPTER 14 OF THE CITY CODE RELATING TO SUPPLEMENTAL CODE ENFORCEMENT CIVIL CITATION

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 84

PROVISIONS AND REGULATIONS; PROVIDING ALTERNATIVE PROCESSES AND PROCEDURES FOR CODE ENFORCEMENT CITATIONS; PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES; PROVIDING A POST-DEPRIVATION HEARING PROCESS AND PROCEDURES; PROVIDING ADDITIONAL APPELLATE JURISDICTION POWERS TO BE EXERCISED BY THE SPECIAL MAGISTRATE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE - (Est. 5-minutes) (Page 46)

6. New Business

- a. Discuss proposed change to ordinance adoption process (Est. 10-minutes) (Page 53)
- b. Discuss Parking changes (Est. 20-minutes) (Page 55)

7. Attorney's Report (Est. 5-minutes)

8. City Manager's Report

- a. Discuss Beacon House - Green Building at CCA (Est. 5-minutes) (Page 65)
- b. Issues Log (Est. 10-minutes) (Page 83)
- c. Chief's Report (Est. 5-minutes)
- d. Tree Board report (Est. 5-minutes)

9. Mayor's Report - (Est. 5-minutes)

- a. Grease Bins and Composting

10. Council Reports (Est. 3-5 minutes each)

11. Adjournment

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page **2** of **84**

CITY OF BELLE ISLE



Proclamation

Declaring the weekend of February 23rd, 2019 as

“Pine Castle Pioneer Days”

Whereas, the story of Pine Castle begins with the Harney Homestead which was settled after the Civil War; and

Whereas, Pioneer Days will be documenting their history from farming in the 1890's to the development of Sky Lake a half century ago;and

Whereas, Pioneer Days provides educational opportunities, historic reenactments, encampments, storytelling and traditional music;and

Whereas, Belle Isle is proud to celebrate Pine Castle Pioneer Days, its culture and preserving its history celebrating trains and the railroad of our community; and



Therefore, be it resolved that I, Lydia Pisano, Mayor of the City of Belle Isle, do hereby designate February 23rd and 24th, 2019 as Pine Castle Pioneer Days, and urge citizens to recognize that Pine Castle Pioneer Days for its valuable impact on our community.

In Witness Whereof, I hereunto have set my hand and caused the Seal of the City of Belle Isle to be affixed this 5th day of February, 2019.

Attest

Yolanda Quiceno, CMC-City Clerk

Mayor Lydia Pisano

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ORDINANCE 18-02

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE
LAND DEVELOPMENT CODE, CHAPTER 48, ARTICLE III, SECTION 48-63 – TREE
PROTECTION; PROVIDING CLARIFICATION OF TREE PRESERVATION PROCESSES AND
PROCEDURES; PROVIDING SEVERABILITY, CODIFICATION, AND AN EFFECTIVE
DATE.**

WHEREAS, Citizens of the City of Belle Isle have expressed concern to the Tree Board about the scope and extent of regulation of tree removal and permitting within the City; and

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

WHEREAS, the City of Belle Isle Tree Board serves as a recommending body for the City; and

WHEREAS, the Tree Board, acting in its capacity as the City’s recommending Tree Board, has duly considered and recommended approval to the City Council of the revisions to the tree protection regulations effected by this Ordinance at a public meeting on December 4th, 2018; 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 the City of Belle Isle, Florida as follows:

1 **SECTION 1.** Chapter 48, Article III, Section 48-63 – Tree Protection of the Belle Isle Code of Ordinances is hereby amended
2 as follows (~~struck out text~~ indicates deletions; underlined text indicates additions; and non-referenced sections shall
3 remain unchanged):

4 **Sec. 48-63. - Tree protection.**

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

11
12 b) *Definitions.* The following words, terms, and phrases when used in this article shall be defined as follows:

- 13 • *Arborist* means a professional arborist recognized and certified by the International Society of Arboriculture
14 (ISA) as an ISA certified arborist municipal specialist (preferred) or an ISA certified arborist .
- 15 • *Clearing* means the removal of a tree by digging, pushing, or cutting, or the effective removal through
16 damage.
- 17 • *Dead or beyond recovery* means more than 50 percent of the tree is dead, is a hazardous tree as defined
18 herein, or in a state of irrecoverable decline.
- 19 • *Diameter breast height (DBH)* means the diameter, in inches, of a tree measured at four and one-half feet
20 above the existing grade.
- 21 • *Dripline* means an imaginary line on the ground defined by vertical lines which extend from the outermost tips
22 of the tree branches to the ground.

- 1 • *Hazardous tree* means a tree irreparably diseased or presents a danger of falling that cannot be controlled or
2 remedied through reasonable preservation and or preventative procedures and pesticides such that the
3 public health or safety requires its removal.
- 4 • *Public tree* means any tree existing or proposed on city owned property.
- 5 • *Private tree* means any tree existing in privately held land.
- 6 • *Removal of a tree* means either actually removing a tree from the ground in which it grew, transplanting
7 a tree, or effectively removing a tree through damage to the trunk, topping, damaging, or removing major
8 limbs, roots, or enough canopy volume so that the tree dies, declines beyond recovery, or becomes a hazard
9 to public safety and must be removed. Tree stump must be removed to a depth of six (6) inches below the
10 surface of the ground. Once removal begins it must be completed within 60 days.
- 11 • *Tree* means any living, woody, self-supporting perennial plant which normally grows to a minimum height of
12 15 feet.
- 13 • *Trees, stand of,* means a naturally occurring grouping of five or more trees forming a canopy of vegetation
14 which results in a single unified dripline.

15 c) *Exceptions and exemptions.*

- 16 1) *Exceptions.* The requirements iof this section shall apply to all property in the city except those used for the
17 following purposes:
 - 18 a. Commercial plant nursery or tree farm;
 - 19 b. Public right-of-way or easement; and
 - 20 c. Citrus groves cleared for replanting.
- 21 2) *Exemptions.* In the case of an emergency such as a hurricane, flood or other disaster, or agricultural diseases,
22 the City Manager or the City Manager's designee may waive the requirements of this section so as to not
23 hamper public and/or private work to restore order.

24 d) ~~Permit~~ Requirements.

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- 1) No tree, with a DBH of 6-inches or greater, shall be removed from any developed property; and
- 2) ~~No recommended tree (as defined by subsection (5)a. of this subsection (d)) shall be removed from any developed property and no~~ Land clearing for development shall occur in the city without the owner first obtaining a permit from the city ~~except where noted~~. The city manager or the city manager's designee may issue a tree removal permit ~~for the removal of specific trees~~.
- 3) *Review fee; survey information.* The owner of the property shall submit a ~~\$25.00~~ review fee, set by the City Council, a tree removal permit application, and a tree survey consisting of the following information:
- a) A scaled aerial photograph or drawing (minimum one inch equals 300 feet);
 - b) Property boundaries;
 - c) Identify location, names and heights of all stands of trees;
 - d) Identify location, DBH, names and height of all individual trees, which are six inches DBH or greater;
 - e) Indicate which trees are proposed for removal and identify the tree with a direction and distance from a fixed landmark;
 - f) Reason for removal; and
 - g) If applicable, the name of the commercial tree removal service that will be used to remove the tree(s).
 - h) All trees scheduled for removal shall be marked with red paint. In addition, prior to the issuance of a permit, the city manager, or the city manager's designee, will meet with the developer or owner representative and be shown the trees designated to be removed according to the site plan. The city representative will take a photo, or video, of the tree(s) to be removed. At the project completion, the city representative will return to the site to verify the correct trees have been removed. For new developments, no Certificate of Occupancy will be issued until the city has verified the correct trees have been removed.

In the event the City Manager or City Manager's designee is unable to determine whether the criteria for removal are met, an additional fee, to be established by City Council of \$75.00, shall be required for

1 review by an arborist. In lieu of paying the additional fee, the property owner, at their own expense, may
2 provide an independent arborist's opinion; provided, however, that said arborist shall not be employed
3 by the tree removal service hired by the property owner, if any.

4 1) *Use of unregistered tree removal service prohibited.* No commercial tree removal service shall be
5 used by the owner or occupant of the property unless the service has first registered with the City. A
6 violation of this subsection (2) may be brought before the City code enforcement ~~board~~ magistrate
7 pursuant to section 14-31, et al., as an irreversible violation subject to imposition of a fine not to
8 exceed \$5,000.00 per violation.

9 2) *Registration requirements for tree removal service.* Any commercial tree removal service which
10 desires to provide tree removal services within the city must first register with the city by providing
11 its business name, occupational license number, contact person, address and telephone number .
12 Upon registration, the tree removal service shall be provided information regarding the City's
13 permitting requirements as set out in this section 48-63. A list of those tree services registered with
14 the city will be available in the City Clerk's office. The city keeps a list of businesses that are allowed to
15 operate in the city. This list is to assist in providing residents with a variety of choices for a service or
16 product. Any specific commercial product, process, or service by trade name, trademark,
17 manufacturer, or otherwise, is not an endorsement or recommendation by the city or its employees.
18 Further, the city does not endorse or recommend any commercial products, processes, or services. The
19 city will not recommend one tree service over another to residents. In the event any
20 registered tree removal service is determined by the city manager or designee to have violated the
21 city's requirements for tree removal, that service shall be removed from the list of registered services
22 with written notice mailed to the service. Any tree removal service that has been removed from the
23 list may make a request in writing to the City clerk for a hearing before City Council to appeal the
24 removal.

