



# city council agenda

**Agenda**

**February 7, 2017 \* 6:30 PM**

**City Council Regular Session**

**City Hall Chambers, 1600 Nela Avenue**

Lydia Pisano Mayor	Frank Kruppenbacher City Attorney	April Fisher Interim City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
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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](http://cityofbelleislefl.org).

## Meeting Procedures

**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.

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag –Jeremy Weinsier, Commissioner District 3
3. Recognition of Officer Cornwell and Officer Garcia for Life Saving Award
4. Consent Items:
  - a. Approval of City Council Regular Session December 6, 2016 minutes
  - b. Approval of City Council Regular Session January 3, 2017 minutes
  - c. Approval of City Council regular Session January 11, 2017 minutes
5. Citizen's Comments
6. RESOLUTION NO. 17-01  
A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR OFF-DUTY PAY WITHIN THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.
7. RESOLUTION NO. 17-02  
A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR MARINE PATROL SERVICES WITHIN THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.
8. Applicant Mattamy Orlando LLC - Case No. 2017-01-011  
Pursuant to City of Belle Isle Land Development Code Sec. 50-33(3)(b)4, City Council shall review and take action on a final plat, submitted by applicant Mattamy Orlando LLC consisting of four tax parcels referenced by their Orange County Tax Parcel ID Numbers as follows 29-23-30-0000-00-011, 29-23-30-0000-00-018, 29-23-30-0000-00-019 AND 29-23-30-0000-00-020 Belle Isle, Orange County, Florida.

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

9. ORDINANCE 17-01 FIRST READING AND CONSIDERATION  
AN ORDINANCE BY THE CITY OF BELLE ISLE, FL AMENDING THE CITY OF BELLE ISLE CODE OF ORDINANCES TO REPEAL ORDINANCE 78-17 and ORDINANCE 15-04; TO ADOPT A NEW **FLOOD DAMAGE PREVENTION ORDINANCE**; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.
10. ORDINANCE 17-02 FIRST READING AND CONSIDERATION  
AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING **BOAT DOCK REGULATIONS**; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 48, ENVIRONMENTAL REGULATIONS, ARTICLE II, BOAT DOCKS; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING SECTION 54-1, RESTRICTIONS UPON LAND, BUILDING AND STRUCTURES; BY AMENDING SECTION 54-79, RETAIL COMMERCIAL DISTRICT C-1; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
11. City Manager selection process discussion
12. Attorney's Report
  - a) Venetian Boat Ramp discussion
13. City Manager's Report
  - a) Lake Conway Shores (Jade Circle) Drainage Improvements
  - b) City Comprehensive Plan Evaluation, Appraisal Report Update Memo and Letter
14. Mayor's Report
  - a) Easter Egg Hunt – April 15, 2017
  - b) Lake Conway Clean Up – April 29, 2017
  - c) Discussion of Arbor Earth Day event
  - d) CCA Board meeting update
  - e) Update on OC delegation
  - f) Tri County Luncheon update
  - g) Metro Plan Committee update
15. Council Report
16. Adjournment

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# city council minutes

## **AGENDA December 6, 2016 \* 6:30 p.m. City Council Regular Session**

The Belle Isle City Council met in a City Council Regular Session on December 6, 2016 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Pisano  
Vice Mayor Readey  
Commissioner Weinsier  
Commissioner Lance  
Commissioner Mosse  
Commissioner Nielsen

Absent was:

Commissioner Carugno  
Commissioner Gold

Also present was Attorney Kruppenbacher, Interim City Manager April Fisher, Chief Houston and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

**CALL TO ORDER**

Mayor Pisano called the meeting to order at 6:30pm. She stated that Comm Gold was not going to be in attendance tonight. On behalf of Comm Gold, Mayor Pisano led the invocation and the pledge to the flag.

**CONSENT ITEMS**

a) Approval of City Council Regular Session minutes – November 15, 2016

**Vice Mayor Readey moved to approve consent agenda item as presented.  
Comm Nielsen seconded the motion which was passed unanimously.**

**RESOLUTION NO. 16-17**

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR A DONATION RECEIVED FOR THE POLICE DEPARTMENT BUILDING RENOVATION, REMODELING AND REHABILITATION; AND PROVIDING AN EFFECTIVE DATE.

**Vice Mayor Readey moved to approve Resolution 16-17 as presented.  
Comm Nielsen seconded the motion.  
Comm Lance stated for the record, at the time of approval Council was not aware of who the benefactor was.  
Motion passed unanimously.**

**RESOLUTION NO. 16-19**

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, PERTAINING TO ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE ON THE ACCEPTANCE, REVIEW, APPROVAL OR ISSUANCE OF ANY LAND DEVELOPMENT PERMITS AS THE TERM IS DEFINED IN FLORIDA STATUTES SECTION 163.3164(16), BUSINESS TAX RECEIPTS OR ANY OTHER LICENSE OR PERMIT FOR THE ESTABLISHMENT OR OPERATION OF DISPENSING FACILITIES WITHIN THE CITY ENGAGED IN THE ON-SITE DISTRIBUTION, SALE, DELIVERY OR RETAIL OF LOW-THC CANNABIS, MEDICAL CANNABIS OR CANNABIS DELIVERY DEVICES PURSUANT TO SECTIONS 381.986 AND 499.0295 OF THE FLORIDA STATUTES, IN ORDER TO PROVIDE THE CITY WITH AN OPPORTUNITY TO REVIEW AND ENACT REGULATIONS GOVERNING THE ESTABLISHMENT AND OPERATION OF DISPENSING FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

April Fisher said the Resolution is modeled from Miami Beach, Fl which creates the amount of time for the City to evaluate any zoning districts that may be considered, to allow for a dispensary.

**Comm Mosse motioned to discuss.  
Comm Lance seconded the motion for discussion.**

**Comm Mosse asked for consideration to have the moratorium to be 90 days instead of the proposed 180 days. He said medical marijuana is for those suffering from cancer and terminal diseases; it will not be for recreational use.**

**After discussion, the motion passed unanimously.**

**ORDINANCE No.: 16-11 – READING AND ADOPTION**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING TEMPORARY CONSTRUCTION DUMPSTERS; BY AMENDING CHAPTER 24, SOLID WASTE, ARTICLE II; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

April Fisher said the change is to clarify the use of residential properties use of roll off dumpsters. The amendment will strike from the code the provisions that will require residential properties from using Republic Services or any other franchise. It also strikes all references from a “franchise” to a “vendor” and defined vendor being that which is selected by the property owner. Discussion ensued on review of the general provisions section to add a time provision on use for residential properties.

**Vice Mayor Readey motioned to approve Ordinance 16-11.  
Comm Nielsen seconded the motion which passed unanimously.**

**CITIZEN COMMENTS**

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

## CITY MANAGER'S REPORT

April Fisher gave an update on the following items,

- Ms. Fisher said the purchasing policy will be provided for review before the January 3<sup>rd</sup> meeting and will include the thresholds and safe guards for determining what type of process and bid can approve different purchases. The approval may require an amendment to the code.
- The personnel policy is currently being reviewed and will provide a draft in mid-January.
- Ms. Fisher reported that the City has completed the internal demolition of the existing Police Department building. The City has run into some issues with the current contractor and will be searching for a new contractor. Mr. Cumins has indicated that he would like to be in charge of the renovations through this process. The City Attorney said it is possible; however the City must have the right contract in place to make that happen. Ms. Fisher indicated that green measures have been incorporated into the renovation.

April Fisher noted that the Attorney is building into the contract that the City is the third party beneficiary to the donation. It is actually a common thing to have this type of donation for a local government. She is confident, as long as the City has the right contract in place, there will be no additional benefit.

Council addressed the concern of having the benefactor and contractor being the same person. They also clarified and that the benefactor will not receive any special treatments and an A1A contract will be utilized. Discussion ensued on the scope of the project.

- The City is moving forward with the Lake Conway Estate improvements. Accuright has submitted their report. Once the report is reviewed by the City and a contractor has been selected the City will schedule a community meeting before moving forward.

## MAYOR'S REPORT

- Mayor Pisano asked for consensus on adding the Planning & Zoning meeting audio on the website. Comm Lance motioned to place the Planning & Zoning meeting audio to the website. Vice Mayor Readey seconded the motion which passed unanimously.

Attorney Kruppenbacher stated, to the extent that Council listens to the audio, if a quasi judicial meeting should arise it must be disclosed at a public meeting to avoid any challenges or the objectivity of a vote. Discussion ensued.

- Mayor Pisano reminded residents of the Belle Isle Tree Lighting event tomorrow, December 7.

## COUNCIL REPORTS

### Comm Nielsen - District 7

- Comm Nielsen requested revisiting discussions and review of possible charter changes. She asked for Council consensus to schedule a workshop to start the process in January. Discussion ensued on the process and steps moving forward.

**Attorney Kruppenbacher suggested incorporating public hearings after each workshop for public input. After discussion, Council agreed to schedule a workshop on Wednesday, January 11, 2017 at 5:30pm for charter review.**

- Comm Nielsen spoke on the boat ramps and locking the gates. She asked the City Attorney if he was able to research if it is legal for the City to restrict access of the boat ramps. Attorney Kruppenbacher said he was requested by the district commissioner to postpone the discussion for January.

- Comm Nielsen spoke on the budgeted item on special events. She said Council may like to have more involvement in making decisions for future events, for example, when does the City start using the open space on Wallace. It would be beneficial for Council to open discussion on how events are selected and how to have more resident involvement and attendance.

**Comm Mosse - District 6**

- Comm Mosse reported that residents at Lake Conway East are complaining that their streets are not getting swept as often as other areas. April Fisher said she would look into the schedule and report back to Council.

**Comm Lance – District 4**

- Comm Lance reported, south of the convenience store on Daetwyler, a few branches on the road due to some tree cutting from the power company and asked if the City can call to have the branches cleared from the road.
- Comm Lance wished everyone a happy holiday and asked all to be safe and look after their elderly neighbors.

**Comm Weinsier - District 3**

- Comm Weinsier inquired on the status of Google Apps. The City is currently paying for the service and will not be able to cancel the subscription without going through the whole setup process. Attorney Kruppenbacher said he will be able to get a legal opinion from Tallahassee in the beginning of the year.
- Comm Weinsier commented on the City pamphlet and noted that it is very professional and would like to see the pamphlet available for the public. Attorney Kruppenbacher said there is a small structural substantive issue that will be corrected.
- Comm ~~Weinser~~Weinsier reported that his Planning & Zoning Board member resigned in November and requested to have the newly appointed P&Z Member on the January agenda.
- Comm Weinsier asked for an update on the ongoing Lake Conway East project. April Fisher said she will pull the records to research the history of the project along with how the City’s Bing Grant can help with their needs. Discussion ensued.

**CITY ATTORNEY’S REPORT**

Attorney Kruppenbacher reported that the City will be sending a memo to the Chairman of the School and Ms. Swahilly laying out very clearly the responsibilities of the facilities and property. They also were asked to provide a copy of the contract of the company that maintains the field to address the illicit discharge concern.

**ADJOURNMENT**

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 7:55p.m.

Yolanda Quiceno  
CMC-City Clerk



# city council minutes

**January 11, 2017 \* 5:30p.m.  
Special Called Session and Workshop**

Lydia Pisano Mayor	Frank Kruppenbacher City Attorney	April Fisher Interim City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
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The Belle Isle City Council met in a Special Called Session on January 11, 2017 at 5:30p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Pisano  
Commissioner Gold  
Commissioner Carugno  
Commissioner Weinsier  
Commissioner Lance  
Commissioner Readey  
Commissioner Mosse  
Commissioner Nielsen

Absent was:

N/A

Also present was Attorney Kruppenbacher, Chief Houston and City Clerk Yolanda Quiceno.  
Meeting audio is available on the City’s website and at City Hall.

**CALL TO ORDER**

Mayor Pisano called the City Council meeting to order at 5:30 p.m. City Clerk confirmed quorum.  
Comm Gold gave the invocation and led the Pledge to the Flag.

**CITIZEN COMMENTS**

Mayor Pisano opened for citizen comments.

- Karl Shuck residing at 1658 Wind Willow Road said it would be helpful, during charter revisions discussions, to clarify those violations that are code enforcement issues and those that are police department public safety concerns.

There being no further comments, Mayor Pisano closed the citizen comments session.