- 1 3) *Criteria for recommended tree removal*. Tree removal may be approved where design modifications
2 are not feasible or reasonable and one or more of the following circumstances exist:
- 3 a) The location of the tree restricts the opening of a street or road right-of-way.
4 b) The location of the tree restricts the construction of utility lines or drainage facilities.
5 c) The location of the tree restricts access to the property.
6 d) The location of the tree restricts a use of the property consistent with all other city regulations.
7 e) The tree constitutes a hazard to life or property which cannot be mitigated without removing
8 the tree.
9 f) The tree is dying or dead such that its restoration to sound condition is not practical, or it has a
10 disease which can be expected to be transmitted to other trees and endanger their health.
11 g) The selective removal of up to 25 percent of existing trees, with a DBH of six inches or less, to
12 provide increased light and air circulation.
13 h) Removal of the tree is required, in writing, by the homeowners' insurance company or proposed
14 insurance company.
- 15 4) *Replacement of trees. ~~Recommended~~ Trees with a DBH of up to six inches and/or restricted trees,
16 regardless of DBH, that are approved for removal shall not require replacement. Trees with a DBH of
17 six inches up to but not including 24 inches shall be replaced at a 1:1 ratio. Trees with a DBH of 24
18 inches or greater shall be replaced at a 2:1 ratio. All replacement trees should have a minimum DBH
19 of four inches.*
- 20 5) Recommended trees with a DBH of six inches to 24 inches shall be replaced at a 1:1 ratio with trees
21 from the recommended list. Recommended trees with a DBH of 24 inches or greater shall be
22 replaced at a 2:1 ratio with trees from the recommended list and having a minimum DBH of four
23 inches.
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1 a) ~~Recommended trees. The following tree replacement species are suggested, and may be used as~~
2 ~~replacement stock without prior approval. Other replacement trees may be used but must be~~
3 ~~native to Florida and be approved by the City Manager. The City Council, by resolution, will adopt~~
4 ~~a list of trees for planting as stated in "Selecting and Planting Trees for the Central Florida Urban~~
5 ~~Forest", by the Florida Urban Forestry Council, shall be used as a guide. This resolution and~~
6 ~~recommended tree list will be on file in the City Clerk's office.~~

- 7 ~~1) Live Oak;~~
- 8 ~~2) Sweet Gum;~~
- 9 ~~3) Sycamore;~~
- 10 ~~4) Bald Cypress;~~
- 11 ~~5) Southern Magnolia;~~
- 12 ~~6) Dahoon Holly;~~
- 13 ~~7) Southern Red Cedar;~~
- 14 ~~8) Flowering Dogwood;~~
- 15 ~~9) Chickasaw Plum;~~
- 16 ~~10) Fringe Tree;~~
- 17 ~~11) Wax Myrtle;~~
- 18 ~~12) Winged Elm/Corked Elm;~~
- 19 ~~13) Chinese Elm;~~
- 20 ~~14) Magnolia, "Little Gem;"~~
- 21 ~~15) River Birch;~~
- 22 ~~16) Shumard Oak;~~
- 23 ~~17) Slash Pine;~~
- 24 ~~18) Swamp Chestnut Oak;~~

- 1 ~~19) Sweetbay Magnolia;~~
- 2 ~~20) Tulip Poplar;~~
- 3 ~~21) Crape Myrtle;~~
- 4 ~~22) East Palatka Holly;~~
- 5 ~~23) Golden Trumpet;~~
- 6 ~~24) Japanese Privet;~~
- 7 ~~25) Loquat;~~
- 8 ~~26) Redbud;~~
- 9 ~~27) Canary Island Date Palm;~~
- 10 ~~28) Chinese Fan Palm;~~
- 11 ~~29) Sabal Palm;~~
- 12 ~~30) Washingtonia Palm;~~
- 13 ~~31) Laurel Oak; and~~
- 14 ~~32) Water Oak.~~

15 b) Restricted trees. The City Council will adopt, by resolution, a list of restricted trees which will be
16 kept on file in the City Clerk's office. The following trees shall not be used as replacement stock
17 within the City:

- 18 ~~1) Silk Oak (Grivellea robusta);~~
- 19 ~~2) Chinaberry (Nebia azedarch);~~
- 20 ~~3) Jacaranda (Jacaranda acutifolia);~~
- 21 ~~4) Cajeput or Punk Tree (Melaluca leucadendra);~~
- 22 ~~5) Australian Pine (Casuarina species);~~
- 23 ~~6) Florida Holly or Brazilian Pepper (Schinus terebinfolius);~~
- 24 ~~7) Cama Eucalyptus (Eucalyptus camaldulensis);~~

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1 ~~8) Chinese Tallow Tree (*Sapium sebiferum*);~~

2 ~~9) Ear Tree (*Enterlobium cyclocarpum*);~~

3 ~~10) Mimosa (*Albizzia julibraissin*);~~

4 ~~11) Paper Mulberry (*Broussonetia papyrifera*); and~~

5 ~~12) Camphor.~~

6 6) *New developments.*

7 a) *Subdivisions.* The information required in subsection (d)(1) shall be submitted as part of the
8 preliminary plat for all new residential and nonresidential subdivisions. The final plat approval
9 shall constitute a tree removal permit for the purposes of this section.

10 b) *Site plans.* The information required in subsection (d)(1) shall be submitted as part of the site
11 plan for all new commercial, professional-office, industrial and multifamily residential
12 developments. The building permit shall constitute a tree removal permit for the purposes of this
13 section.

14 c) *Tree protection during construction.*

15 1) Following development approval, it shall be unlawful for any person, during the construction
16 of any structures or other improvements, to place solvents, material, construction
17 machinery or temporary soil deposits within the dripline of any tree designated to remain.

18 2) It shall be the responsibility of the developer or applicant to ensure that any tree designated
19 to remain be protected. The property owner shall guarantee survival of retained or
20 replacement trees for one year from the acceptance of the subdivision improvements by the
21 City or the issuance of a certificate of occupancy for site plans, whichever is later.

22 3) If posts are used as protective barriers, they shall be placed at points not closer than one-
23 half the radius of the dripline of the protected tree. Each section of the barrier shall be
24 clearly visible (flagged with brightly colored plastic tapes or other markers). No attachments
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1 or wires other than those of a protective or nondamaging nature shall be attached to
2 any tree.

3 4) The City may conduct periodic inspections of the site. It is the responsibility of the applicant
4 to ensure that all provisions of this section are met.

5 7) Spacing

6 a) Trees with the capability of exceeding 30' in height must not be planted less than 25' from a
7 property line; except in special plantings designed or approved by a landscape architect.

8 8) Distance from Curb and Sidewalk

9 a) The distance trees may be planted from curbs or curb lines and sidewalks must have a 4' setback.
10 b) The use of root barriers is required and determined at the discretion of the city manager.

11 9) Distance from Street Corners and Fireplugs

12 a) No Tree shall be planted closer than 35 feet of any street corner, measured from the point of
13 nearest intersecting curbs or curb lines. No Tree shall be planted closer than 10 feet of any
14 fireplug.
15 b) No tree which may reach a height of 15' or more may be planted less than 25' from the
16 foundation of any public or commercial structure.
17 c) The use of root barriers is required and determined at the discretion of the city manager.
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19 10) Utilities

20 a) No Trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or
21 within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.
22 b) The use of root barriers is required and determined at the discretion of the city manager.
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24 11) Public Tree Care

- 1 a) The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within
2 the lines of all streets, alleys, avenues, lanes, squares and public grounds and city right-of-ways, as
3 may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of
4 such public grounds.
- 5 b) The city may remove or cause or order to be removed, any tree or part thereof which is in an
6 unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas
7 lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or
8 other pest. This Section does not prohibit the planting of trees by adjacent property owners
9 providing that the selection and location of said trees is in accordance with Sections 5(a) of this
10 ordinance.
- 11 c) It is unlawful for any person to:
- 12 i. Fasten a carriage, animal, bike, motor vehicle of any kind to any tree, shrub, tree guard or
13 tree support.
- 14 ii. Authorize or procure any gas, hot water, brine, oil, herbicide, pesticide, chemicals, dye, or
15 other substance detrimental to tree life to lay, pour, flow, leak, or drip into the soil about the
16 base of a tree in any public highway, street, avenue, public right-of-way, or public place.
- 17 iii. Allow a tree on public right-of-way to be injured or removed during the erection, repair,
18 removal or alteration of any building or structure.
- 19 iv. Build or kindle a fire near any tree or any public right-of-way, as to endanger the trunk, limb,
20 or foliage of such tree.
- 21 v. Attach any advertisements to any tree or shrub in any street, highway, avenue or public right-
22 of-way.
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- 1 vi. Lay any pavement within three (3) feet of the base of the trunk of any tree on public right-of-
2 way or deposit any stone, gravel, cement, lumber, or other materials in such a way as to
3 obstruct the free access of air and water to the roots of any tree in such right-of-way.
- 4 vii. Attach or keep attached to any public tree any ropes, wires, chains, or other device
5 whatsoever, except that the same may be attached to any tree as support or protection
6 thereof. This prohibition shall not apply to the seasonal attachment of holidays lights.
- 7 viii. During the erection, repair, alteration or removal of any building, sidewalk, or structure, it is
8 unlawful for the person in charge of such erection, repair, alteration or removal to leave any
9 public tree in the vicinity of such building or structure without good and sufficient guard or
10 protector as to prevent injury to such tree or its roots arising out of, or by reason of such
11 erection, repair, alteration or removal
- 12 ix. Abuse, destroy or mutilate any public tree.
- 13 x. Perform any minor tree work on any public tree without a permit.

14 *12) Tree Topping and/or hat racking*

- 15 a) It shall be unlawful for any person, firm, or city department to top and/or hat rack any tree on
16 public property. Topping is defined as the severe cutting back of limbs to stubs larger than three
17 inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and
18 disfigure the tree. Hat racking is defined as the destructive act of improperly trimming a tree,
19 leaving stubs, tears, stripped branches, unnecessary wounds and other irreparable damage. Trees
20 severely damaged by storms or other causes, or certain trees under utility wires or other
21 obstructions where other pruning practices are impractical may be exempted from this ordinance
22 at the determination of the city manager.

23 *13) Pruning and Corner Clearance by Private Property owners and by Utilities*

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- 1 a) Every owner of any tree overhanging any street or right-of-way within the city shall prune the
2 branches so that such branches shall not obstruct the light from any street lamp or obstruct the
3 view of any street intersection and so that there shall be a clear space of fourteen (14) feet above
4 the surface of the street and eight feet (8') above the surface of the sidewalk. Said owners shall
5 remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a
6 hazard to the safety of the public. The city shall have the right to prune any tree or shrub on private
7 property when it interferes with the proper spread of light along the street from a street light or
8 interferes with visibility of any traffic control device or sign.
- 9 b) Pruning for or by Utility will require the franchise to obtain a written permit from the city. A city
10 franchised utility maintaining its utility system in the street may prune or cause to be pruned, in
11 accordance with this chapter and using proper arboricultural practices in accordance with the
12 permit, any tree located in or overhanging the street which interfered with any light, pole, wire,
13 cable, appliance or apparatus used in connection with or as part of a utility system. The permit
14 may be issued as a city-wide permit valid for one year if the utility adequately demonstrates the
15 ability to meet the performance requirements of this chapter and to consistently apply proper
16 arboricultural practices to the pruning of trees.
- 17 c) The utility shall provide the city written notice of any pruning work at least three (3) working days
18 prior to the start of the work.
- 19 d) In those cases where a tree cannot be pruned in such a manner as to preserve the physical or
20 aesthetic integrity of the tree, the tree may be removed and replaced by the utility at its own
21 expense and in compliance with the replacement provision of this chapter.

22 14) Dead or Diseased Tree Removal on Private Property

- 23 a) The city shall have the right to cause the removal of any dead or diseased trees on private property
24 within the city, when such trees constitute a hazard to life and property, or harbor insects or
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1 disease which constitutes a potential threat to other trees within the city. The city will notify in
2 writing the owners of such trees. Removal shall be done by said owners at their own expense
3 within sixty (60) days after the date of service of notice. In the event of failure of owners to comply
4 with such provisions, the city shall have the authority to remove such trees and charge the cost of
5 removal on the owner's property tax notice.

6 *15) Removal of Stumps*

- 7 a) In addition to the standards of the National Arborist Association, all stumps of street and park trees
8 shall be removed to a depth of six (6) inches below the surface of the ground.

9 *16) Sidewalk, Walkway, Curbing or Roadways Damaged by Roots*

- 10 a) Any street and park trees whose roots have damaged any sidewalks, curbing, roadways and the
11 owner is unable to remove the hazard by root grinding the tree will be removed at city expense and
12 replaced with a recommended tree species. The owner of the property will be given a choice of
13 not less than three (3) tree species for replacement. Replacement will take place within one year
14 of removal at the convenience of city and owner.

15 *17) Interference with City*

- 16 a) It shall be unlawful for any person to prevent, delay or interfere with the city, or any of its agents,
17 while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of
18 any Trees on private grounds, as authorized in this ordinance.

- 19 18) *Appeal.* If a tree removal permit is denied by the city manager without prior review by a city
20 designated arborist, the owner may appeal the city manager's decision by making a written request
21 for review by a city designated arborist and paying the fee for such review, both within ten days of
22 the written notice of denial. If the designated arborist certifies the tree is a restricted tree or meets
23 the criteria of subsection 48-63(d)(34)f., the city manager shall issue the permit.

19) *Term of permit.* A tree removal permit issued to the owner of a developed property shall remain in effect for one year from the date of issuance. If the action applied for is not completed within the permit's effective date, a new tree removal permit must be obtained.

20) *Removal protection.* All replacement trees, regardless of DBH, shall be protected from removal pursuant to the provisions of this section.

21) Tree replacement must be completed within 12 months of the approved removal application.

~~(e) *Variances and penalties.*~~

~~1) *Variances.* Variances to this section may be applied for in accordance with the variance section of this Land Development Code (chapter [42](#), article III).~~

e) *Penalties.*

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

a) Where violations of this section have occurred, remedial action shall be taken to restore the property consistent with a restoration plan approved by the city manager or the city manager's designee. The restoration plan shall require tree replacement ~~from the recommended list at not less than 2:1 and not more than 4:1; and~~ according to the following:

<u>DBH – Removal Tree</u>	<u>Number of Replacement Trees</u>
<u>6" up to but not including 12"</u>	<u>1 tree</u>
<u>12" up to but not including 18"</u>	<u>2 trees</u>
<u>18" up to but not including 24"</u>	<u>3 trees</u>
<u>24" and above</u>	<u>4 trees</u>

b) No certificate of occupancy or certificate of completion shall be issued for any development or project until all applicable permit or restoration plan conditions have been accomplished. For developed

1 properties, failure to take the remedial action required by the restoration plan shall constitute a
2 continuing violation of this section, and shall be referred to the code enforcement ~~board~~ magistrate for
3 enforcement as provided by chapter 14, article II of this Code; and

- 4 c) ~~The City shall fine the applicant \$250.00 per tree, having a DBH of less than six inches and \$500.00~~
5 ~~per tree having a DBH of six or more inches, which was removed in violation of this section.~~ Any person or
6 persons found in violation of this section shall be fined by an amount set by the City Council.
- 7 d) Any person or persons who violate any of the provisions of this chapter shall be required to reimburse
8 the city for any costs incurred for treatment or removal and replacement of the tree or repair of the box
9 or casing around the tree, including total personnel services, costs, materials and an additional charge of
10 ten percent for administrative overhead.
- 11 e) If, as the result of the violation of this chapter, the injury, mutilation, or death of a public tree or
12 vegetation located in a right-of-way is caused, the cost of care, repair or replacement of a similar size tree
13 or vegetation shall be borne by the party in violation. Replacement cost includes the cost of tree or
14 vegetation and stump removal will be determined by the market intrinsic value.
- 15 f) For new development, the developer, or property owner is responsible to insure the planted trees and
16 shrubs have the proper care for a period of one year after the project close-out. The developer may be
17 required to issue a performance bond, or place a deposit, with the city in the event the trees need to be
18 replaced within the one-year period.
- 19 g) Any person or persons who have previously been found in violation of this section may be required to post
20 additional assurances in the form of performance bond, cash, or any other financial vehicle acceptable to
21 the city.

- 22 2) *Tree trust fund.* In lieu of tree replacement as required by subsection (d)(5), the city manager may approve
23 the payment by the owner of ~~\$250.00~~ in an amount set by the City Council per tree removed but not replaced
24 to be paid into a tree trust fund. The tree trust fund shall be established from all monies collected pursuant to
25

1 this section 48-63. The tree trust fund shall be used to plant trees of the recommended species on public
2 property, such as, but not limited to, public parks and rights-of-way. The tree trust fund may also be used to
3 fund grants to private individuals who establish financial need to replace trees that are removed pursuant to
4 this section.

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

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

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

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

19 First reading on December 4th, 2018.

20 Second Reading and Adoption this _____ day of _____, 2019.

	YES	NO	ABSENT
23 Ed Gold	_____	_____	_____
24 Anthony Carugno	_____	_____	_____

1 Jeremy Weinsier _____
2 Mike Sims _____
3 Harvey Readey _____
4 Jim Partin _____
5 Sue Nielsen _____

7 ATTEST: _____
8 Yolanda Quiceno, CMC Lydia Pisano, Mayor
9 City Clerk

11 _____

12 Approved as to form and legality
13 For use and reliance by the City
14 Kurt Ardaman, City Attorney

16 STATE OF FLORIDA
17 COUNTY OF ORANGE

18 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document
19 ORDINANCE 18-02 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of
20 _____, 20____, at which session a quorum of its members were present.

22 _____

23 Yolanda Quiceno, CMC-City Clerk

1 **ORDINANCE No.: 18-05**

2

3 **AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF**

4 **ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE**

5 **OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING**

6 **CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS;**

7 **BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR**

8 **SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.**

9

10 **WHEREAS,** Part II of Chapter 163 of the Florida Statutes requires the City's local planning agency to review

11 proposed land development regulations and make recommendations to the City's governing body as to their

12 consistency with the City's Comprehensive Plan; and

13

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

15

16 **WHEREAS,** the City of Belle Isle Planning and Zoning Board, acting in its capacity as the City's Local Planning

17 Agency, has been presented with the proposed revised planned development district regulations incorporated

18 by reference in this Ordinance; and

19

20 **WHEREAS,** the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency,

21 held a duly noticed and advertised public hearing on April 24, 2018; and

22

23 **WHEREAS,** the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency,

24 at the April 24, 2018, public hearing, found the revised regulations to be consistent with the City of Belle Isle

25

1 Comprehensive Plan and recommended that the City Council adopt the revised planned development district
2 regulations; and

3
4 **WHEREAS**, the City Council held two (2) public hearings on May 1, 2018, and May 15, 2018, to receive public
5 comments, and considered the recommendation of the Planning and Zoning Board and the proposed planned
6 development district regulations; and

7
8 **WHEREAS**, the Board has found and determined that the adoption of the proposed revised planned
9 development district regulations will foster and preserve the public health, safety and welfare and aid in the
10 harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

11
12 **NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS,**

13 **Section 1. Recitals**

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

16
17 **Section 2. Land Development Code Amendment**

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

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

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

22 (1) To provide for planned residential or commercial development communities, compatible with
23 surrounding areas, consistent with the density or intensity permitted under the comprehensive plan,
24 containing a variety of ~~residential~~ structures and diversity of building arrangements. Under no
25

1 circumstances does this district permit ~~residential~~ densities or intensities greater than that available
2 under the land use classification for that property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

-

~~(2)~~ The following site development standards shall apply, unless specifically waived by finding of the board and the council that the unique characteristics of the development in question make

1 unnecessary the application of one or more of these provisions in order to carry out the intent and
2 purposes of the planned development district:

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

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

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

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

20 e. Streets to be dedicated to the public shall be designed and built in accordance with the
21 appropriate sections of the subdivision regulations. Streets and driveways shall be constructed in
22 accordance with adopted road construction specifications and designed to provide for the free
23 movement and safety of vehicular traffic, and to provide safe, efficient and convenient access to land
24 uses within the development and to roadways adjacent to the development. The local, collector and
25

1 arterial street system must provide adequate access to the development, and properly accommodate
2 traffic generated by the development. Local streets shall provide access within the planned
3 development district in a manner that will discourage through traffic and provide for convenient
4 accessibility to parking areas serving each group of units.

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

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

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

14 i. In order to protect the lakes and canals from destructive activities, no roadways, buildings or other
15 permanent structures shall be permitted within 50 feet of the normal high-water elevation (~~86.9~~) of
16 the lakes or canals. Nature walkways, benches and tables are not considered permanent for these
17 purposes.