**CONSENT AGENDA**

- Approval of City Council Regular Session December 6, 2016 minutes
- Proclamation for Law Enforcement Appreciation Week
- RESOLUTION NO. 17-04:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA RELATING TO BOAT DOCK REGULATIONS; EXTENDING THE CURRENT PERIOD OF ZONING IN PROGRESS INITIATED BY RESOLUTION 16-06 FOR AN ADDITIONAL PERIOD OF 90 DAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Comm Weinsier asked for clarification on why it was necessary to have a Special Called Session when we have an upcoming meeting in six days. April Fisher stated that she will not be in attendance for the January 17, 2017 meeting and the possibility, per the last City Council discussion of canceling the January 17 meeting during tonight’s workshop, she did not want to have a situation where this particular resolution lapsing. Attorney Kruppenbacher also confirmed that he will not be in attendance on January 17, 2017.

**Comm Nielsen motioned to pull item (a) Approval of City Council Regular Session December 6, 2016 minutes from the consent agenda.**

**Comm Gold seconded the motion, which passed unanimously.**

**Comm Nielsen asked for Council attendance for the January 17, 2017 scheduled meeting.**

**Comm Carugno seconded for discussion only.**

Comm Gold and Comm Lance said they will not be able to attend on January 17, 2017.

**After Council discussion, the motion was withdrawn by Comm Nielsen due to the absence of agenda items for January 17, 2017.**

**Comm Mosse motioned that the meeting scheduled for January 17, 2017 be cancelled due to no agenda items for discussion. Comm Carugno seconded the motion, which passed unanimously.**

**Mayor Pisano read the Proclamation and called for a motion to approve as presented. The Proclamation was unanimously approved.**

**Comm Lance motioned to pull item (c) Resolution 17-04 from the consent agenda for discussion.**

**Comm Weinsier seconded the motion.**

Comm Lance stated that he believes the resolution is causing a hardship for a couple of residents. He spoke of an active permit on Trentwood who needs a minimal 10% variance for his boat dock permit. He asked if there will be a way to allow the resident to apply for a variance through the Planning and Zoning Board.

April Fisher said the only way to move through the process is for Council to modify the extension and create a threshold that will allow a variance that needs no more than a 10% variance.

As a caveat, Comm Lance asked if there was verbiage that can be added to the extension that would allow the City Manager the ability to approve permits that require no more than 10% for a variance rather than it going through the Planning & Zoning process. Attorney Kruppenbacher recommended against moving away from the standard process and creating exceptions. Comm Lance struck the statement.

**After Council discussion, Comm Gold motioned to approve Resolution 17-04 as presented.**

**Comm Mosse seconded the motion which passed unanimously.**

Comm Readey was recognized.

Vice Mayor Readey said the citizens of the City want the City back. He stated that there are legal entanglements postponing the process of hiring a City Manager and he believes there is no reason to hold up the process.

**Vice Mayor Readey made a motion to proceed and start all over again in hiring of a City Manager.**

**Comm Nielsen seconded the motion for discussion.**

Comm Nielsen said it was her motion to stop the proceedings at the point where they were because there was a new complaint to the State Attorney's office. She is in agreement that the City should hire a City Manager, however, is not in favor of starting the laborious process again.

Vice Mayor Readey further noted that the City needs a full time City Manager who has necessary experience.

Comm Weinsier motioned to table Vice Mayor Readey's motion to a regularly scheduled posted meeting.

**After Council discussion, Mayor Pisano called for a second to table the motion by Vice Mayor Readey and post for discussion at the February 7, 2017 regularly scheduled meeting. Motion passed 6:1 with Vice Mayor Readey, nay.**

Attorney Kruppenbacher said, for the record, the reason this Council tabled the process was because if Council had offered the job and it was found by the State that there were violations, it could have been an act that may be rescinded by the Court and would have left a person without employment.



## **ADJOURNMENT**

There being no further business, Mayor Pisano called for a motion to adjourn the Special Called Session and a 15 minute recess, unanimously approved at 6:15pm.

### **City Council Workshop**

The Belle Isle City Council met in a City Council Workshop on January 11, 2017 at 6:30p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Pisano  
Commissioner Gold  
Commissioner Carugno  
Commissioner Weinsier  
Commissioner Lance  
Commissioner Readey  
Commissioner Mosse  
Commissioner Nielsen

Absent was:

N/A

Also present was Attorney Kruppenbacher, Chief Houston and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

## **CALL TO ORDER**

Mayor Pisano called the City Council Workshop to order at 6:30 p.m.

## **CHARTER REVIEW AND DISCUSSION**

Comm Weinsier asked for discussion on the charter revision process. He asked in the course of approving a charter change how that would look as a referendum. Attorney Kruppenbacher stated each section should appear separately on the referendum form, however he will need to research further as they move through the process.

Comm Weinsier suggested limiting the changes to the most critical items not to overwhelm the process.

Mayor Pisano opened the discussion for Charter changes of Sections 1.01 through 3.10.

Council discussed Sections 1.01 through 3.10 and recommended two sections to be considered for change as follows,

- Section 3.07(a-d) – Vacancies; forfeiture of office; filling of vacancies – Discussion ensued and Council agreed to a revision on (1) changing the process of how the vacancy is initially filled and (2) how long they will stay in the seat once appointed. After discussion, Council directed the City Attorney to bring forward the various options that relate to a special election when filling a vacancy.
- Section 3.10(a-c) – Prohibitions – Attorney Kruppenbacher recommended Council to adopt policies to clearly state that the Council has interpreted this charter and under its rules which speaks to a former city official holding city office of employment until one year after the expiration of the term for which they were elected. Discussion ensued.

Council further discussed clarification on Section 3.08 regarding special meetings called by the mayor or a majority of the commissioners. Attorney Kruppenbacher said he will research and bring forward an opinion on other ways to call special meetings rather than moving forward with a charter amendment.

Attorney Kruppenbacher further recommended future Council discussions on operating policies as it relates to Council, Mayor, City Manager and staff.

## **ADJOURNMENT**

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 7:40pm.

Yolanda Quiceno  
CMC, City Clerk



## city council minutes

## AGENDA January 3, 2017 \* 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on January 3, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Pisano  
Vice Mayor Readey  
Commissioner Gold  
Commissioner Carugno  
Commissioner Weinsier  
Commissioner Lance  
Commissioner Mosse  
Commissioner Nielsen

Absent was:

Attorney Kruppenbacher, Interim City Manager April Fisher and Mayor Pisano are not in attendance. Also present was Lt. Grimm and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

**CALL TO ORDER**

Vice Mayor Readey called the meeting to order at 6:35pm. Comm Nielsen gave the invocation and led the pledge to the flag.

**CONSENT ITEMS**

- a) School Choice Week Proclamation
- b) Surplus of ID500 Fingerprint countertop machine.

**After discussion, Comm Weinsier moved to approve consent agenda items as presented.  
Comm Nielsen seconded the motion which was passed unanimously.**

Attorney Kruppenbacher, Interim City Manager April Fisher and Mayor Pisano joined the meeting.

**CITIZEN COMMENTS**

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

**ATTORNEY'S REPORT**

Attorney Kruppenbacher gave an update on the use of the Gmail accounts and said the City is legally authorized to go with Gmail. He recommends that, besides each individual having the right to recover their emails and records, the account is formatted to allow the City Clerk, City Manager and the Attorney access to the accounts to recover and respond to public requests in the City Clerks absence. As it relates to the former system, it will be housed and archived as needed. The City Clerk is the official custodian of the City records and should make sure she is comfortable with every component in the new email system.

## **CITY MANAGER'S REPORT**

April Fisher reported on the following items,

- Ms. Fisher provided a copy of a letter received by Orange County Environmental Protection Department (EPD) regarding the stormwater discharge that is coming out of the Cornerstone Charter Academy football field. A copy will be provided to the Cornerstone Charter School. EPD is recognizing that the City wants to work with them so they will not issue a notice of violation. The City will take interim steps to try to prevent any further discharge by placing a temp system in the drainage ditch into Lake Conway, to allow the City time to research a permanent solution. The City is working with the Charter School and obtaining a Right of Way permit from Orange County to start the process to remedy the situation.
- A Purchasing Policy was submitted for approval for use in daily City purchasing decisions and processes. Attorney Kruppenbacher noted that an e-lert should be forwarded to the community so that they will be able to monitor any future proposals or bid items per the new policy. From an auditing perspective, when future purchasing items are on the agenda for approval, the references in the resolution should point to the provisions in the purchasing policy that it is being acquired to allow for transparency.  
**After Council discussion, Comm Nielsen moved to approve the purchasing policy for the City procurement process moving forward.**  
**Comm Weinsier seconded the motion which passed unanimously.**
- A strike-through copy of the personnel policy and procedures was provided for City Council's information. The City Charter identifies that the City Manager is responsible for creating this document and other references not consistent with the Charter have been amended.

**Comm Weinsier requested that Section 1.3c on Page 3 be revised to read, Revisions and amendments to these policies and procedures will become effective when recommended by the City Manager and approved by the City Council."**

**Attorney Kruppenbacher stated that the Commissioner's request is appropriate because it impacts the workforce and does not take away the ability of the City Manager to implement the official policies.**

**After Council discussion, Comm Nielsen moved to approve the personnel policy with the amended change as discussed. Comm Nielsen further motioned to amend the organizational chart to include Citizens of Belle Isle at the very top of the chart.**

**Comm Lance seconded the motion which passed unanimously.**

- Attorney Kruppenbacher stated that Council will receive a copy of a memo the City will send to Cornerstone Charter School outlining the relevant responsibilities and recommendations under the lease intended to promote a healthy relationship moving forward. The final letter will be transmitted to the Chairman of the Board, Project Manager and Principal by the end of the week.  
Comm Mosse reiterated his concern that the City should have a building supervisor as a consultant at the school on behalf of the City.  
Comm Lance asked if the memo will have stipulated the tenant having a certain amount of days to complete or repair a project. Attorney Kruppenbacher said he will add the verbiage to the memo.

- April Fisher provided an Elections Service Contract for the next election and noted that there is a change to the contract for the postage to the Vote by Mail ballots. The Elections office is asking all municipalities to initial whether or not the City will pay return postage for Vote by Mail ballots. Ms. Fisher asked for Council consensus to pay or not to pay the postage before submitting the standard contract.

Comm Gold asked for the audience opinion, and Holly Bobrowski said being a taxpayer, voting is a right and the responsibility should fall on the voter.

**After Council discussion, Comm Nielsen moved that the City do not pay the postage for the Vote by Mail ballots. Comm Gold seconded the motion which passed unanimously.**

April Fisher reminded Council of their commitment in participating on the Canvassing Board on March 14, 2017 and March 16, 2017.

### **MAYOR'S REPORT**

- Mayor Pisano thanked all volunteers and donations for this year's toy drive. The City helped over 420 kids this year.
- Tri County League of Cities meeting will be hosted by the City on February 16, 2017 from 11:30-1:00pm. Location to be confirmed.
- Mayor Pisano reminded Council of the scheduled Charter Review meeting on January 11, 2017.

April Fisher asked for Council consideration in postponing the January 17<sup>th</sup> meeting to February 7<sup>th</sup> to allow for preparation of Charter revisions at the January 11, 2017.

Council was in agreement to leave the scheduled meeting of February 17, 2017. Attorney Kruppenbacher advised, if it is determined by Council and City Manager that there are no agenda items to bring forward, the information will be conveyed to the Mayor, the Thursday before the meeting, to cancel the January 17<sup>th</sup> meeting. Discussion ensued. Council was in agreement to revisit canceling the January 17<sup>th</sup> meeting, if there are no agenda items, at the January 11, 2017 session.

### **COUNCIL REPORTS**

#### **District 7 – Comm Nielsen**

Comm Nielsen said that there are many residents who have strong feelings on the boat ramp issue and access to the lake, and would like to start the discussion and allow resident comments on the issue.

#### **District 4 – Comm Lance**

- Comm Lance said our City has been involved in many functions this holiday and is very fortunate to be part of the community.
- Comm Lance reported a few months ago of some brush left on the side of the road on Daetwyler by the utility company. He is not sure who is responsible, but would like to know if the City can work on getting it cleaned up.
- He received complaints of a resident parking on the retention area/ROW by Trimble Park and it is making it difficult for the neighboring resident to cut the grass. He would like the City to notify the resident about parking on the city's right-of-way.
- He reported that Jack Liberty has shared his concern on the progress of the construction to redo the Perkins Boat Ramp in the 2016 budget and the late night activity at the Perkins boat ramp. He also noted that the signs at the boat ramp have been cut to the ground and need to be replaced.