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

20 (1) *Preapplication conference.* The applicant shall confer with a panel of appropriate city
21 departments prior to submitting an application for a zoning change to the PD district. The conference
22 is intended to give the applicant an opportunity to discuss the proposed development and to benefit
23 from comment by city officials before undertaking the required work program. The panel shall include
24 the following: planning and development, city manager, mayor and administrative services personnel.
25

1 The city engineer and city attorney shall also be included on the panel. Other local governments
2 and/or state agencies may also be asked to serve on the panel on an as-needed basis. The planning
3 and development department shall coordinate the conference, and ensure all other departments and
4 the applicant are notified of the time and place of the conference.

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

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

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

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

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

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

11 a. Provisions for necessary improvements such as water, sewer, and drainage facilities as well as
12 systems for firefighting and street lighting.

13 b. The location and dimensions of all rights-of-way or easements for streets, pedestrian ways,
14 utilities, watercourses, and greenways, as well as proposed subdivision of land.

15 c. The relationship of building locations, arrangements, uses and heights to open areas, streets,
16 pedestrian ways, landscaping, property lines and adjacent uses.

17 d. Areas proposed to be conveyed, dedicated, or reserved for recreation and open space, and/or
18 public uses.

19 e. Covenants/restrictions, conditions, agreements, and grants which govern the use, maintenance,
20 and continued protection of the PD district and common areas.

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

23 If the applicant fails to obtain approval of the development plan within one year after approval of the
24 concept plan, the zoning classification shall revert to its previous zoning classification. However, if the
25

1 previous zoning classification is not compatible with the existing and/or future land use classification
2 for that property, the city shall administratively rezone the property to an appropriate zoning
3 classification. The applicant may apply to the council once for an extension of this deadline for a time
4 period not to exceed one year.

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

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

19 (7) *Construction requirements.* Approved development plans shall remain in full force and effect for
20 as long as the applicant carries on substantial, continuous development. The term "substantial" shall
21 mean that physical improvements are visible and continuous shall mean that the developer
22 commences construction in accordance with approved plans within 12 months of approval, and does
23 not cease development for a period longer than 60 days. The council shall have the authority to grant
24 an extension of this time period for up to 12 months, provided a written request is filed with the
25

1 mayor at least 30 days prior to the expiration of the time period. If the applicant either fails to carry on
2 substantial, continuous development or obtain an extension from the council within one year after
3 approval of the development plan, the zoning classification shall revert to its previous zoning
4 classification. If the previous zoning classification is not compatible with the existing and/or future
5 land use classification for that property, the department shall administratively rezone the property to
6 an appropriate zoning classification.

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

15
16 **SECTION 3. Severability**

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

20
21 **SECTION 4. Conflicts**

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

24 **SECTION 5. Codification**
25

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

6
7 **SECTION 6. Effective date**

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

10
11 First Reading held this _____ day of _____, 2018

12 Second Reading held this _____ day of _____, 2019

13 Advertised for Second Reading on the _____ day of _____ 2019.

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

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LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

Kurt Ardaman, City Attorney

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STATE OF FLORIDA

COUNTY OF ORANGE

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

Yolanda Quiceno, CMC-City Clerk

ORDINANCE NO. 18-14

1
2
3 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING
4 CHAPTER 15 OF THE CITY OF BELLE ISLE CODE OF ORDINANCES TO CREATE A NEW ARTICLE IV
5 PROVIDING FOR THE REGULATION AND CONTROL OF SECURITY ALARMS; PROVIDING FOR A
6 TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS CONCERNING THE
7 INSTALLATION, MAINTENANCE AND OPERATION OF ALARMS; PROVIDING FOR REGULATIONS
8 CONCERNING FALSE AND NUISANCE ALARMS; PROVIDING FOR CORRECTIVE ACTION AND
9 PENALTIES FROM FALSE ALARMS; PROVIDING FOR A CITATION PROCEDURE; PROVIDING
10 FOR RESPONSE AND ENFORCEMENT BY LAW ENFORCEMENT OFFICERS; PROVIDING FOR THE
11 PROHIBITION OF AUTOMATIC ALARM COMMUNICATION SYSTEMS; PROVIDING FOR THE
12 LIMITATION OF LIABILITY; PROVIDING FOR THE DISPOSITION OF PENALTIES AND FINES;
13 PROVIDING FOR INCLUSION INTO THE BELLE ISLE CITY CODE; PROVIDING FOR LIBERAL NON-
14 CONFLICTING CONSTRUCTION; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN
15 EFFECTIVE DATE.

16
17 **WHEREAS**, Section 166.011, Florida Statutes, et.seq., the "Municipal Home Rule Powers Act"
18 provides that municipalities shall have the governmental, corporate and proprietary powers to enable them
19 to conduct municipal government, to perform municipal functions, to render municipal services, and to
20 exercise any power for municipal purposes, except when expressly prohibited by law; and

21 **WHEREAS**, Section 166.021, Florida Statutes, grants to the City Council of Belle Isle the power to
22 enact legislation concerning any subject matter, such as providing for reasonable regulations concerning
23 the installation, maintenance and operation of security alarms, as well as regulations designed to inhibit the
24 occurrence and reoccurrence of false alarms; and

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

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

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

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

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

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

17 **SECTION 1. Recitals Incorporated.**

18 The above recitals are true and correct and are incorporated herein and constitute the legislative
19 findings of the City of Belle Isle.

20 **SECTION 2. City Code Amendment.**

21 Chapter 15 of the Belle Isle City Code is hereby amended to add a new Article IV containing the
22 following provisions, which shall be known and may be cited as the "City of Belle Isle Alarm Control
23 Ordinance".

24 **ARTICLE IV. – ALARM CONTROL**

1 **Sec. 15-72. - Definitions.**

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

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

12 B. *Alarm User* -means the person, firm, business, partnership, association, corporation or other
13 entity who either;

- 14 1. Owns the premises in which an alarm system is installed; or
- 15 2. Who leases or occupies the premises; or
- 16 3. Who is designated as the registered agent of the premises; or
- 17 4. Is the rental/property management company for the premises.

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

22 D. *Belle Isle*- The City of Belle Isle, Florida.

23

24

25

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

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

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

19 F. Key Holder- means any person authorized by the alarm user to enter or provide access to the alarm
20 user's premises for the purposes of enabling the police department to investigate and determine the validity
21 of an alarm and to reset the alarm.

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

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2 H. *Panic Alarm*- means any mechanical, electrical or radio-controlled device which is personally
3 activated by the alarm user and which indicates that a clear and present danger is presently confronting the
4 alarm user.

5 I. *Police Department*- means the City of Belle Isle Police Department.

6 J. *Responding Officer*- means an officer with the Belle Isle Police Department responding to a security
7 alarm.

8 K. *Three Hundred Sixty-Five (365) day period*- means any consecutive Three Hundred Sixty-Five (365)
9 day period.

10 **Sec. 15-73. - Automatic Alarm Communication Systems Prohibited.**

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

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

17 **Sec. 15-74. - Response to Alarms; Determination of Validity.**

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

21 B. _____ If the responding officer determines the alarm to be false, the officer shall so notify the
22 Sheriff's Office communications section in the case of a security alarm. Upon request by the police
23 department, the alarm monitoring company shall provide the name, physical/ mailing address, and phone
24 number of the alarm premises' owner, the alarm premises lessee/occupant, the rental/property management

1 company or the registered agent. This information shall be used to maintain a current database to ensure
2 compliance with the provisions of this Ordinance. Failure by the alarm monitoring company to provide such
3 information, upon request, will result in fines and penalties for false alarms imposed pursuant to Section 6 of
4 this Ordinance against the alarm monitoring company.

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

15 **Sec. 15-75. - False Alarms; Required Corrective Action and Penalties.**

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

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

23 I. No fine shall be imposed for the first false alarm within any ninety (90) day period. A
24 warning letter will be issued to the alarm owner.

1
2 2. No fine shall be imposed for the second false alarm within any one hundred and
3 eighty (180) day period unless the alarm user has failed to comply with the requirements of
4 subsection (A), in which case a fine in the amount of Fifty Dollars (\$50) shall be imposed.

5 3. The fine for a third false alarm within a one hundred and eighty (180) period shall be
6 in the amount of One Hundred and Fifty Dollars (\$150), and any subsequent false alarm shall be in the
7 amount of Two Hundred and Fifty Dollars (\$250), except that the listed fines shall be doubled if the
8 alarm user is not in compliance with subsection (A) at the time of the false alarm triggering the fine
9 occurs.

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

15 **Sec. 15-76. - Citation Procedure.**

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

22 **Sec. 15-77. - Appeal.**

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

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

12 **Sec. 15-78. - Alarm System Operations.**

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

18 **Sec. 15-79. - Applicability.**

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

20 **Sec. 15-80. - Limitation of Liability.**

21 Nothing in this Article shall be construed as to create a duty on the part of the Police Department or
22 the City of Belle Isle to respond to any alarm or to otherwise guarantee the safety of any member of the
23 public. Further, the Belle Isle Police Department and the City of Belle Isle expressly retain the discretion to
24 determine whether or not to respond to an alarm, and to otherwise determine the most efficient deployment

1 of law enforcement resources. Nothing in this Article shall be construed as a waiver of sovereign immunity by
2 the City of Belle Isle.

3 **Sec. 15-81. - Disposition of Penalties and Fines.**

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

8 **SECTION 3. Codification.**

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

13 **SECTION 4. Liberal, Non-Conflicting Construction.**

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

18 **SECTION 5. Severability.**

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

22 **SECTION 6. Effective Date.**

23 This Ordinance shall take effect immediately upon its approval and publication as required by law.
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FIRST READING: December 4th, 2018

SECOND READING: _____, 2018

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

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

Lydia Pisano, Mayor

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality,

Kurt Ardaman, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

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

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

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

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7 _____

8 Notary

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ORDINANCE NO.: 18-15

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

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

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

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

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

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

SECTION 2. Amendment. Chapter 14 of the City Code of Ordinances is amended to create a new Article III entitled Supplemental Code Citation Process, which shall read as follows:

ARTICLE III. –Supplemental Code Citation Process

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

(a) *Generally.* It is the intention that this article shall provide a cumulative alternative to existing city code provisions and existing Florida law regarding the enforcement of the city's code of ordinances.