**District 3 – Comm Weinsier**

- Comm Weinsier presented his nominee for the Planning & Zoning Board-District 4, Shawn Jarvis.  
**Comm Mosse motioned to accept the nominee.**  
**Comm Nielsen seconded the motion which passed unanimously.**
- Comm Weinsier asked Council to log into the new Google email accounts, since it has been approved by the State, and move forward for discussion at a future Council meeting.
- Comm Weinsier asked for clarification on the charter revision discussion.  
Attorney Kruppenbacher said he will discuss with the City Manager and an email will follow with specific sections for discussion.
- Comm Weinsier asked for an agenda discussion at a future meeting to receive agendas earlier than the Friday before the meeting.
- Comm Weinsier announced the Chili Cook Off and said information can be found by visiting [pinecastlehistory.org](http://pinecastlehistory.org).

**District 5 – Comm Readey**

- Comm Readey asked for the City to revisit the Delia Beach project.
- Comm Readey made an observation that the City does not have an area for children to play basketball and would like the City to think about open park space for residential use.

**District 2 – Comm Carugno**

- Comm Carugno shared his concern with the street sweeping off of Hoffner. April Fisher said she will look into the concern.

**District 3 – Comm Weinsier**

- Comm Gold spoke of a complaint he received on the City’s contracted landscaping company and was happy to hear that the City has posted a request for proposal, soliciting services.
- Comm Gold shared a letter for the file that he received from Webelos Scout Pack 207 thanking the City for their support.

**ADJOURNMENT**

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 7:55p.m.

Yolanda Quiceno  
CMC-City Clerk



# ***Belle Isle Police Department***

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## **Interoffice Memorandum:**

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TO: April Fischer -  
Interim City Manager

FROM: Chief Laura Houston *LH*

DATE: January 24, 2017

RE: Resolution 17-01 and 17-02

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Two resolutions are scheduled to be presented to City Council for review. I have included some information regarding these resolutions.

### **RESOLUTION No. 17-01**

This resolution authorizes a budget amendment adding revenue of \$9,000 to the police budget. Belle Isle Police officers are authorized to perform off-duty police services for security and/or traffic control work for entities other than the City of Belle Isle. These entities include but not limited to, Cornerstone Charter Academy, the City of Orlando, University of Central Florida and Rethink Life Church. The outside entity is invoiced for the officer's pay plus the employer FICA contribution and if applicable, a vehicle usage fee. The revenue paid by the outside entity and the expenditures to pay the officers offset.

### **RESOLUTION No. 17-02**

This resolution authorizes a budget amendment adding revenue of \$3,780 to the police budget. Trained Belle Isle Police officers are authorized to perform marine patrol duties on Lake Conway for the Orange County Environmental Protection Division (EPD). They are then invoiced for the officer's hours, which include the employer FICA contribution and a vehicle usage fee. The officer is then paid for these services via the City of Belle Isle. The revenue paid by the Orange County EPD and the expenditures to pay the officers offset.

Please let me know if you need any additional information.

*\* Community First \**

1 **RESOLUTION NO. 17-01**

2  
3 A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR  
4 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR OFF-DUTY PAY WITHIN THE POLICE  
5 DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.  
6

7 WHEREAS, pursuant to Resolution 16-10, the City of Belle Isle has  
8 adopted the budget for fiscal year 2016-2017; and

9 WHEREAS, the City of Belle Isle desires to amend the budget to record  
10 the revenue and expenditures for providing off-duty police services; and

11 WHEREAS, the City receives full reimbursement from the  
12 vendors/organizations that are provided service; and

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

15 Therefore, the City Council of the City of Belle Isle, Florida hereby  
16 resolves:

17 Section 1. The City Council hereby authorizes a budget amendment to  
18 record the revenue and expenditure for off-duty police services as follows:

19

Revenue	Expense
001-369-905 \$9,000.00	001-521-00-1505 \$9,000.00

20

21 Section 2. This Resolution shall take effect upon its adoption.  
22

23 Adopted by the City Council on this 7<sup>th</sup> day of February, 2017.  
24  
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\_\_\_\_\_  
LYDIA PISANO, MAYOR

Attest: \_\_\_\_\_  
Yolanda Quiceno, City Clerk

\_\_\_\_\_  
Approved as to form and legality  
Frank Kruppenbacher, City Attorney

STATE OF FLORIDA  
COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 17-01 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the \_\_\_\_\_ day of February, 2017.

\_\_\_\_\_  
Yolanda Quiceno, City Clerk



1 **RESOLUTION NO. 17-02**

2  
3 A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR  
4 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR MARINE PATROL SERVICES WITHIN THE  
5 POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.  
6

7 WHEREAS, pursuant to Resolution 16-10, the City of Belle Isle has  
8 adopted the budget for fiscal year 2016-2017; and

9 WHEREAS, the City of Belle Isle desires to amend the budget to record  
10 the revenue and expenditures for providing marine patrol services; and

11 WHEREAS, the City receives full reimbursement from Orange County  
12 Environmental Protection Division for the services; and

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

15 Therefore, the City Council of the City of Belle Isle, Florida hereby  
16 resolves:

17 Section 1. The City Council hereby authorizes a budget amendment to  
18 record the revenue and expenditure for marine patrol services as follows:

19	Revenue	Expense
20	001-369-906 \$3,780	001-521-00-1506 \$3,780

21 Section 2. This Resolution shall take effect upon its adoption.  
22  
23  
24  
25

1 Adopted by the City Council on this 7<sup>th</sup> day of February, 2017.

2  
3 \_\_\_\_\_  
4 LYDIA PISANO, MAYOR

5 Attest: \_\_\_\_\_

6 Yolanda Quiceno, City Clerk

7  
8 \_\_\_\_\_  
9 Approved as to form and legality

10 Frank Kruppenbacher, City Attorney

11  
12 STATE OF FLORIDA

13 COUNTY OF ORANGE

14 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do  
15 hereby certify that the above and foregoing Resolution No. 17-02 was duly and  
16 legally passed and adopted by the Belle Isle City Council in session  
17 assembled, at which session a quorum of its members were present on the  
18 \_\_\_\_\_ day of February, 2017.

19  
20 \_\_\_\_\_  
21 Yolanda Quiceno, City Clerk



## **CITY OF BELLE ISLE, FLORIDA**

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

February 3, 2017

To: Mayor and City Council

From: April Fisher, Interim City Manager

Re: Mattamy Orlando LLC Brighton Park Townhomes Final Plat Review

This application seeks review and approval for a final plat for the planned development known as Brighton Park townhomes. The City annexed this property in 2016, which was already zoned planned development in Orange County. The preliminary plat was part of the Orange County approval process adopted into the annexation approval by the City.

The final plat conforms substantially to the preliminary plat. The applicant did revise the final plat at the request of the interim City Manager to be consistent with the Orange County planned development approval, which required ten feet to be added to each end unit lot to meet a 10-foot side setback requirement for end units.

At their January 24, 2017 meeting, the Planning and Zoning Board recommended approval of the final plat. Staff recommends approval of the final plat.

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**ORDINANCE NO. 17-01**

**AN ORDINANCE BY THE CITY OF BELLE ISLE, FL AMENDING THE CITY OF BELLE ISLE CODE OF ORDINANCES TO REPEAL ORDINANCE 78-17 and ORDINANCE 15-04; TO ADOPT A NEW FLOOD DAMAGE PREVENTION ORDINANCE; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.**



**WHEREAS**, the Legislature of the State of Florida has, in **Chapter 166**, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **the City of Belle Isle** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the **City of Belle Isle** was accepted for participation in the National Flood Insurance Program on **September 15, 1978** and the **City Council** desires to continue to meet

1 the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for  
2 such participation; and

3 **WHEREAS**, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to  
4 provide a mechanism for the uniform adoption, updating, amendment, interpretation and  
5 enforcement of a state building code, called the *Florida Building Code*; and

6 **WHEREAS**, the City Council adopted a requirement to limit partitioning of enclosed  
7 areas below elevated buildings and to limit access to enclosed areas for buildings and  
8 structures in flood hazard areas prior to July 1, 2010 and, pursuant to section 553.73(5), F.S., is  
9 formatting that requirement to coordinate with the *Florida Building Code*;

10 **WHEREAS**, the **City Council** has determined that it is in the public interest to adopt the  
11 proposed floodplain management regulations that are coordinated with the *Florida Building*  
12 *Code*.

13 **NOW, THEREFORE, BE IT ORDAINED** by the **City Council** of the **City of Belle**  
14 **Isle** that the following floodplain management regulations are hereby adopted.

15  
16 **SECTION 1. RECITALS.**

17 The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

18  
19 **SECTION 2. This ordinance specifically repeals and replaces the following ordinance(s)**  
20 **and regulation(s): This ordinance specifically repeals and replaces the following**  
21 **ordinance(s) and regulation(s): Belle Isle's Flood Damage Prevention Ordinance #78-17,**  
22 **and as amended by Ordinance #15-04 in 2015; as well as any conflicting provisions of**  
23 **Belle Isle Code, Chapter 48, Article V. Floodplains; and, any conflicting provisions of**  
24 **Belle Isle Code, Chapter 50, Article II. Subdivision Regulations.**

1 **DIVISION 1 GENERAL**

2  
3 **48-121 Title.** These regulations shall be known as the *Floodplain Management Ordinance of*  
4 **the City of Belle Isle**, hereinafter referred to as “this ordinance.”

5  
6 **48-122 Scope.** The provisions of this ordinance shall apply to all development that is wholly  
7 within or partially within any flood hazard area, including but not limited to the subdivision of land;  
8 filling, grading, and other site improvements and utility installations; construction, alteration,  
9 remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings,  
10 structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or  
11 replacement of manufactured homes and manufactured buildings; installation or replacement of  
12 tanks; placement of recreational vehicles; installation of swimming pools; and any other  
13 development.

14  
15 **48-123 Intent.** The purposes of this ordinance and the flood load and flood resistant  
16 construction requirements of the *Florida Building Code* are to establish minimum requirements  
17 to safeguard the public health, safety, and general welfare and to minimize public and private  
18 losses due to flooding through regulation of development in flood hazard areas to:

- 19 (1) Minimize unnecessary disruption of commerce, access and public service during times  
20 of flooding;
- 21 (2) Require the use of appropriate construction practices in order to prevent or minimize  
22 future flood damage;
- 23 (3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage  
24 of equipment or materials, and other development which may increase flood damage or  
25

1 erosion potential;

2 (4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize  
3 the impact of development on the natural and beneficial functions of the floodplain;

4 (5) Minimize damage to public and private facilities and utilities;

5 (6) Help maintain a stable tax base by providing for the sound use and development of flood  
6 hazard areas;

7 (7) Minimize the need for future expenditure of public funds for flood control projects and  
8 response to and recovery from flood events; and

9 (8) Meet the requirements of the National Flood Insurance Program for community  
10 participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

11 **48-124 Coordination with the *Florida Building Code*.** This ordinance is intended to be  
12 administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE  
13 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

14  
15 **48-125 Warning.** The degree of flood protection required by this ordinance and the *Florida*  
16 *Building Code*, as amended by this community, is considered the minimum reasonable for  
17 regulatory purposes and is based on scientific and engineering considerations. Larger floods can  
18 and will occur. Flood heights may be increased by man-made or natural causes. This ordinance  
19 does not imply that land outside of mapped special flood hazard areas, or that uses permitted within  
20 such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and  
21 base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate  
22 Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be  
23 revised by the Federal Emergency Management Agency, requiring this community to revise these  
24 regulations to remain eligible for participation in the National Flood Insurance Program. No

1 guaranty of vested use, existing use, or future use is implied or expressed by compliance with  
2 this ordinance.

3  
4 **48-126 Disclaimer of Liability.** This ordinance shall not create liability on the part of **City**  
5 **Council of the City of Belle Isle** or by any officer or employee thereof for any flood damage  
6 that results from reliance on this ordinance or any administrative decision lawfully made  
7 thereunder.

8  
9 **DIVISION 2 APPLICABILITY**

10  
11 **48-127 General.** Where there is a conflict between a general requirement and a specific  
12 requirement, the specific requirement shall be applicable.