Pursuant to this article, all city code inspectors and code enforcement officers may issue civil citations to alleged violators of the city’s code of ordinances. Such citations shall be in a form prescribed by the city and shall contain:

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

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

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

<u>Classification Penalty</u>	<u>Civil Penalty</u>
<u>Class I</u>	<u>\$50.00</u>

<u>Class II</u>	<u>\$100.00</u>
<u>Class III</u>	<u>\$200.00</u>
<u>Class IV</u>	<u>\$300.00</u>
<u>Class V</u>	<u>\$400.00</u>

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

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

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

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

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

(e) Past due fees and penalties for violations occurring on private property. In the event that the fees imposed in accordance with this article are not paid when due for any reason, including but not

limited to mistake or inadvertence, the city shall have the right to collect such fees and charges relating to violations occurring on private property as follows:

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

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

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

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

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

(3) If the amount set forth in the notice of non-payment is not paid within thirty (30) days from the date of the notice of non-payment, then the outstanding balance owed to the city shall accrue interest at the rate of twelve percent (12%) per annum until such amount is paid in full; the city may proceed to record a notice of lien against the applicable property in the official records of the county, which, once recorded, shall constitute a lien against the property described therein; and a copy of the notice of lien shall be served by U.S. Mail to the violator and the property owner at the same addresses as set forth in subsection (2) above.

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

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

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

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

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

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

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

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

SECTION 6. Conflicts. In the event of a conflict or conflicts between this Ordinance and any

other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

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

FIRST READING: _____, 2018

SECOND READING: _____, 2019

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

ADOPTED this ____ day of _____, 2019, 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

Approved as to form and legality,

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 18-15 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 2019, at which session a quorum of its members were present.

Notary



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

Meeting Date: February 5, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Ordinance – Section 3.11 Ordinances

Background: The City Charter outlines the process for adopting ordinances and resolutions based on Florida Statute 166.041. The BIMC, Section 3.11 (B) and FS 166.041(3)(a) both contain the same language:

A proposed ordinance shall be read by title, or in full on at least two (2) separate days, at either regular or special meetings of the council, and shall, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the city. The notice of proposed enactment shall state the date, time and place of the meeting, the title or titles of proposed ordinances, and the place or places within the city where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

It has been a past practice that during the first reading of a proposed ordinance, the Council does not take public comment. This has sometimes delayed the passage of an ordinance because there was substantial comment at the second public hearing to have the ordinance re-written. If the public was allowed to comment at the first reading and any changes drafted in to the ordinance between the first and second reading, chances are good that not much public comment would be received and the ordinance would be adopted at the second reading. This would be especially true when we have controversial ordinances, such as the dock ordinance and the short term rental ordinance.

FS 166.041(6) allows for additional requirements but not to lessen the requirements. It states:

*The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. **By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality***

shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

In order to give the public ample time to review and comment on a proposed ordinance the following process is proposed:

1. At a meeting, the staff will introduce a proposed ordinance. At this meeting, the proposed ordinance will be discussed and a determination made if it should move forward. If the Council decides to move the ordinance forward, direction will be provided to the staff to draft the ordinance in its proper format, be given a number, and set a date for the first reading.
2. At the first reading, the proposed ordinance will be read by title only and the Council will discuss the ordinance. The Council will also receive public comment on the proposed ordinance and determine if any changes need to be made to the ordinance.
3. The proposed ordinance will be advertised for adoption at a future meeting according to the requirements outlined in BIMC and FS 166.041(3)(a).
4. At the second reading, the proposed ordinance will be read by title only and the Council will discuss the ordinance. The Council will also receive public comment on the proposed ordinance and determine if any changes need to be made to the ordinance. If not, then a motion will be made and voted on to adopt the ordinance. If there is additional public comment that the Council wants added or deleted from the proposed ordinance, and if that comment substantially changes the meaning of the ordinance, then another public hearing will be advertised and held.

Staff Recommendation: The staff recommends drafting an ordinance to allow public comment at both the first and second readings.

Suggested Motion: **I move that we direct the City Attorney to draft an ordinance changing the process for adopting ordinances allowing the public to comment at both the first and second readings.**

Alternatives: Do not pass an ordinance and continue to receive public comment only at the meeting for a second reading of a proposed ordinance.

Fiscal Impact: None

Attachments: None



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

Meeting Date: February 5, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Consideration of Parking Changes

Background: Last year, the City Council passed an ordinance that increased the parking fines from \$35 to \$150. This fine amount applies to all parking violations. This led to many complaints on social media. In an effort to address parking issues, the City Council held a workshop on December 14, 2018 to review the current parking ordinances, review problems related to parking from a staff level, and to consider possible changes to the existing ordinances including a review of the current fines. The three areas of concern:

1. Parking on grass in the Right-of-Way
2. Parking on the front lawn of your property
3. The \$150 fine.

Staff Recommendation: Review the suggested changes to the City's parking codes and determine if any, or all, of those changes should be incorporated into the BIMC.

Suggested Motion: I move that we direct the City Attorney to draft an ordinance changing the BIMC to reflect the parking changes approved at tonight's meeting.

Alternatives: Do not change anything in the code.

Fiscal Impact: Depending on the any adjustment of the fines.

Attachments: Draft of changes

Sec. 30-1. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recreational vehicle means any vehicle which is designed or constructed primarily for temporary human habitation in conjunction with camping, traveling and other recreational activities. By way of example and not by way of limitation, recreational vehicle includes travel trailer, truck camper, motor home, pickup camper or coach (designed to be mounted on automobile or trucks), private motor coach, and cases or boxes which are designed to be used for transporting recreational equipment. A standard

van or SUV that has been commercially converted for use as a camper, also referred to as a Class B motor home or conversion vehicle, shall not be considered a recreational vehicle for the purposes of this chapter, so long as the overall length does not exceed 20 feet and the overall height does not exceed nine feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Any motor vehicle when parked on residential property shall be parked on the driveway or on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as

described in subsection 30-133(d). No motor vehicle shall be permitted to be parked on the right-of-way between the edge of the street and private property lines within residential areas.

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

Garage Size	2 bedrooms	3 bedrooms	4 bedrooms (+)
No Garage	4 cars	5 cars	6 cars
1-car Garage	3 cars	4 cars	5 cars
2-car Garage	2 cars	3 cars	4 cars
3-car+ garage	0 cars	1 car	2 cars

unless it is allowed under Section 30-74.

- (c) Garages are the primary area to park motor vehicles. The maximum number of motor vehicles kept outside of the garage shall be determined by the number of bedrooms and the garage spaces of any residential dwelling, as follows:

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

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

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

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

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

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

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

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

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

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

- (b) The amount of such civil penalty shall be set by a resolution of the City Council

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

Recommended for the Fee Schedule (Not in Ordinance):

In vicinity of boat ramp: \$150

In ROW: \$75

Front Yard without permit: \$50

Front Yard (not on hard surface) \$50

Sidewalk: \$75

Sec. 30-76. - Fines and hearings.

- (a) *Payment of fines; issuance of receipts.* The city manager shall accept payment of civil penalties for parking violations and issue receipts therefor.
- (b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of ~~\$150.00~~ **\$50.00** in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing ~~before the city council~~ **with the City Manager**. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, ~~the city council~~ **City Manager** shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the ~~city council~~ **City Manager** overturns the parking violation, ~~the fee of \$150.00~~ **\$25.00** shall be refunded to the person that paid such fee within five working days of the city council's decision. **The decision of the City Manager shall be final.**
- (c) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$25.00 penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$10.00 shall be assessed incident to this notification process.
- (d) *Summons for failure to respond, charges.* If a response is not made within the time period specified in the notice of summons, a summons for failure to respond will be issue to the registered owner of the motor vehicle commanding an appearance before a hearing officer. In addition to all other costs, fines and administrative fees assessed by the county, a service of process charge in the amount allowed by state statute will be assessed by the city manager for each summons issued.
- (e) *Hearing on charge of failure to comply.* After issuance of summons, a hearing on the charge of failure to comply shall be scheduled and such charge prosecuted by the city attorney in the county court.
- (f) *Waiver of rights to contest citation.* Any person who fails to respond to the original parking violation citation within the time period specified on such citation shall be deemed to have waived the right to contest the merits of such parking violation.

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

- a) Parking within the city right-of-way is allowed under the following circumstances:
- b) There is no curb or a there is "Miami" curb.
- c) The vehicle cannot be parked in the driveway or there is no room to expand parking to the front lawn.
- d) The vehicle must have only its passenger-side wheels on the parking strip.
- e) There will be no parking in the parking strip on major collector roads .
- f) Official government vehicles and public utility vehicles on service calls are exempt from this section. Official government vehicles include any contractor hired by the City or other governing agency.

Section 30-84 Residential Parking District

- a) The City Council has the authority, on its own motion or upon approval of a petition from a majority of the residents of the district or proposed district, to designate, repeal, or revise residential parking districts, and to establish the parking restrictions (i.e. days, hours, exemptions) for each separate residential district. Residential parking districts may be designated only in the R-1-A, R-1-AA, or R-2 zones.
- b) Residency Required for a Permit. Residential parking district permits shall only be issued to residents of the parking district. A resident is a licensed driver who resides in a dwelling unit approved for residential occupancy and who is the owner of or a tenant in the dwelling unit or who can demonstrate by some other means of exclusive right of occupancy.
- c) In addition to the residential parking permit, each dwelling unit in a residential parking district with an approved application shall receive two (2) short-term visitor passes.
- d) Temporary parking district permits are available for specific functions (i.e. party, graduation, wedding, etc.) An application for temporary permits shall be made by the resident of the district on the City application form. Temporary parking permits may be issued for 24 hours and up to seven (7) days, as determined by the City Manager.

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

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

- (b) Except as provided in subsection (c), no person or other entity shall park or store, or permit the parking or storing of any commercial vehicle or construction equipment on private property in a residential district other than in an enclosed building.
- (c) Subsections (a) and (b) shall not apply to any owner, operator or person in charge of such commercial motor vehicle or construction equipment when making deliveries or performing labor or services during such time as such labor or services are being performed; nor shall they apply to a public utility (including electric power, gas, water, sewer, telephone and cable television) repair vehicle, that is kept by an employee of such utility for emergency purposes.
- (d) No tractor-trailer, construction vehicle, or other commercial vehicle parked within 100 feet of the residential property shall have its engine, motor, generator, or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m. except when the vehicle is being moved into or out of the parking area.
- (e) **Subsections (a) and (b) shall not apply to employees of a company that needs to respond to emergencies (electrician, plumber, tow truck) provided that the commercial vehicle is parked fully in the driveway and does not block the sidewalk or creates other obstructions parked at the residence; however prior authorization must be obtained from the City Manager or City Manager's designee.**

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

- (a) It shall be unlawful for any person or other entity to park or store recreational vehicles, watercraft or utility trailers upon any public property located in the city, including, but not limited to, public: streets, roads, highways, boat ramp areas, swales, rights-of-way, sidewalks, parks, playgrounds, green-space areas, drainage/retention areas and other utility areas and planting areas between sidewalks and curbs unless expressly allowed as indicated by signage erected by the city. Under this section, the term "public" includes, but is not limited to, the state, county or city.
- (b) Except as provided by section 30-133, it shall be unlawful for any person to park or store recreational units on private property in any residential district except temporarily while actually engaged in loading or unloading persons or property for a time period not to exceed 48 hours and only with a temporary parking permit issued by the city manager.
- (c) No recreational vehicles or watercraft parked in any residential district within 50 feet of another residence shall have its engine, motor, generator or other externally audible equipment running between the hours of 10:00 p.m. and 6:00 a.m.

(d) No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer, water, or electric) while stored at a residence.

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

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

- (a) *Purpose.* The purpose of this section is to provide for public safety and general welfare of the city in preserving its residential character, by limiting and restricting the parking and storage of watercraft, recreational vehicles and utility trailers within the residential districts of the city.
- (b) *Parking and storing in residential districts generally.* Unless completely housed in a garage or other suitable structure, all watercraft, recreational vehicles and utility trailers parked, stored or kept in any

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

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

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

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

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

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

a. Completely on an approved prepared surface as described in (d) (4) below.

b. At least three feet from any existing sidewalk

c. At least three feet from any side lot line

d. At least three feet from a non-sidewalk curb or roadway if no curb.

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

(5) General standards for designated parking areas:

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

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

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

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

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

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

(7) Permit Needed:

a. A permit is required for all front lawn parking

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

c. The City Manager or City Manager designee will administer the permit process.

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

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



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

Meeting Date: January 15, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Beacon House (Green House at 5003 Randolph)

Background: CCA currently uses the green house located at 5003 Randolph (SE corner of Waltham and Randolph). In the 2009 appraisal, it is referred to as the Beacon House. At the request of CCA, the City had it inspected. After reviewing the inspection report, the City Manager and CCA and Academica staff agreed that the house should be demolished. This seems to also be the plan according the CCA Master Plan that was included in the CCA Consultant Report.

After receiving the report, I sent a letter to the Pine Castle Historical Society telling them that they can have the house if they think it needs saving, and invited them to this meeting to discuss it with the Council.

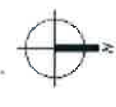
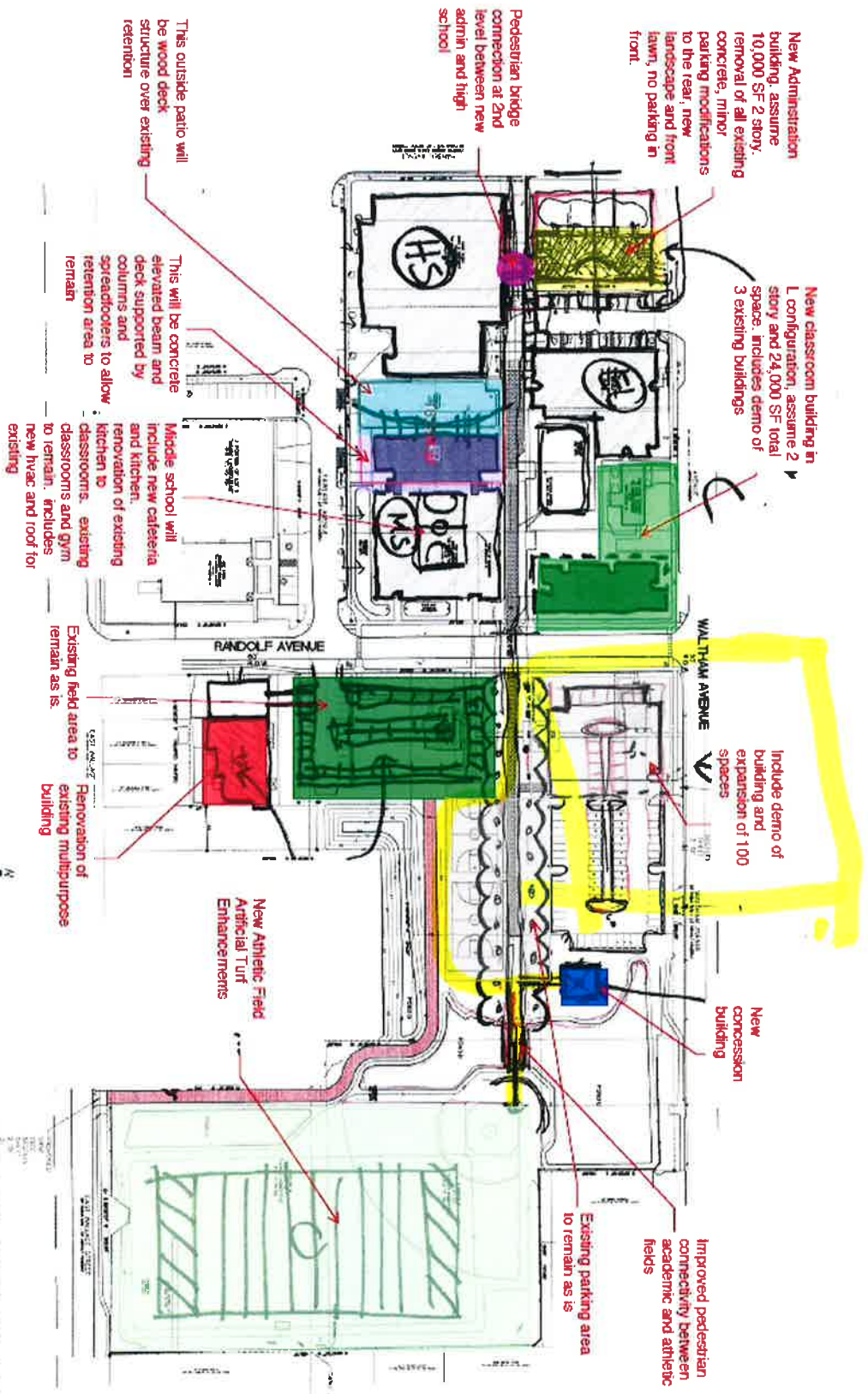
Staff Recommendation: Review the report and hear from the PCHS, then direct staff accordingly.

Suggested Motion: No motion is needed for discussion. Provide direction to the staff after discussion with PCHS.

Alternatives: Move forward with demolition.

Fiscal Impact: \$5,000-\$6,000

Attachments: Excerpt of CCA Master Plan
Inspection Report
Letter to PCHS



INSPECTION REPORT

5003 RANDOLPH STREET

BELLE ISLE, FL

Inspector: Ed Pierzynski, State Certified Home Inspector# HI 4076

Inspection date: 10/4/2018 starting at 9:00 Am

Conditions: sunny 87 degrees

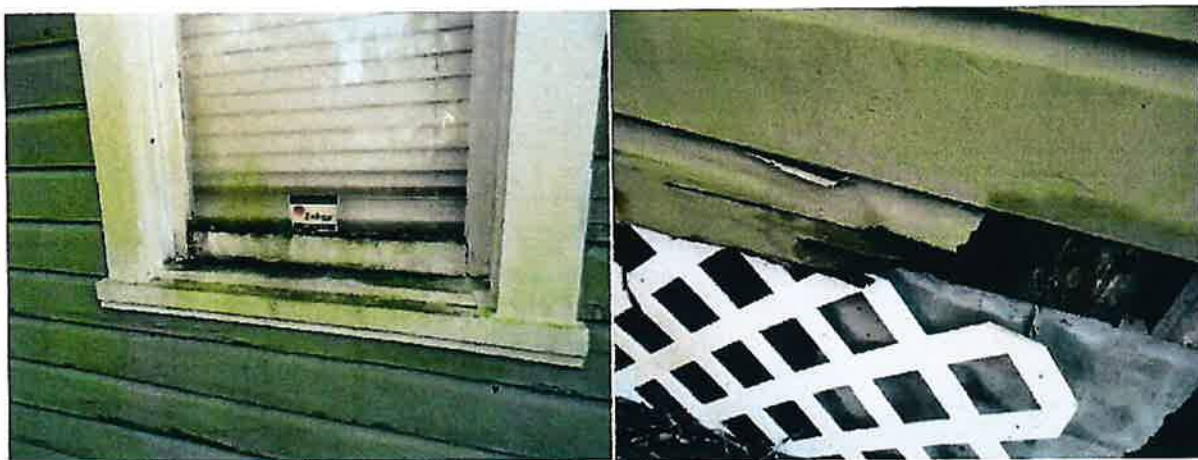
Present besides the inspector: Head of Maintenance and City Manager briefly



FRONT FACING WEST some fascia and roof damage as shown by arrow. Front porch has had the railing replaced but is not a permanent or adequate railing going forward. (Should be replaced with a permanently anchored handicap railing meeting Florida building code.). The concrete steps to the front porch are concrete but pitched the wrong way (toward the house) this needs to be repaired to avoid rot damage to the porch and slip threat.

Some of the supporting columns have rot on the bottom where they attach to the deck. Repair or replacement needed.