13  
14 **48-128 Areas to which this ordinance applies.** This ordinance shall apply to all flood hazard  
15 areas within the **City of Belle Isle**, as established in Section 48-129 of this ordinance.

16  
17 **48-129 Basis for establishing flood hazard areas.** The Flood Insurance Study for Orange  
18 County, Florida and Incorporated Areas dated September 25, 2009, and all subsequent  
19 amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all  
20 subsequent amendments and revisions to such maps, are adopted by reference as a part of this  
21 ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies  
22 and maps that establish flood hazard areas are on file at **the City Clerk's office at 1600 Nela**  
23 **Avenue, Belle Isle FL 32809.**



1 **48-130 Submission of additional data to establish flood hazard areas.** To establish flood  
2 hazard areas and base flood elevations, pursuant to Division 5 of this ordinance the Floodplain  
3 Administrator may require submission of additional data. Where field surveyed topography  
4 prepared by a Florida licensed professional surveyor or digital topography accepted by the  
5 community indicates that ground elevations:

6 (1) Are below the closest applicable base flood elevation, even in areas not delineated as a  
7 special flood hazard area on a FIRM, the area shall be considered as flood hazard area  
8 and subject to the requirements of this ordinance and, as applicable, the requirements  
9 of the *Florida Building Code*.

10 (2) Are above the closest applicable base flood elevation, the area shall be regulated as  
11 special flood hazard area unless the applicant obtains a Letter of Map Change that  
12 removes the area from the special flood hazard area.

13  
14 **48-131 Other laws.** The provisions of this ordinance shall not be deemed to nullify any  
15 provisions of local, state or federal law.

16  
17 **48-132 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in  
18 effect for management of development in flood hazard areas. However, it is not intended to  
19 repeal or abrogate any existing ordinances including but not limited to land development  
20 regulations, zoning ordinances, stormwater management regulations, or the *Florida Building*  
21 *Code*. In the event of a conflict between this ordinance and any other ordinance, the more  
22 restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or  
23 easement, but any land that is subject to such interests shall also be governed by this  
24 ordinance.

1 **48-133 Interpretation.** In the interpretation and application of this ordinance, all provisions  
2 shall be:

- 3 (1) Considered as minimum requirements;
- 4 (2) Liberally construed in favor of the governing body; and
- 5 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

6  
7 **DIVISION 3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

8  
9 **48-134 Designation.** The **City Manager** is designated as the Floodplain Administrator. The  
10 Floodplain Administrator may delegate performance of certain duties to other employees.

11  
12 **48-135 General.** The Floodplain Administrator is authorized and directed to administer and  
13 enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to  
14 render interpretations of this ordinance consistent with the intent and purpose of this ordinance  
15 and may establish policies and procedures in order to clarify the application of its provisions.  
16 Such interpretations, policies, and procedures shall not have the effect of waiving requirements  
17 specifically provided in this ordinance without the granting of a variance pursuant to Division 7 of  
18 this ordinance.

19  
20 **48-136 Applications and permits.** The Floodplain Administrator, in coordination with other  
21 pertinent offices of the community, shall:

- 22 (1) Review applications and plans to determine whether proposed new development will be  
23 located in flood hazard areas;

- 1 (2) Review applications for modification of any existing development in flood hazard areas  
2 for compliance with the requirements of this ordinance;
- 3 (3) Interpret flood hazard area boundaries where such interpretation is necessary to  
4 determine the exact location of boundaries; a person contesting the determination shall  
5 have the opportunity to appeal the interpretation;
- 6 (4) Provide available flood elevation and flood hazard information;
- 7 (5) Determine whether additional flood hazard data shall be obtained from other sources or  
8 shall be developed by an applicant;
- 9 (6) Review applications to determine whether proposed development will be reasonably  
10 safe from flooding;
- 11 (7) Issue floodplain development permits or approvals for development other than buildings  
12 and structures that are subject to the *Florida Building Code*, including buildings,  
13 structures and facilities exempt from the *Florida Building Code*, when compliance with  
14 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;  
15 and
- 16 (8) Coordinate with and provide comments to the Building Official to assure that  
17 applications, plan reviews, and inspections for buildings and structures in flood hazard  
18 areas comply with the applicable provisions of this ordinance.

19  
20 **48-137 Substantial improvement and substantial damage determinations.** For applications  
21 for building permits to improve buildings and structures, including alterations, movement,  
22 enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations,  
23 substantial improvements, repairs of substantial damage, and any other improvement of or work  
24  
25

1 on such buildings and structures, the Floodplain Administrator, in coordination with the Building  
2 Official, shall:

- 3 (1) Estimate the market value, or require the applicant to obtain an appraisal of the market  
4 value prepared by a qualified independent appraiser, of the building or structure before  
5 the start of construction of the proposed work; in the case of repair, the market value of  
6 the building or structure shall be the market value before the damage occurred and  
7 before any repairs are made;
- 8 (2) Compare the cost to perform the improvement, the cost to repair a damaged building to  
9 its pre-damaged condition, or the combined costs of improvements and repairs, if  
10 applicable, to the market value of the building or structure;
- 11 (3) Determine and document whether the proposed work constitutes substantial  
12 improvement or repair of substantial damage; and
- 13 (4) Notify the applicant if it is determined that the work constitutes substantial improvement  
14 or repair of substantial damage and that compliance with the flood resistant construction  
15 requirements of the *Florida Building Code* and this ordinance is required.

16  
17 **48-138 Modifications of the strict application of the requirements of the *Florida Building***  
18 ***Code*.** The Floodplain Administrator shall review requests submitted to the Building Official that  
19 seek approval to modify the strict application of the flood load and flood resistant construction  
20 requirements of the *Florida Building Code* to determine whether such requests require the  
21 granting of a variance pursuant to Division 7 of this ordinance.

1 **48-139 Notices and orders.** The Floodplain Administrator shall coordinate with appropriate  
2 local agencies for the issuance of all necessary notices or orders to ensure compliance with this  
3 ordinance.

4  
5 **48-140 Inspections.** The Floodplain Administrator shall make the required inspections as  
6 specified in Division 6 of this ordinance for development that is not subject to the *Florida*  
7 *Building Code*, including buildings, structures and facilities exempt from the *Florida Building*  
8 *Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if  
9 development is undertaken without issuance of a permit.

10  
11 **48-141 Other duties of the Floodplain Administrator.** The Floodplain Administrator shall  
12 have other duties, including but not limited to:

13 (1) Establish, in coordination with the Building Official, procedures for administering and  
14 documenting determinations of substantial improvement and substantial damage made  
15 pursuant to Section 48-137 of this ordinance;

16 (2) Require that applicants proposing alteration of a watercourse notify adjacent  
17 communities and the Florida Division of Emergency Management, State Floodplain  
18 Management Office, and submit copies of such notifications to the Federal Emergency  
19 Management Agency (FEMA);

20 (3) Require applicants who submit hydrologic and hydraulic engineering analyses to support  
21 permit applications to submit to FEMA the data and information necessary to maintain  
22 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,  
23 flood hazard area boundaries, or floodway designations; such submissions shall be  
24 made within 6 months of such data becoming available;

- 1 (4) Review required design certifications and documentation of elevations specified by this  
2 ordinance and the *Florida Building Code* to determine that such certifications and  
3 documentations are complete; and  
4 (5) Notify the Federal Emergency Management Agency when the corporate boundaries of  
5 **the City of Belle Isle** are modified.

6  
7 **48-142 Floodplain management records.** Regardless of any limitation on the period required  
8 for retention of public records, the Floodplain Administrator shall maintain and permanently keep  
9 and make available for public inspection all records that are necessary for the administration of  
10 this ordinance and the flood resistant construction requirements of the *Florida Building Code*,  
11 including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits  
12 and denial of permits; determinations of whether proposed work constitutes substantial  
13 improvement or repair of substantial damage; required design certifications and documentation  
14 of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent  
15 communities, FEMA, and the state related to alterations of watercourses; assurances that the  
16 flood carrying capacity of altered watercourses will be maintained; documentation related to  
17 appeals and variances, including justification for issuance or denial; and records of enforcement  
18 actions taken pursuant to this ordinance and the flood resistant construction requirements of the  
19 *Florida Building Code*. These records shall be available for public inspection at **the City Clerk's**  
20 **office at 1600 Nela Avenue, Belle Isle FL 32809.**

1 **DIVISION 4 PERMITS**

2  
3 **48-143 Permits required.** Any owner or owner’s authorized agent (hereinafter “applicant”) who  
4 intends to undertake any development activity within the scope of this ordinance, including  
5 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within  
6 or partially within any flood hazard area shall first make application to the Floodplain  
7 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and  
8 approval(s). No such permit or approval shall be issued until compliance with the requirements of  
9 this ordinance and all other applicable codes and regulations has been satisfied.

10  
11 **48-144 Floodplain development permits or approvals.** Floodplain development permits or  
12 approvals shall be issued pursuant to this ordinance for any development activities not subject to the  
13 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt  
14 from the *Florida Building Code*. Depending on the nature and extent of proposed development  
15 that includes a building or structure, the Floodplain Administrator may determine that a floodplain  
16 development permit or approval is required in addition to a building permit.

17  
18 **48-145 Buildings, structures and facilities exempt from the *Florida Building Code*.**

19 Pursuant to the requirements of federal regulation for participation in the National Flood  
20 Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or  
21 approvals shall be required for the following buildings, structures and facilities that are exempt  
22 from the *Florida Building Code* and any further exemptions provided by law, which are subject to  
23 the requirements of this ordinance:

- 24 (1) Railroads and ancillary facilities associated with the railroad.

- 1 (2) Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- 2 (3) Temporary buildings or sheds used exclusively for construction purposes.
- 3 (4) Mobile or modular structures used as temporary offices.
- 4 (5) Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which  
5 are directly involved in the generation, transmission, or distribution of electricity.
- 6 (6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole  
7 Tribe of Florida. As used in this paragraph, the term “chickee” means an open-sided  
8 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,  
9 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 10 (7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and  
11 assembled on site or preassembled and delivered on site and have walls, roofs, and a  
12 floor constructed of granite, marble, or reinforced concrete.
- 13 (8) Temporary housing provided by the Department of Corrections to any prisoner in the  
14 state correctional system.
- 15 (9) Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida*  
16 *Building Code* if such structures are located in flood hazard areas established on Flood  
17 Insurance Rate Maps

18  
19 **48-146 Application for a permit or approval.** To obtain a floodplain development permit or  
20 approval the applicant shall first file an application in writing on a form furnished by the  
21 community. The information provided shall:

- 22 (1) Identify and describe the development to be covered by the permit or approval.
- 23 (2) Describe the land on which the proposed development is to be conducted by legal  
24 description, street address or similar description that will readily identify and definitively  
25



1 locate the site.

2 (3) Indicate the use and occupancy for which the proposed development is intended.

3 (4) Be accompanied by a site plan or construction documents as specified in Division 5 of  
4 this ordinance.

5 (5) State the valuation of the proposed work.

6 (6) Be signed by the applicant or the applicant's authorized agent.

7 (7) Give such other data and information as required by the Floodplain Administrator.  
8

9 **48-147 Validity of permit or approval.** The issuance of a floodplain development permit or  
10 approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any  
11 violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community.  
12 The issuance of permits based on submitted applications, construction documents, and  
13 information shall not prevent the Floodplain Administrator from requiring the correction of errors  
14 and omissions.  
15

16 **48-148 Expiration.** A floodplain development permit or approval shall become invalid unless the  
17 work authorized by such permit is commenced within 180 days after its issuance, or if the work  
18 authorized is suspended or abandoned for a period of 180 days after the work commences.  
19 Extensions for periods of not more than 180 days each shall be requested in writing and  
20 justifiable cause shall be demonstrated.  
21

22 **48-149 Suspension or revocation.** The Floodplain Administrator is authorized to suspend or  
23 revoke a floodplain development permit or approval if the permit was issued in error, on the  
24  
25

1 basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any  
2 other ordinance, regulation or requirement of this community.

3  
4 **48-150 Other permits required.** Floodplain development permits and building permits shall  
5 include a condition that all other applicable state or federal permits be obtained before  
6 commencement of the permitted development, including but not limited to the following:

7 (1) The **St. Johns River** Water Management District; section 373.036, F.S.