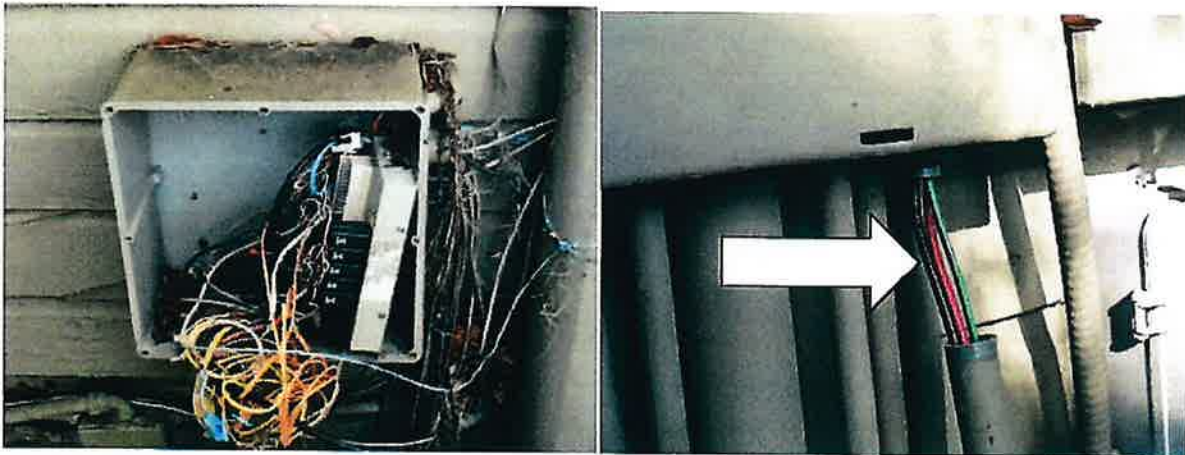
NORTH SIDE



North side bathroom window has considerable mold on the window and siding. There is some rot in the window sashes as well. I did not attempt to open the window for fear I would never get it closed or it would fall apart



NORTH SIDE REAR severe rot on siding, (inserted 4" probe as seen). Also an open live electrical receptacle. Needs prompt attention. Paint is peeling in many places to bare wood allowing weather elements to penetrate the siding.



The communication box has no cover so it is open to the weather, insects and rodents. The "sealtite" weather proof covering for the power line to the Air conditioners compressor has come off exposing the (220volt) electric lines to the elements. There is a substantial amount of debris on the ground in this area causing difficulty to service the compressor unit and the electrical components. Trees and bushes within three feet of the structure should be removed if possible because they promote access of insects and rodents as well as branches falling on the structure. The overhang of the roof has extensive rot on this side of the building. If not repaired the roof covering will first become detached, then collapse. This situation is evident in many areas around the building.

EAST SIDE



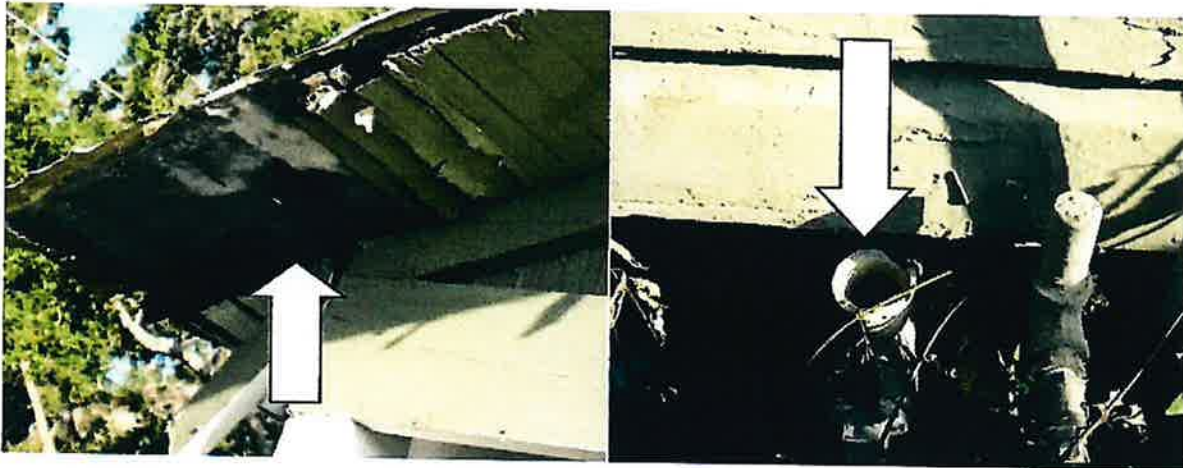
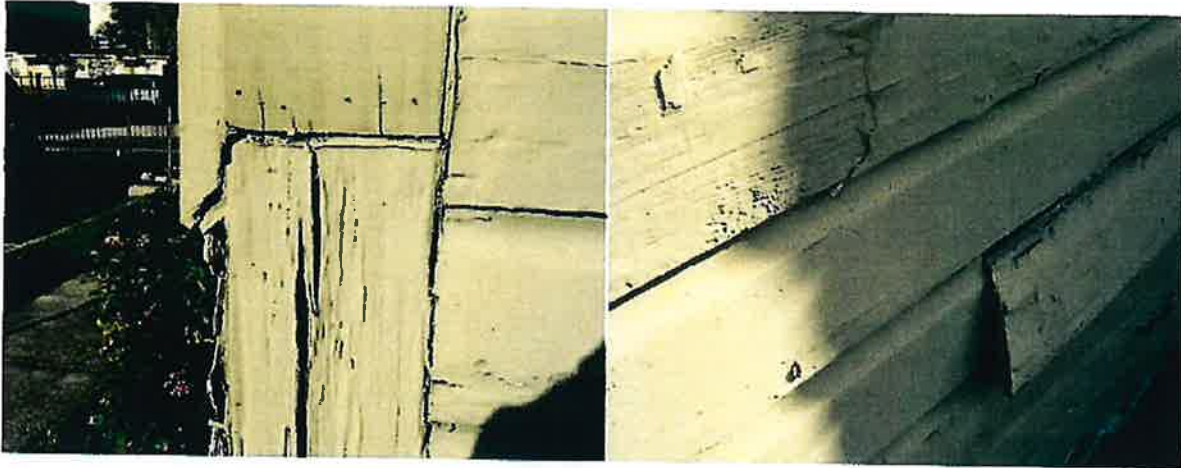
Siding on this side was peeling but not much rot was found. The door was not accessible but the porch was walkable. The attic access door to the outside was screwed shut due to past storm damage. Did not try to open the window on the left, and did not attempt the one on the right.

SOUTH SIDE



South side of the structure has a lot of wood decay. The probe with the wooden handle shown is 5" long.





Roof damage

Open sewer line

Windows and doors on the south side are old and lack proper sealing and energy conservation options. Windows are original and were not opened, most painted shut. Porches are useable but not to the OSHA code and could present a hazard of trip and fall.

Siding has been patched several times is peeling in many places has severe decay problems in many places.

The damage on the front porch roof was caused by a previous storm. The roof sheathing was broken off due to the wood being decayed beyond its ability to have the roof fastened properly to it.

The open sewer line shown goes under the building to the main drain. Its purpose is unknown and should be capped to prevent debris from entering it. The main drain goes to sewer service.

Supply piping is copper coming from the meter and to most lines through the building. Only one hose bib found.

ELECTRIC



the main service is 100 amps. The circuit breakers in this panel are FEDERAL PACIFIC. These breakers are known not to trip when there is a short circuit of some kind. Thus causing a fire. Many insurance companies will not insure buildings with this type of circuit breakers due to the hazards. I highly recommend replacement of this electric service.

A representative amount of outlets were checked inside the building and were operable and grounded properly.

ROOF

The roof was not walked on. Access from the attics showed no evidence of leaks at present time.

Recommend to clean the debris off the roof especially in the north valley where there is a large amount of leaves and branches which will cause problems in the future if not removed.



INTERIOR

Walls on the interior were checked with a moisture meter, using the interior wall as a medium. The exterior wall showed almost 3 times the moisture content as the interior walls. There were many areas which showed visible evidence of mold growth. Although minor all mold is dangerous to health.



A hole in the wall provided access to prove no insulation in the exterior walls. Hole should be repaired as soon as possible.



Downstairs bathroom vanity was operated, drained well and showed no leaks. Supply lines are copper to the valves, then flexible supply lines to the fixture. One of the fronts was missing from the vanity. There is no GFCI ground fault protection in the bathroom or any found on the first floor.

The bathroom has a window but it is inoperable, therefore there should be a fan exhausting to the outside.

The door to the bathroom does not have a proper door knob so it won't latch and lock properly.

Lighting is adequate.

Although the building is very old, it is worth noting there are no handicap facilities for bathrooms or access to the building. This would be very difficult to do at this time; however it is a public building.

Because the building is in use all areas were not accessible.

■

The wainscoting under the window is stained with water run-off on the wall. Mold is evident.



There are water stains on the bathroom door and the ceiling of the bathroom. This is from the Air Conditioning pan above the hall.



Termite damage in the floor outside the bathroom. I suspect the plywood was placed there because of previous termite damage. I saw no evidence of active termites.