8 (2) Florida Department of Health for onsite sewage treatment and disposal systems; section  
9 381.0065, F.S. and Chapter 64E-6, F.A.C.

10 (3) Florida Department of Environmental Protection for activities subject to the Joint Coastal  
11 Permit; section 161.055, F.S.

12 (4) Florida Department of Environmental Protection for activities that affect wetlands and  
13 alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section  
14 404 of the Clean Water Act.

15 (5) Federal permits and approvals.

16  
17 **DIVISION 5 SITE PLANS AND CONSTRUCTION DOCUMENTS**

18  
19 **48-151 Information for development in flood hazard areas.** The site plan or construction  
20 documents for any development subject to the requirements of this ordinance shall be drawn to  
21 scale and shall include, as applicable to the proposed development:

22 (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood  
23 elevation(s), and ground elevations if necessary for review of the proposed  
24 development.

1 (2) Where base flood elevations or floodway data are not included on the FIRM or in the  
2 Flood Insurance Study, they shall be established in accordance with Section 48-152(2)  
3 or (3) of this ordinance.

4 (3) Where the parcel on which the proposed development will take place will have more  
5 than 50 lots or is larger than 5 acres and the base flood elevations are not included on  
6 the FIRM or in the Flood Insurance Study, such elevations shall be established in  
7 accordance with Section 48-152(1) of this ordinance.

8 (4) Location of the proposed activity and proposed structures, and locations of existing  
9 buildings and structures.

10 (5) Location, extent, amount, and proposed final grades of any filling, grading, or  
11 excavation.

12 (6) Where the placement of fill is proposed, the amount, type, and source of fill material;  
13 compaction specifications; a description of the intended purpose of the fill areas; and  
14 evidence that the proposed fill areas are the minimum necessary to achieve the intended  
15 purpose.

16 (7) Existing and proposed alignment of any proposed alteration of a watercourse.

17  
18 The Floodplain Administrator is authorized to waive the submission of site plans, construction  
19 documents, and other data that are required by this ordinance but that are not required to be  
20 prepared by a registered design professional if it is found that the nature of the proposed  
21 development is such that the review of such submissions is not necessary to ascertain  
22 compliance with this ordinance.

1 **48-152 Information in flood hazard areas without base flood elevations (approximate**

2 **Zone A).** Where flood hazard areas are delineated on the FIRM and base flood elevation data  
3 have not been provided, the Floodplain Administrator shall:

4 (1) Require the applicant to include base flood elevation data prepared in accordance with  
5 currently accepted engineering practices.

6 (2) Obtain, review, and provide to applicants base flood elevation and floodway data  
7 available from a federal or state agency or other source or require the applicant to  
8 obtain and use base flood elevation and floodway data available from a federal or state  
9 agency or other source.

10 (3) Where base flood elevation and floodway data are not available from another source,  
11 where the available data are deemed by the Floodplain Administrator to not reasonably  
12 reflect flooding conditions, or where the available data are known to be scientifically or  
13 technically incorrect or otherwise inadequate:

14 (a) Require the applicant to include base flood elevation data prepared in  
15 accordance with currently accepted engineering practices; or

16 (b) Specify that the base flood elevation is two (2) feet above the highest  
17 adjacent grade at the location of the development, provided there is no  
18 evidence indicating flood depths have been or may be greater than two (2)  
19 feet.

20 (4) Where the base flood elevation data are to be used to support a Letter of Map Change  
21 from FEMA, advise the applicant that the analyses shall be prepared by a Florida  
22 licensed engineer in a format required by FEMA, and that it shall be the responsibility of  
23 the applicant to satisfy the submittal requirements and pay the processing fees.

1 **48-153 Additional analyses and certifications.** As applicable to the location and nature of the  
2 proposed development activity, and in addition to the requirements of this section, the applicant  
3 shall have the following analyses signed and sealed by a Florida licensed engineer for  
4 submission with the site plan and construction documents:

5 (1) For development activities proposed to be located in a regulatory floodway, a floodway  
6 encroachment analysis that demonstrates that the encroachment of the proposed  
7 development will not cause any increase in base flood elevations; where the applicant  
8 proposes to undertake development activities that do increase base flood elevations, the  
9 applicant shall submit such analysis to FEMA as specified in Section 48-154 of this  
10 ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA,  
11 with the site plan and construction documents.

12 (2) For development activities proposed to be located in a riverine flood hazard area for  
13 which base flood elevations are included in the Flood Insurance Study or on the FIRM  
14 and floodways have not been designated, hydrologic and hydraulic analyses that  
15 demonstrate that the cumulative effect of the proposed development, when combined  
16 with all other existing and anticipated flood hazard area encroachments, will not increase  
17 the base flood elevation more than one (1) foot at any point within the community. This  
18 requirement does not apply in isolated flood hazard areas not connected to a riverine  
19 flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

20 (3) For alteration of a watercourse, an engineering analysis prepared in accordance with  
21 standard engineering practices which demonstrates that the flood-carrying capacity of  
22 the altered or relocated portion of the watercourse will not be decreased, and  
23 certification that the altered watercourse shall be maintained in a manner which  
24 preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to  
25

1 FEMA as specified in Section 48-154 of this ordinance.

2  
3 **48-154 Submission of additional data.** When additional hydrologic, hydraulic or other  
4 engineering data, studies, and additional analyses are submitted to support an application, the  
5 applicant has the right to seek a Letter of Map Change from FEMA to change the base flood  
6 elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on  
7 FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared  
8 by a Florida licensed engineer in a format required by FEMA. Submittal requirements and  
9 processing fees shall be the responsibility of the applicant.

10  
11 **DIVISION 6 INSPECTIONS**

12  
13 **48-155 General.** Development for which a floodplain development permit or approval is  
14 required shall be subject to inspection.

15  
16 **48-156 Development other than buildings and structures.** The Floodplain Administrator  
17 shall inspect all development to determine compliance with the requirements of this ordinance  
18 and the conditions of issued floodplain development permits or approvals.

19  
20 **48-157 Buildings, structures and facilities exempt from the *Florida Building Code*.** The  
21 Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida*  
22 *Building Code* to determine compliance with the requirements of this ordinance and the  
23 conditions of issued floodplain development permits or approvals.

1 **48-158 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest**  
2 **floor inspection.** Upon placement of the lowest floor, including basement, and prior to further  
3 vertical construction, the owner of a building, structure or facility exempt from the *Florida*  
4 *Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

5 (1) If a design flood elevation was used to determine the required elevation of the lowest  
6 floor, the certification of elevation of the lowest floor prepared and sealed by a Florida  
7 licensed professional surveyor; or

8 (2) If the elevation used to determine the required elevation of the lowest floor was  
9 determined in accordance with Section 48-152(3)(b) of this ordinance, the  
10 documentation of height of the lowest floor above highest adjacent grade, prepared by  
11 the owner or the owner's authorized agent.

12  
13 **48-159 Buildings, structures and facilities exempt from the *Florida Building Code*, final**  
14 **inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit  
15 to the Floodplain Administrator a final certification of elevation of the lowest floor or final  
16 documentation of the height of the lowest floor above the highest adjacent grade; such  
17 certifications and documentations shall be prepared as specified in Section 48-158 of this  
18 ordinance.

19  
20 **48-160 Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes  
21 that are installed or replaced in flood hazard areas to determine compliance with the  
22 requirements of this ordinance and the conditions of the issued permit. Upon placement of a  
23 manufactured home, certification of the elevation of the lowest floor shall be submitted to the  
24 Floodplain Administrator.

1 **DIVISION 7 VARIANCES AND APPEALS**

2  
3 **48-161 General.** The **Planning & Zoning Board** shall hear and decide on requests for appeals  
4 and requests for variances from the strict application of this ordinance. Pursuant to section  
5 553.73(5), F.S., the **Planning & Zoning Board** shall hear and decide on requests for appeals  
6 and requests for variances from the strict application of the flood resistant construction  
7 requirements of the *Florida Building Code*.

8  
9 **48-162 Appeals.** The **Planning & Zoning Board** shall hear and decide appeals when it is  
10 alleged there is an error in any requirement, decision, or determination made by the Floodplain  
11 Administrator in the administration and enforcement of this ordinance. Any person aggrieved by  
12 the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

13  
14 **48-163 Limitations on authority to grant variances.** The **Planning & Zoning Board** shall  
15 base its decisions on variances on technical justifications submitted by applicants, the  
16 considerations for issuance in Section 48-167 of this ordinance, the conditions of issuance set  
17 forth in Section 48-168 of this ordinance, and the comments and recommendations of the  
18 Floodplain Administrator and the Building Official. The **Planning & Zoning Board** has the right  
19 to attach such conditions as it deems necessary to further the purposes and objectives of this  
20 ordinance.

21  
22 **48-164 Restrictions in floodways.** A variance shall not be issued for any proposed  
23 development in a floodway if any increase in base flood elevations would result, as evidenced  
24 by the applicable analyses and certifications required in Section 48-153 of this ordinance.



1  
2 **48-165 Historic buildings.** A variance is authorized to be issued for the repair, improvement,  
3 or rehabilitation of a historic building that is determined eligible for the exception to the flood  
4 resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12  
5 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation  
6 will not preclude the building's continued designation as a historic building and the variance is  
7 the minimum necessary to preserve the historic character and design of the building. If the  
8 proposed work precludes the building's continued designation as a historic building, a variance  
9 shall not be granted and the building and any repair, improvement, and rehabilitation shall be  
10 subject to the requirements of the *Florida Building Code*.

11  
12 **48-166 Functionally dependent uses.** A variance is authorized to be issued for the  
13 construction or substantial improvement necessary for the conduct of a functionally dependent  
14 use, as defined in this ordinance, provided the variance meets the requirements of Section 48-  
15 164, is the minimum necessary considering the flood hazard, and all due consideration has  
16 been given to use of methods and materials that minimize flood damage during occurrence of  
17 the base flood.

18  
19 **48-167 Considerations for issuance of variances.** In reviewing requests for variances, the  
20 **Planning & Zoning Board** shall consider all technical evaluations, all relevant factors, all other  
21 applicable provisions of the *Florida Building Code*, this ordinance, and the following:

- 22 (1) The danger that materials and debris may be swept onto other lands resulting in further  
23 injury or damage;
- 24 (2) The danger to life and property due to flooding or erosion damage;

- 1 (3) The susceptibility of the proposed development, including contents, to flood damage and  
2 the effect of such damage on current and future owners;
- 3 (4) The importance of the services provided by the proposed development to the  
4 community;
- 5 (5) The availability of alternate locations for the proposed development that are subject to  
6 lower risk of flooding or erosion;
- 7 (6) The compatibility of the proposed development with existing and anticipated  
8 development;
- 9 (7) The relationship of the proposed development to the comprehensive plan and floodplain  
10 management program for the area;
- 11 (8) The safety of access to the property in times of flooding for ordinary and emergency  
12 vehicles;
- 13 (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport  
14 of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- 15 (10) The costs of providing governmental services during and after flood conditions  
16 including maintenance and repair of public utilities and facilities such as sewer, gas,  
17 electrical and water systems, streets and bridges.

18  
19 **48-168 Conditions for issuance of variances.** Variances shall be issued only upon:

- 20 (1) Submission by the applicant, of a showing of good and sufficient cause that the unique  
21 characteristics of the size, configuration, or topography of the site limit compliance with  
22 any provision of this ordinance or the required elevation standards;
- 23 (2) Determination by the **Planning & Zoning Board** that:
  - 24 (a) Failure to grant the variance would result in exceptional hardship due to the  
25

1 physical characteristics of the land that render the lot undevelopable; increased  
2 costs to satisfy the requirements or inconvenience do not constitute hardship;

3 (b) The granting of a variance will not result in increased flood heights, additional  
4 threats to public safety, extraordinary public expense, nor create nuisances,  
5 cause fraud on or victimization of the public or conflict with existing local laws  
6 and ordinances; and

7 (c) The variance is the minimum necessary, considering the flood hazard, to afford  
8 relief;

9 (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be  
10 recorded in the Office of the Clerk of the Court in such a manner that it appears in the  
11 chain of title of the affected parcel of land; and

12 (4) If the request is for a variance to allow construction of the lowest floor of a new building,  
13 or substantial improvement of a building, below the required elevation, a copy in the  
14 record of a written notice from the Floodplain Administrator to the applicant for the  
15 variance, specifying the difference between the base flood elevation and the proposed  
16 elevation of the lowest floor, stating that the cost of federal flood insurance will be  
17 commensurate with the increased risk resulting from the reduced floor elevation (up to  
18 amounts as high as \$25 for \$100 of insurance coverage), and stating that construction  
19 below the base flood elevation increases risks to life and property.

20  
21 **DIVISION 8 VIOLATIONS**

22  
23 **48-169 Violations.** Any development that is not within the scope of the *Florida Building Code*  
24 but that is regulated by this ordinance that is performed without an issued permit, that is in  
25

1 conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed  
2 a violation of this ordinance. A building or structure without the documentation of elevation of  
3 the lowest floor, other required design certifications, or other evidence of compliance required  
4 by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as  
5 that documentation is provided.

6  
7 **48-170 Authority.** For development that is not within the scope of the *Florida Building Code*  
8 but that is regulated by this ordinance and that is determined to be a violation, the Floodplain  
9 Administrator is authorized to serve notices of violation or stop work orders to owners of the  
10 property involved, to the owner's agent, or to the person or persons performing the work.

11  
12 **48-171 Unlawful continuance.** Any person who shall continue any work after having been  
13 served with a notice of violation or a stop work order, except such work as that person is  
14 directed to perform to remove or remedy a violation or unsafe condition, shall be subject to  
15 penalties as prescribed by law.

16  
17 **DIVISION 9 DEFINITIONS**

18  
19 **48-172 Scope.** Unless otherwise expressly stated, the following words and terms shall, for the  
20 purposes of this ordinance, have the meanings shown in this section.

21  
22 **48-173 Terms defined in the *Florida Building Code*.** Where terms are not defined in this  
23 ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings  
24 ascribed to them in that code.

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**48-174 Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

**Alteration of a watercourse.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**Appeal.** A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance.

**ASCE 24.** A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

**Base flood.** A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

**Base flood elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other

1 datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section  
2 202.]

3  
4 **Basement.** The portion of a building having its floor subgrade (below ground level) on all sides.  
5 [Also defined in FBC, B, Section 202; see “Basement (for flood loads)”].

6  
7 **Design flood.** The flood associated with the greater of the following two areas: [Also defined in  
8 FBC, B, Section 202.]

- 9 (1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or  
10 (2) Area designated as a flood hazard area on the community’s flood hazard map, or  
11 otherwise legally designated.

12  
13 **Design flood elevation.** The elevation of the “design flood,” including wave height, relative to  
14 the datum specified on the community’s legally designated flood hazard map. In areas  
15 designated as Zone AO, the design flood elevation shall be the elevation of the highest existing  
16 grade of the building’s perimeter plus the depth number (in feet) specified on the flood hazard  
17 map. In areas designated as Zone AO where the depth number is not specified on the map, the  
18 depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

19  
20 **Development.** Any man-made change to improved or unimproved real estate, including but not  
21 limited to, buildings or other structures, tanks, temporary structures, temporary or permanent  
22 storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling  
23 operations or any other land disturbing activities.

1 **Encroachment.** The placement of fill, excavation, buildings, permanent structures or other  
2 development into a flood hazard area which may impede or alter the flow capacity of riverine  
3 flood hazard areas.

4  
5 **Existing building and existing structure.** Any buildings and structures for which the “start of  
6 construction” commenced before **September 5, 1978.** [Also defined in FBC, B, Section 202.]

7  
8 **Existing manufactured home park or subdivision.** A manufactured home park or subdivision  
9 for which the construction of facilities for servicing the lots on which the manufactured homes  
10 are to be affixed (including, at a minimum, the installation of utilities, the construction of streets,  
11 and either final site grading or the pouring of concrete pads) is completed before **September 5,**  
12 **1978.**

13  
14 **Expansion to an existing manufactured home park or subdivision.** The preparation of  
15 additional sites by the construction of facilities for servicing the lots on which the manufactured  
16 homes are to be affixed (including the installation of utilities, the construction of streets, and  
17 either final site grading or the pouring of concrete pads).

18  
19 **Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to  
20 carrying out other functions, administers the National Flood Insurance Program.

21  
22 **Flood or flooding.** A general and temporary condition of partial or complete inundation of  
23 normally dry land from: [Also defined in FBC, B, Section 202.]

24 (1) The overflow of inland or tidal waters.

1 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

2  
3 **Flood damage-resistant materials.** Any construction material capable of withstanding direct  
4 and prolonged contact with floodwaters without sustaining any damage that requires more than  
5 cosmetic repair. [Also defined in FBC, B, Section 202.]  
6

7 **Flood hazard area.** The greater of the following two areas: [Also defined in FBC, B, Section  
8 202.]

9 (1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any  
10 year.

11 (2) The area designated as a flood hazard area on the community's flood hazard map, or  
12 otherwise legally designated.  
13

14 **Flood Insurance Rate Map (FIRM).** The official map of the community on which the Federal  
15 Emergency Management Agency has delineated both special flood hazard areas and the  
16 risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]  
17

18 **Flood Insurance Study (FIS).** The official report provided by the Federal Emergency  
19 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and  
20 Floodway Map (if applicable), the water surface elevations of the base flood, and supporting  
21 technical data. [Also defined in FBC, B, Section 202.]  
22  
23  
24  
25



1 **Floodplain Administrator.** The office or position designated and charged with the  
2 administration and enforcement of this ordinance (may be referred to as the Floodplain  
3 Manager).

4  
5 **Floodplain development permit or approval.** An official document or certificate issued by the  
6 community, or other evidence of approval or concurrence, which authorizes performance of  
7 specific development activities that are located in flood hazard areas and that are determined to  
8 be compliant with this ordinance.

9  
10 **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas  
11 that must be reserved in order to discharge the base flood without cumulatively increasing the  
12 water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

13  
14 **Floodway encroachment analysis.** An engineering analysis of the impact that a proposed  
15 encroachment into a floodway is expected to have on the floodway boundaries and base flood  
16 elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using  
17 standard engineering methods and models.

18  
19 **Florida Building Code.** The family of codes adopted by the Florida Building Commission,  
20 including: *Florida Building Code, Building; Florida Building Code, Residential; Florida Building*  
21 *Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing;*  
22 *Florida Building Code, Fuel Gas.*

1 **Functionally dependent use.** A use which cannot perform its intended purpose unless it is  
2 located or carried out in close proximity to water, including only docking facilities, port facilities  
3 that are necessary for the loading and unloading of cargo or passengers, and ship building and  
4 ship repair facilities; the term does not include long-term storage or related manufacturing  
5 facilities.

6  
7 **Highest adjacent grade.** The highest natural elevation of the ground surface prior to  
8 construction next to the proposed walls or foundation of a structure.

9  
10 **Historic structure.** Any structure that is determined eligible for the exception to the flood  
11 hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic  
12 Buildings.

13  
14 **Letter of Map Change (LOMC).** An official determination issued by FEMA that amends or  
15 revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map  
16 Change include:

17 Letter of Map Amendment (LOMA): An amendment based on technical data showing  
18 that a property was incorrectly included in a designated special flood hazard area. A  
19 LOMA amends the current effective Flood Insurance Rate Map and establishes that a  
20 specific property, portion of a property, or structure is not located in a special flood  
21 hazard area.

22 Letter of Map Revision (LOMR): A revision based on technical data that may show  
23 changes to flood zones, flood elevations, special flood hazard area boundaries and  
24 floodway delineations, and other planimetric features.

1 Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or  
2 parcel of land has been elevated by fill above the base flood elevation and is,  
3 therefore, no longer located within the special flood hazard area. In order to qualify  
4 for this determination, the fill must have been permitted and placed in accordance  
5 with the community's floodplain management regulations.

6 Conditional Letter of Map Revision (CLOMR): A formal review and comment as to  
7 whether a proposed flood protection project or other project complies with the  
8 minimum NFIP requirements for such projects with respect to delineation of special  
9 flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate  
10 Map or Flood Insurance Study; upon submission and approval of certified as-built  
11 documentation, a Letter of Map Revision may be issued by FEMA to revise the  
12 effective FIRM.

13  
14 **Light-duty truck.** As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds  
15 Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or  
16 less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- 17 (1) Designed primarily for purposes of transportation of property or is a derivation of such a  
18 vehicle, or  
19 (2) Designed primarily for transportation of persons and has a capacity of more than 12  
20 persons; or  
21 (3) Available with special features enabling off-street or off-highway operation and use.

22  
23 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including  
24 basement, but excluding any unfinished or flood-resistant enclosure, other than a basement,

1 usable solely for vehicle parking, building access or limited storage provided that such  
2 enclosure is not built so as to render the structure in violation of the non-elevation requirements  
3 of the *Florida Building Code* or ASCE 24. [Also defined in FBC, B, Section 202.]  
4

5 **Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet  
6 or more in width and greater than four hundred (400) square feet, and which is built on a  
7 permanent, integral chassis and is designed for use with or without a permanent foundation  
8 when attached to the required utilities. The term "manufactured home" does not include a  
9 "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]  
10

11 **Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided  
12 into two or more manufactured home lots for rent or sale.  
13

14 **Market value.** The price at which a property will change hands between a willing buyer and a  
15 willing seller, neither party being under compulsion to buy or sell and both having reasonable  
16 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of  
17 buildings and structures, excluding the land and other improvements on the parcel. Market  
18 value may be established by a qualified independent appraiser, Actual Cash Value  
19 (replacement cost depreciated for age and quality of construction), or tax assessment value  
20 adjusted to approximate market value by a factor provided by the Property Appraiser.  
21

22 **New construction.** For the purposes of administration of this ordinance and the flood resistant  
23 construction requirements of the *Florida Building Code*, structures for which the "start of  
24  
25

1 construction” commenced on or after **September 5, 1978** and includes any subsequent  
2 improvements to such structures.

3  
4 **New manufactured home park or subdivision.** A manufactured home park or subdivision for  
5 which the construction of facilities for servicing the lots on which the manufactured homes are to  
6 be affixed (including at a minimum, the installation of utilities, the construction of streets, and  
7 either final site grading or the pouring of concrete pads) is completed on or after **September 5,**  
8 **1978.**

9  
10 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and  
11 which is built on a single chassis and is designed to provide seasonal or temporary living  
12 quarters when connected to utilities necessary for operation of installed fixtures and appliances.  
13 [Defined in section 320.01, F.S.]

14  
15 **Recreational vehicle.** A vehicle, including a park trailer, which is: [see in section 320.01, F.S.)

- 16 (1) Built on a single chassis;
- 17 (2) Four hundred (400) square feet or less when measured at the largest horizontal  
18 projection;
- 19 (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- 20 (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters  
21 for recreational, camping, travel, or seasonal use.
- 22  
23  
24  
25

1 **Special flood hazard area.** An area in the floodplain subject to a 1 percent or greater chance of  
2 flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO,  
3 A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]  
4

5 **Start of construction.** The date of issuance of permits for new construction and substantial  
6 improvements, provided the actual start of construction, repair, reconstruction, rehabilitation,  
7 addition, placement, or other improvement is within 180 days of the date of the issuance. The  
8 actual start of construction means either the first placement of permanent construction of a  
9 building (including a manufactured home) on a site, such as the pouring of slab or footings, the  
10 installation of piles, the construction of columns.

11         Permanent construction does not include land preparation (such as clearing, grading, or  
12 filling), the installation of streets or walkways, excavation for a basement, footings, piers, or  
13 foundations, the erection of temporary forms or the installation of accessory buildings such as  
14 garages or sheds not occupied as dwelling units or not part of the main buildings. For a  
15 substantial improvement, the actual “start of construction” means the first alteration of any wall,  
16 ceiling, floor or other structural part of a building, whether or not that alteration affects the  
17 external dimensions of the building. [Also defined in FBC, B Section 202.]  
18

19 **Substantial damage.** Damage of any origin sustained by a building or structure whereby the  
20 cost of restoring the building or structure to its before-damaged condition would equal or exceed  
21 50 percent of the market value of the building or structure before the damage occurred. [Also  
22 defined in FBC, B Section 202.]  
23  
24  
25

1 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other  
2 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the  
3 market value of the building or structure before the improvement or repair is started. If the  
4 structure has incurred "substantial damage," any repairs are considered substantial  
5 improvement regardless of the actual repair work performed. The term does not, however,  
6 include either: [Also defined in FBC, B, Section 202.]