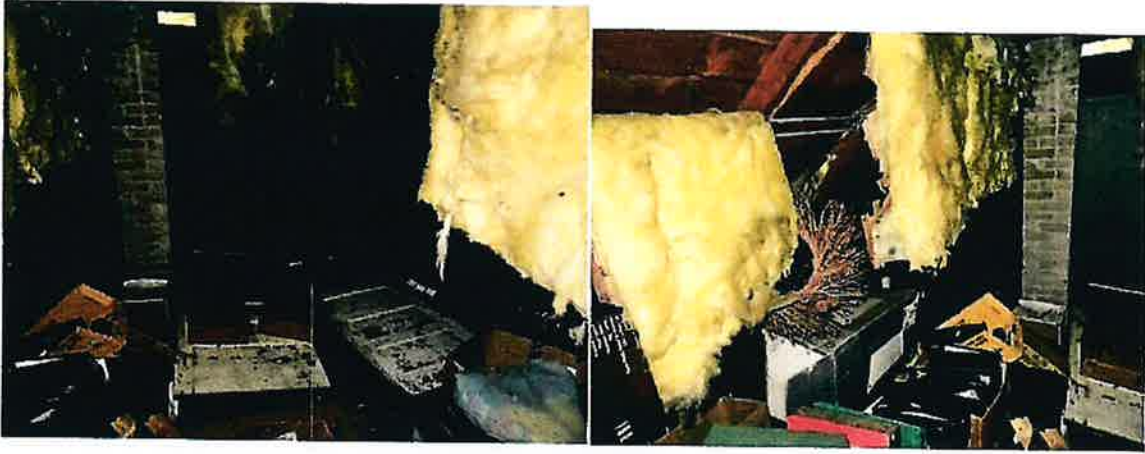


Most flooring is hardwood pine and is solid. There are some areas of unevenness but to be expected for an older building on concrete piers. This sticker was in the panel box outside indicating termites in 2014. Dry wood termites are difficult to treat without texting the building. Suggest another inspection or treatment from a termite technician

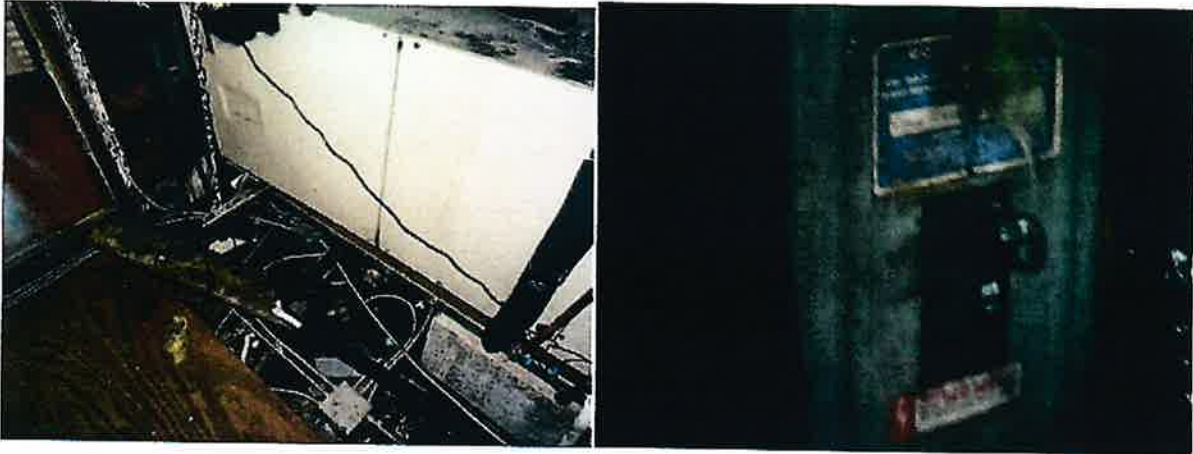
The return for the air conditioning system is in the hallway with the unit suspended above. The ceiling in the hallway as well as the walls indicates water leakage from above.

The room to the east side of the hallway was locked and was not accessed.

ATTICS



Second floor attic storage has insulation in disarray with evidence of rodents.



Although there is a pan under the air conditioning unit it is pitched away from the float switch. So it would overflow before the float (pump) would engage, this is why there is water on the downstairs bathroom door and hall ceiling below.



Lots of debris in the attic. Wiring is below the overflow pan. Potential electrical short if pan overflows. Insulation is torn off almost everywhere.



Upper attic accessed though hallway hatch. Some insulation has been laid on the ceiling, but the vapor barrier is upside down. It would have been better to have taken the vapor barrier off.

UPSTAIRS BATHROOM



The upstairs bathroom is operational with shut-off valves on both the sink and the toilet. There is no ventilation in this room and needs an exhaust fan installed. The light switch has more than ¼" gap to the trim, replace cover plate.

The ceiling has the paint peeling off and although the moisture reading was low there may be a condensation problem from the lack of insulation.

The door has no knob and can only be locked with a "hook and eye" needs repair.



The northerly room has uniforms and supplies in it covering one window.



Hallway facing west and entrance to room facing south.



Mold on the wall from the hallway to the attic. The smoke detector was removed from the upstairs hall and needs to be replaced as soon as possible.

GENERAL

There is evidence of mold from previous or present leaking. This could be from sidewalls air conditioning units.

There was no evidence of plumbing leaks at this time and all fixtures worked and drained properly.

There were no signs of roof leakage at this time although some roof repair is needed.

Poor insulation and waterproofing of the siding, windows and doors is a problem. Lack of insulation can cause moisture to accumulate inside the building. Proper ventilation can cause the build-up of moisture inside.

Life/safety issues need to be addressed immediately before an accident occurs.

Some of these things may seem trivial but all together they are a big problem.



**CITY OF BELLE ISLE,
FLORIDA**

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

December 17, 2018

Robert Fisher, President
Pine Castle Historical Society
c/o Pine Castle Women's Club
5901 S. Orange Ave.
Orlando, FL 32809

SUBJECT: House Demolition

Dear Bob:

I wanted to bring to your attention that the City recently had the Beacon House located at the corner of Waltham and Randolph Avenues inspected. It is the determination of the Cornerstone Charter Academy and the City that the house be demolished. We believe that it is cost prohibitive for CCA or the City to restore. Upon request, I can send you a copy of the inspection.

We anticipate that the demolition will occur within the next three months, soon after we have it inspected for asbestos. I have recently been in contact with Shirley Cannon regarding this issue. If the Historical Society wants the building to be saved then I would have to see a plan for restoration within the next 90 days. Not only would the house have to be restored, but it would also have to be moved from its current site.

I plan on briefing the Belle Isle City Council at the January 15, 2019 meeting. If the PCH Board wants to do anything with the house, you should come to the Council meeting and speak to them.

Sincerely,



Bob Francis, ICMA-CM
City Manager

Subject Photo Page

Borrower/Client	N/A				
Property Address	5903 Randolph Ave				
City	Belle Isle	County	Orange	State	FL Zip Code 32809
Lender	Private - City Of Belle Isle				



Subject Front

5903 Randolph Ave
 Sales Price
 Gross Living Area 1,632
 Total Rooms
 Total Bedrooms
 Total Bathrooms
 Location
 View
 Site
 Quality
 Age 99 Yrs; 1915



Subject Rear



Subject Street

**Belle Isle Issues Log
2/5/19**

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	CLOSED 1/15/19	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes. City will divert water from drainage ditch to Wallace Field	CCA Maintenance Staff cleaned the bottom of the drainage box. It was about 1/4 filled with dirt. We think that may be the problem. When there was a heavy rain in December, there were no issues. Although we now consider this matter closed, we will keep watch during future wet weather events.
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	9/30/2019	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	City is appealing the FEMA decision to allocate only \$21,000 for this project. Appeal is at FloridaPA. The cost estimate that the City is seeking finding for in the appeal is \$284,000.
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed for 2017	CM to consider change in the Scope of the Project to look at curb replacement.	Due to cost of curb work, the project will be downsized to the City Hall area for this year. City is coordinating with contractor to begin work.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, Nela , Wind Drift, and Seminole/Daetwyler.	4/3/2017	PW/ENG	8/31/2018		LCS Project is 95% complete. City and Contractor to go over punch list of items. Met with neighbors on Wind Drift to go over final concept. Engineer to develop plans. Looking to start process for Nela Ave. drainage project.
Traffic Studies	Council allocated funds for traffic study at Trentwood/Daetwyler Rd. Council directed city-wide traffic study to improve traffic flow.	4/3/2017	CM/Eng.	12/31/2018	Trentwood issues completed except for repair of chicane. Community Meeting on TMP held on June 21, 2018. 20 residents attended. Community Survey was put on line. Consultant created proposed of goals and objectives. CM, DC met with OCPW to discuss city taking jurisdiction of several roads adjacent to city limits.	Traffic consultant finalizing plan; City to meet with business owners in Hoffner area to brief on plan. CityOC plan to start project in mid-February. County and City working on City taking jurisdiction over roads.

Belle Isle Issues Log
2/5/19

Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	8/31/2018	G'Werks to do fountain. Centerpiece is here. Should see demo of roundabout soon after Perkins Ramp is complete.	Fountain installed. Work on electric could be 5 weeks out due to the closest transformer being at peak capacity.
Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2018	Fence installed. Zoning changed to OS. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration.	CCA approved Use Agreement. CCA developing conceptual plan for City to review.
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at	3/20/2018	CM	8/31/2018	Staff is identifying possible parcels for purchase or other means of acquiring property. Cross lake purchase is on hold until County reschedules PH	Mayor/CM to meet with Commissioner Uribe and Adjacent property owner on Cross Lake. City contacted FDEP and Oak Island HOA for property off Kissam Court. Looking at FDEP property at east end of Cross Lake. City still waiting for information on BOA Building.
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. HVAC equipment to be here in July. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues.	CCA Board and City Council to hold joint meeting (TBD). Consultant/CCA reviewing City comments on proposed purchase of CCA by CCA Board.
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan	4/3/2017	Council/C M	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan.	Strategic Planning Session tentatively scheduled for May after City election.

Belle Isle Issues Log
2/5/19

Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	Council held workshop on December 28, 2018 to discuss lot split report. City staff drafting recommendations for Council review (possibly at February 19, 2019 Council Meeting).
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Comp Plan review started by CM. Revisions needed if Annexations occur. Planner assisting in Comp Plan update (Ongoing)
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council determined the priority to annex.	CM compiling data for community meetings to discuss annexations with residents. OC looking at May for BCC to pass PC Urban Center Zoning.
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Quotes received for solar on BIPD. CCA will look at solar proposal.
Forensic Audit	Council directed a forensic audit be conducted	17-Oct	CM/FD	9/30/2018	Auditor has list of questions for staff to answer. Conducted interviews. Delay in getting information from old system.	Staff reviewing recommendations.
Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care	11/21/2017	CM Tree Board	9/18/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection. Arbor Day held. Tree ordinance back to Tree Board for further changes.	City received its second Tree City USA designation. Council to discuss ordinance on tree care and preservation (agenda item)
Parking	Council directed review and possible changes to parking ordinance. Focus on parking on grass and in front yards	6/19/2018	CM Code Enf Police	9/30/2018	Staff to review parking ordinances and BIMC.	Workshop held on December 14 to discuss possible changes. Agenda Item for 2/5/19