7 (1) Any project for improvement of a building required to correct existing health, sanitary, or  
8 safety code violations identified by the building official and that are the minimum  
9 necessary to assure safe living conditions.

10 (2) Any alteration of a historic structure provided the alteration will not preclude the  
11 structure's continued designation as a historic structure.

12  
13 **Variance.** A grant of relief from the requirements of this ordinance, or the flood resistant  
14 construction requirements of the *Florida Building Code*, which permits construction in a manner  
15 that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

16  
17 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on, through, or  
18 over which water flows at least periodically.

19  
20 **DIVISION 10 BUILDINGS AND STRUCTURES**

21  
22 **48-175 Design and construction of buildings, structures and facilities exempt from the**  
23 ***Florida Building Code.*** Pursuant to Section 48-145 of this ordinance, buildings, structures, and  
24 facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair  
25

1 of substantial damage of such buildings, structures and facilities, shall be designed and constructed  
2 in accordance with the flood load and flood resistant construction requirements of ASCE 24.  
3 Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall  
4 comply with the requirements of Division 16 of this ordinance.

5  
6 **DIVISION 11 SUBDIVISIONS**

7  
8 **48-176 Minimum requirements.** Subdivision proposals, including proposals for manufactured  
9 home parks and subdivisions, shall be reviewed to determine that:

- 10 (1) Such proposals are consistent with the need to minimize flood damage and will be  
11 reasonably safe from flooding;
- 12 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water  
13 systems are located and constructed to minimize or eliminate flood damage; and
- 14 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and  
15 AO, adequate drainage paths shall be provided to guide floodwaters around and away  
16 from proposed structures.

17  
18 **48-177 Subdivision plats.** Where any portion of proposed subdivisions, including  
19 manufactured home parks and subdivisions, lies within a flood hazard area, the following shall  
20 be required:

- 21 (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design  
22 flood elevations, as appropriate, shall be shown on preliminary plats;



- 1 (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood  
2 elevations are not included on the FIRM, the base flood elevations determined in  
3 accordance with Section 48-152(1) of this ordinance; and  
4 (3) Compliance with the site improvement and utilities requirements of Division 12 of this  
5 ordinance.

6  
7 **DIVISION 12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

8  
9 **48-178 Minimum requirements.** All proposed new development shall be reviewed to determine  
10 that:

- 11 (1) Such proposals are consistent with the need to minimize flood damage and will be  
12 reasonably safe from flooding;  
13 (2) All public utilities and facilities such as sewer, gas, electric, communications, and water  
14 systems are located and constructed to minimize or eliminate flood damage; and  
15 (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and  
16 AO, adequate drainage paths shall be provided to guide floodwaters around and away  
17 from proposed structures.

18  
19 **48-179 Sanitary sewage facilities.** All new and replacement sanitary sewage facilities, private  
20 sewage treatment plants (including all pumping stations and collector systems), and on-site  
21 waste disposal systems shall be designed in accordance with the standards for onsite sewage  
22 treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize  
23 or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood  
24 waters, and impairment of the facilities and systems.

1 **48-180 Water supply facilities.** All new and replacement water supply facilities shall be  
2 designed in accordance with the water well construction standards in Chapter 62-532.500,  
3 F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the  
4 systems.

5  
6 **48-181 Limitations on sites in regulatory floodways.** No development, including but not  
7 limited to site improvements, and land disturbing activity involving fill or regrading, shall be  
8 authorized in the regulatory floodway unless the floodway encroachment analysis required in  
9 Section 48-153(1) of this ordinance demonstrates that the proposed development or land  
10 disturbing activity will not result in any increase in the base flood elevation.

11  
12 **48-182 Limitations on placement of fill.** Subject to the limitations of this ordinance, fill shall  
13 be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of  
14 floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In  
15 addition to these requirements, if intended to support buildings and structures (Zone A only), fill  
16 shall comply with the requirements of the *Florida Building Code*.

17  
18 **DIVISION 13 MANUFACTURED HOMES**

19  
20 **48-183 General.** All manufactured homes installed in flood hazard areas shall be installed by  
21 an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the  
22 requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance.

1 **48-184 Foundations.** All new manufactured homes and replacement manufactured homes  
2 installed in flood hazard areas shall be installed on permanent, reinforced foundations that are  
3 designed in accordance with the foundation requirements of the *Florida Building Code*  
4 *Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to  
5 Section 48-188 of this ordinance are permitted to be reinforced piers or other foundation  
6 elements of at least equivalent strength.

7  
8 **48-185 Anchoring.** All new manufactured homes and replacement manufactured homes shall  
9 be installed using methods and practices which minimize flood damage and shall be securely  
10 anchored to an adequately anchored foundation system to resist flotation, collapse or lateral  
11 movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame  
12 ties to ground anchors. This anchoring requirement is in addition to applicable state and local  
13 anchoring requirements for wind resistance.

14  
15 **48-186 Elevation.** Manufactured homes that are placed, replaced, or substantially improved  
16 shall comply with Section 48-187 or 48-188 of this ordinance, as applicable.

17  
18 **48-187 General elevation requirement.** Unless subject to the requirements of Section 48-188  
19 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved  
20 on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new  
21 manufactured home park or subdivision; (c) in an expansion to an existing manufactured home  
22 park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a  
23 manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated

1 such that the bottom of the frame is at or above the elevation required, as applicable to the flood  
2 hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A).

3  
4 **48-188 Elevation requirement for certain existing manufactured home parks and**

5 **subdivisions.** Manufactured homes that are not subject to Section 48-187 of this ordinance,  
6 including manufactured homes that are placed, replaced, or substantially improved on sites  
7 located in an existing manufactured home park or subdivision, unless on a site where  
8 substantial damage as result of flooding has occurred, shall be elevated such that either the:

9 (1) Bottom of the frame of the manufactured home is at or above the elevation required in  
10 the *Florida Building Code, Residential* Section R322.2 (Zone A); or

11 (2) Bottom of the frame is supported by reinforced piers or other foundation elements of at  
12 least equivalent strength that are not less than 36 inches in height above grade.

13  
14 **48-189 Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the  
15 requirements of the *Florida Building Code, Residential* Section R322.2 for such enclosed areas.

16  
17 **48-190 Utility equipment.** Utility equipment that serves manufactured homes, including  
18 electric, heating, ventilation, plumbing, and air conditioning equipment and other service  
19 facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section  
20 R322.

1 **DIVISION 14 RECREATIONAL VEHICLES AND PARK TRAILERS**

2  
3 **48-191 Temporary placement.** Recreational vehicles and park trailers placed temporarily in  
4 flood hazard areas shall:

- 5 (1) Be on the site for fewer than 180 consecutive days; or  
6 (2) Be fully licensed and ready for highway use, which means the recreational vehicle or  
7 park model is on wheels or jacking system, is attached to the site only by quick-  
8 disconnect type utilities and security devices, and has no permanent attachments such  
9 as additions, rooms, stairs, decks and porches.

10  
11 **48-192 Permanent placement.** Recreational vehicles and park trailers that do not meet the  
12 limitations in Section 48-191 of this ordinance for temporary placement shall meet the  
13 requirements of Division 13 of this ordinance for manufactured homes.

14  
15 **DIVISION 15 TANKS**

16  
17 **48-192 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to  
18 prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic  
19 loads during conditions of the design flood, including the effects of buoyancy assuming the tank  
20 is empty.

21 **48-193 Above-ground tanks, not elevated.** Above-ground tanks that do not meet the  
22 elevation requirements of Section 48-194 of this ordinance shall be permitted in flood hazard  
23 areas provided the tanks are anchored or otherwise designed and constructed to prevent  
24 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during  
25

1 conditions of the design flood, including the effects of buoyancy assuming the tank is empty and  
2 the effects of flood-borne debris.

3  
4 **48-194 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be  
5 attached to and elevated to or above the design flood elevation on a supporting structure that is  
6 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.  
7 Tank-supporting structures shall meet the foundation requirements of the applicable flood  
8 hazard area.

9  
10 **48-195 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 11 (1) At or above the design flood elevation or fitted with covers designed to prevent the inflow  
12 of floodwater or outflow of the contents of the tanks during conditions of the design flood;  
13 and  
14 (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic  
15 loads, including the effects of buoyancy, during conditions of the design flood.

16  
17 **DIVISION 16 OTHER DEVELOPMENT**

18  
19 **48-196 General requirements for other development.** All development, including man-made  
20 changes to improved or unimproved real estate for which specific provisions are not specified in  
21 this ordinance or the *Florida Building Code*, shall:

- 22 (1) Be located and constructed to minimize flood damage;  
23 (2) Meet the limitations of Section 48-181 of this ordinance if located in a regulated  
24 floodway;

1       **(3)** Be anchored to prevent flotation, collapse or lateral movement resulting from  
2           hydrostatic loads, including the effects of buoyancy, during conditions of the design  
3           flood;

4       **(4)** Be constructed of flood damage-resistant materials; and

5       **(5)** Have mechanical, plumbing, and electrical systems above the design flood elevation  
6           or meet the requirements of ASCE 24, except that minimum electric service required  
7           to address life safety and electric code requirements is permitted below the design  
8           flood elevation provided it conforms to the provisions of the electrical part of building  
9           code for wet locations.

10  
11       **48-197 Fences in regulated floodways.** Fences in regulated floodways that have the potential  
12       to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet  
13       the limitations of Section 48-181 of this ordinance.

14  
15       **48-1983 Retaining walls, sidewalks and driveways in regulated floodways.** Retaining walls  
16       and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet  
17       the limitations of Section 48-181 of this ordinance.

18  
19       **48-199 Roads and watercourse crossings in regulated floodways.** Roads and watercourse  
20       crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles  
21       or pedestrians to travel from one side of a watercourse to the other side, that encroach into  
22       regulated floodways shall meet the limitations of Section 48-181 of this ordinance. Alteration of  
23       a watercourse that is part of a road or watercourse crossing shall meet the requirements of  
24       Section 48-153(3) of this ordinance.

1 **SECTION 3. Belle Isle Code, Chapter 6 Building and Building Regulations, Article 1 In**  
2 **General, is hereby amended by the following technical amendments to the *Florida***  
3 ***Building Code, Residential.***

4 **R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including  
5 crawl spaces, that are below the design flood elevation shall:

- 6 1. Be used solely for parking of vehicles, building access or storage. The  
7 interior portion of such enclosed areas shall not be partitioned or finished into  
8 separate rooms except for stairwells, ramps, and elevators, unless a partition  
9 is required by the fire code. The limitation on partitions does not apply to load  
10 bearing walls interior to perimeter wall (crawl space) foundations.

11 *Remainder unchanged*

12 **R322.2.2 Enclosed areas below design flood elevation.** Enclosed areas, including  
13 crawl spaces, that are below the design flood elevation shall:

- 14 1. Be used solely for parking of vehicles, building access or storage. The  
15 interior portion of such enclosed areas shall not be partitioned or finished into  
16 separate rooms except for stairwells, ramps, and elevators, unless a partition  
17 is required by the fire code. The limitation on partitions does not apply to load  
18 bearing walls interior to perimeter wall (crawl space) foundations. Access to  
19 enclosed areas shall be the minimum necessary to allow for the parking of  
20 vehicles (garage door) or limited storage of maintenance equipment used in  
21 connection with the premises (standard exterior door) or entry to the building  
22 (stairway or elevator).

23 *Remainder unchanged*



1 **SECTION 4. Belle Isle Code, Chapter 6 Building and Building Regulations, Article 1 In**  
2 **General, is hereby amended by the following technical amendments to the *Florida***  
3 ***Building Code, Building.***

4 **1612.4.1 Additional requirements for enclosed areas.** In addition to the requirements of  
5 **ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished**  
6 **into separate rooms except for stairwells, ramps, and elevators.**

7  
8 **SECTION 5. FISCAL IMPACT STATEMENT.**

9 In terms of design, plan application review, construction and inspection of buildings and  
10 structures, the cost impact as an overall average is negligible in regard to the local  
11 technical amendments because all development has been subject to the requirements  
12 of the local floodplain management ordinance adopted for participation in the National  
13 Flood Insurance Program. In terms of lower potential for flood damage, there will be  
14 continued savings and benefits to consumers.

15  
16 **SECTION 6. APPLICABILITY.**

17 For the purposes of jurisdictional applicability, this ordinance shall apply in **the City of Belle**  
18 **Isle, FL.** This ordinance shall apply to all applications for development, including building permit  
19 applications and subdivision proposals, submitted on or after the effective date of this  
20 ordinance.

21  
22 **SECTION 7. INCLUSION INTO THE CODE OF ORDINANCES.**

23 It is the intent of the **City Council** that the provisions of this ordinance shall become and be  
24 made a part of the **City of Belle Isle, FL** Code of Ordinances, and that the sections of this  
25

1 ordinance may be renumbered or relettered and the word "ordinance" may be changed to  
2 "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish  
3 such intentions.

4  
5 **SECTION 8. SEVERABILITY.**

6 If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason,  
7 declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity  
8 of the ordinance as a whole, or any part thereof, other than the part so declared.

9  
10 **SECTION 9. EFFECTIVE DATE.**

11 This ordinance shall take effect on {insert date of 2nd reading here}.

12 First Reading held 7th day of February, 2017.

13 Advertised on the 11th day of February, 2017.

14 Second Reading and Adoption held 21st day of February, 2017.

15

	ABSENT	YES	NO
16			
17 Ed Gold	_____	_____	_____
18 Anthony Carugno	_____	_____	_____
19 Jeremy Weinsier	_____	_____	_____
20 Bobby Lance	_____	_____	_____
21 Harvey Readey	_____	_____	_____
22 Lenny Mosse	_____	_____	_____
23 Sue Nielsen	_____	_____	_____

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Lydia Pisano, Mayor

ATTEST: \_\_\_\_\_

Yolanda Quiceno, CMC-City Clerk

\_\_\_\_\_

Approved as to form and legality Frank Kruppenbacher, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Ordinance 17-01 was duly and legally passed and adopted by the Belle Isle City Council, in session assembled, at which session a quorum of the City Council was present on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

Yolanda Quiceno, CMC-City Clerk



## **CITY OF BELLE ISLE, FLORIDA**

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

February 3, 2017

To: Mayor and City Council

From: April Fisher, Interim City Manager

Re: First Reading of the Proposed Revised Boat Dock Regulations

At their November 29, 2016 Planning and Zoning Board meeting, the Board completed their review and revisions to the Belle Isle boat dock regulations. Attached is a strike-through and underlined format of the revisions the Board is recommending to the land development regulations regarding boat docks.

**ORDINANCE No. : 17-02**

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

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

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

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

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

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

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

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

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

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

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

## ARTICLE II. - BOAT DOCKS

### Sec. 48-3X. – Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 48-31. - Application process.

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

(1) City's administrative review fees. ~~An administrative review fee of \$165.00 shall be paid at the time the application is submitted.~~ Application fees shall be in accordance with the

city fee schedule. The administrative review fee does not include the City of Belle Isle building permit's processing fee.

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

a. An arrow indicating the northerly direction and an indication of the scale to which the drawing was prepared;

b. The dimensions of the property, and the length and location of the proposed dock; as measured from the shoreline to the point most waterward of the shoreline;

c. The exact distance between the existing shoreline, at the point where the dock is to be constructed, and ~~a two permanent objects or construction~~ (e.g., house, tree) to be used as ~~a~~ reference points;

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

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

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

g. A copy of a survey of the real property which accurately depicts current conditions~~survey, performed within the last three years, of the property indicating the normal high water elevation of Lake Conway (86.9) as established by the county on October 25, 1982.~~

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

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

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

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

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



Sec. 48-32. - Design criteria.

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

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

(2) Length. ~~Consideration will be given to the length of other docks within 300 feet on either side of the proposed dock and to any other length restrictions that the city council may have established. For comparison, the length will be measured from the existing shoreline, with reference to a fixed object or structure on the lot.~~

~~If there are no other adjoining docks in the vicinity, then the maximum length of the boat dock shall not exceed 40 feet measured from the 86.9 normal high water elevation contour line of Lake Conway, as marked by a registered surveyor, to the lakeward end of the dock.~~

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

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

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

3. 40' from the NHWE shoreline.

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

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

(3) Total area. A boat slip, platform and any other portion of the dock, covered or uncovered, and including any floating vessel platform(s), collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet. The linear shoreline frontage shall be measured in a straight line between the two outermost property corners at the NHWC ~~normal high water elevation~~.

(4) Height. Except for floating docks, the minimum height of boat dock decks shall place them one foot above the ~~normal high water elevation~~ NHWE of Lake Conway.

The maximum height, which is to be measured from the top of the structure, shall be 13 feet above the normal high water elevation of Lake Conway. ~~The minimum height of a floating dock deck shall be one foot above the water level.~~

(5) Access Walkway. That portion of the dock lying waterward of the ~~86.9-foot contour~~ NHWC line of Lake Conway ~~as established by the county on October 25, 1982,~~ and extending to the juncture of the slip or terminal platform, whichever is closest to the shore. An access walkway shall be a minimum of four and a maximum of five feet in width. The area for a walkway shall not be included as part of the total area for the structure.

(6) Number and location of boat docks.

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

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

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

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

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

f. A floating ~~vessel platform~~ structure, unless it is associated with a permanent boat dock, shall be considered a separate boat dock subject to all provisions of this article, except subsection (6)\_e. A floating ~~vessel platform~~ structure shall be considered to be associated with a permanent boat dock if it is installed within the boat slip area, is attached to the boat dock, or is immediately adjacent to a side of the boat dock. In no case shall any floating structure extend the permitted length of a boat dock.

(7) Boathouse lots on canals.

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

(7-8) Restrictions. All boat docks shall adhere to the following restrictions:

a. No work shall be within areas which constitute easements for ingress or egress, or for drainage.

b. ~~No structures having flat roofs will be permitted.~~ The maximum pitch of the roof shall be have a minimum slope of 2:12 and a maximum slope of 5:12.

c. An upper deck is permissible as long as it meets life safety regulations.

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

e. Under no circumstances shall a permit for the construction of a boat dock to be utilized for ~~residential purposes~~ living quarters and other non-water dependent structures be issued.

~~e. No permit applications will be accepted unless there is a principal building established on the property, or a building permit has been issued to construct said building.~~

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

~~f. Storage lockers shall be allowed, subject to the following limitations:~~

~~1. Storage lockers shall not be used to store boat maintenance and/or repair equipment and materials, fuel, fueling equipment, and hazardous materials or hazardous wastes.~~

~~2. Storage lockers shall be limited to a cumulative maximum of 65 cubic feet.~~

~~3. Storage lockers shall not exceed 30 inches in height above the deck, 36 inches in width nor nine feet in length.~~

(Ord. No. 09-16, § 1, 3-2-2010)

Sec. 48-33. - Variances.

In the event the applicant wishes to construct a boat dock in excess of any of the criteria mentioned in section 48-32, a variance application must be made for hearing by the Belle Isle Planning and Zoning Board. ~~There shall be a \$100.00 application fee for the first variance and a \$50.00 fee for each additional variance requested at the same time~~ Application fees shall be in accordance with the city fee schedule. The board shall not approve an application for a variance unless and until each of the following criteria have been met:

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

(Ord. No. 09-16, § 1, 3-2-2010)

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

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

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

(c) Repair of nonconforming "grandfathered" docks constructed on or before December 15, 1992. The repair of nonconforming docks constructed on or before December ~~1915~~, 1992, requires a permit issued under this article. It is intended that docks constructed before December 15, 1992, be allowed to remain as constructed; except that a nonconforming dock, that is damaged or in disrepair to the extent of 75 percent or more of its assessed value, shall not be repaired for use except in compliance with the regulations of this article.

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

(f) Minor modifications to permitted docks. Minor modifications to all existing docks must be approved by the city. The applicant must submit a request for the proposed deviation change or modification to the original site plan to the city manager for consideration.

Additional information may be requested from the applicant in order to complete the review. Minor modifications must comply with the provisions of this article. Any modification that may require a variance or waiver of any provision of this article shall not be considered a minor modification. Any modification that increases the size of the terminal platform shall not be considered a minor modification. The city manager may require notification of abutting shoreline property owners of the application for minor modification. City approval or disapproval shall include a statement regarding requirement or no requirement for a permit.

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

Repair means to restore a dock structure that has been damaged as the result of neglect, accident, or act of God to the original design specifications, including the replacement of the entire dock or portions of the dock; ~~provided, however, that a nonconforming dock that is damaged to the extent of 75 percent or more of its assessed value shall not be repaired for use except in compliance with the regulations of this article.~~

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

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

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

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

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

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

include submittal of revised drawings, reapplication for a permit, double the permit fee, removal of dock, and administrative and civil penalties.

(Ord. No. 09-16, § 1, 3-2-2010)

Secs. 48-35—48-60. - Reserved.

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

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

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

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

~~(3) Boat docks which have been determined not to be detrimental to adjacent land uses or properties.~~



## **CITY OF BELLE ISLE, FLORIDA**

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

February 3, 2017

To: Mayor and City Council

From: April Fisher, Interim City Manager

Re: Flood Damage Prevention Ordinance

The State of Florida requires each local government to adopt a flood damage prevention ordinance that is consistent with the Florida Building Code and the National Flood Insurance Program. The proposed ordinance, attached, meets these requirements.

Staff has worked with the state in preparation and review of the proposed ordinance. It ensures that the City is providing the best safeguards for its citizens and meeting federal and state floodplain management objectives as well. Staff recommends adoption of the proposed flood damage prevention ordinance.



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February 3, 2017

To: Mayor and City Council

From: April Fisher, Interim City Manager

Re: Lake Conway Shores Drainage Improvements- Jade Swales, Pipe Lining, and Asphalt Replacement

One of the stormwater drainage issues the City has been working on is the swale system located on Jade Circle. In 2016, Florida Engineering Group prepared construction plans to correct the stormwater issues. Since that time, staff has sought and received three bids to perform the construction. Copies of these bids are attached. One bid from C&C Site Development is at approximately \$81,000 and the other two (Shenandoah and Jordan) are at approximately \$100,000. Both bids provided are close to \$100,000 using pricing from existing contracts that the City would be able to piggy-back from.

I recommend that the City move forward on this construction project utilizing the proposal from Shenandoah.

Additionally, to this project within Lake Conway Shores, two proposals were received to line a pipe at Honeysuckle Lane and Jade Circle. These were from Layne Inliner at \$19,140 and Shenandoah at \$14,500. Copies are attached.

I recommend that the City accept and authorize the proposal from Shenandoah for this work as well.

Following completion of these two stormwater projects, staff would like to complete efforts for these drainage system needs in Lake Conway Shores at Jade Circle and Honeysuckle Lane with repair and replacement of existing asphalt. Two proposals have been received and are under \$1500 each.





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February 3, 2017

To: Mayor and City Council

From: April Fisher, Interim City Manager

Re: City Comprehensive Plan Evaluation and Appraisal Report Update

Every seven years, local governments are required to evaluate whether there is a need to update their respective comprehensive plans to reflect changes in state requirements. This is known as the evaluation and appraisal report (EAR) process. Belle Isle is in that window of time now. The City is required to notify the Department of Economic Opportunity (DEO) by letter as to its determination.

I have reviewed the City's comprehensive plan since the last update and approval by the state DEO. The Plan is consistent with State requirements and an EAR process is not necessary.

There are amendments that the comprehensive plan needs such as updating the future land use element and processing property specific future land use amendments, however these can be done outside of the EAR process. Any amendments based on an EAR must be transmitted to the state within a year from their beginning. This could put an undue timeframe hardship on the City so I do not recommend it.

I have drafted a letter for the Mayor's signature, indicating that the City has determined the comprehensive plan is consistent with state requirements and therefore an EAR process is not required.



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February 3, 2017

Mr. Ray Eubanks  
Plans Review Administrator  
Florida Department of Economic Opportunity  
107 E. Madison Street  
Tallahassee, Florida 32399

Re: Evaluation and Appraisal Notification Letter

Dear Mr. Eubanks,

This letter serves as notification that the City of Belle Isle has evaluated its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements. Upon this evaluation, the City has determined that its comprehensive plan is consistent with state requirements and amendments related to this process are not needed.

Sincerely,

Lydia Pisano  
Mayor

cc: Eric Raasch, AICP, Orange County Assistant Planning Administrator  
Frank Kruppenbacher, City Attorney  
Yolanda Quiceno, City Clerk