



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle FL
Held the 1st and 3rd Tuesday of Every Month
Tuesday, March 02, 2021 * 6:30 PM

AGENDA

City Council Commissioners

Nicholas Fouraker, Mayor

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck
District 4 Commissioner – Mike Sims | District 5 Commissioner – Harvey Readey | District 6 Commissioner – Jim Partin
District 7 Commissioner – Sue Nielsen

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. If you are not on the agenda, please complete the yellow "Request to Speak" form to be handed to the City Clerk. When you are recognized by the Mayor, state your name and address and direct all remarks to the Council as a body and not to individual members of the Council, staff, or audience. The Council is pleased to hear relevant comments; however, a three-minute limit has been set by Council. Rosenberg's Rules of Order guide the conduct of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING. Thank you for participating in your City Government.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag - Commissioner Karl Shuck - District 3**
3. **Consent Items** - These items are considered routine and have been previously discussed by the Council. They will be adopted by one motion unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. If any item were removed from the Consent Agenda, it would be considered immediately following approval of the remainder of the Consent Agenda. (5 minutes)
 - a. Approval of the February 16, 2021, City Council minutes
4. **Citizen's Comments**

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.
5. **Unfinished Business**
 - a. ORDINANCE 21-01 – SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 6, ARTICLE I, SECTION 6-5 – PENALTY FOR FAILURE TO OBTAIN PERMIT; PROVIDING FOR THE ISSUANCE OF AFTER-THE-FACT PERMITS AND RULES AND PROCEDURES REGARDING REMEDIATION OF WORKING WITHOUT A PERMIT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (15 minutes)
6. **New Business**
 - a. Discuss/Approve P&Z Board recommendation to change sign code for temporary signs (15 minutes)
 - b. Ordinance 21-03 – First Reading and Consideration – Allow School Buses on Hoffner Avenue (10 minutes)
 - c. Discussion on an ordinance to have district appointments to at-large (10 minutes)
 - d. Discuss next steps for non-compliance dock at 5842 Cove Drive (15 minutes)
7. **Attorney's Report**
8. **City Manager's Report**
 - a. Issues Log (5 minutes)
 - b. Chief's Report (5 minutes)
9. **Mayor's Report** (5 minutes)
10. **Council Reports** (20 minutes)
11. **Adjournment**



CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING

Held in City Hall Chambers, 1600 Nela Avenue
Held the 1st and 3rd Tuesday of Every Month
Tuesday, February 16, 2021, * 6:30 PM

MINUTES

City Council Commissioners

Nicholas Fouraker, Mayor

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck
District 4 Commissioner – Mike Sims | District 5 Commissioner – Harvey Readey | District 6 Commissioner – Jim Partin |
District 7 Commissioner – Sue Nielsen

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1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the City Clerk confirmed quorum.

2. Invocation and Pledge to Flag - Commissioner Carugno - District 2

Comm Carugno gave the invocation and led the Pledge to the Flag.

3. Consent Items - These items are considered routine and have been previously discussed by the Council. They will be adopted by one motion unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. If any item were removed from the Consent Agenda, it would be considered immediately following approval of the remainder of the Consent Agenda. (5 minutes)

- a. Approval of February 2, 2021, City Council minutes
- b. January Monthly Reports: Finance Report, Police Department, Code Enforcement, and OC Fire

Comm Shuck moved to approve the consent items as presented.

Comm Gold seconded the motion, which passed 6:0. Comm Readey was not present for the vote.

4. Citizen's Comments

Mayor Fouraker called for citizen comments. There being none, he closed citizen's comments.

5. Unfinished Business

- a. Ordinance 21-01 – First Reading and Consideration: After the Fact Permit

City Clerk read Ordinance 21-01 by title.

Mayor Fouraker called for Council discussion. There being none, he closed Council discussion and called for a motion.

Comm Nielsen moved to advance Ordinance 21-01 to a Second Reading and Adoption on March 5, 2021.

Comm Gold seconded the motion, which passed 6:0. Comm Readey was not present for the vote.

6. New Business

- a. Letter/Application to FWC for a canoe trail

City Manager Bob Francis said per Florida Statute 327.46 (1) (c) states: Municipalities and counties have the authority to establish by Ordinance the following other boating-restricted areas: An ordinance establishing a vessel-exclusion zone if the area is reserved exclusively:

- a. As a canoe trail or otherwise limited to vessels under oars or under sail.
- b. For a particular activity and user, group separation must be imposed to protect the safety of those participating in such activity.

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."(F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 5

In 1990, the City Comprehensive Plan laid out a Canoe Trail. Following the criterion in Chapter 68D-21 F.A.C.D, it states an ordinance establishing a vessel exclusion zone will be approved if the area is reserved exclusively. The Mayor has prepared a letter for inclusion with the approved Ordinance to apply to FWC for the vessel-exclusion zone on the Conway Chain of Lakes.

Comm Carugno shared his concern and said at this time, it is difficult to enforce the current rules on the lake, and this Ordinance, as written, will create more confusion. There are many questions unanswered, and motioned to table the Ordinance to allow for public input. He further added that he is not a fan of a swim area. He said he is opposed to the canoe trail and swim because 1) lighted buoys will need to be placed on the lake, adding to the pollution, and 2) more dangerous for navigational purposes, and 3) many living on the shoreline will feel empowered to ride their canoes to adjacent homes.

Comm Readey joined the meeting.

**Comm Carugno moved to table Ordinance 21-01 to allow for additional public comment.
Comm Gold seconded the motion.**

City Manager Francis said the reason for the request is because

- 1) The FWC is meeting at the end of the month on this issue, and he wanted the City to have something on the books addressing restricted areas.
- 2) The staff does not know how long the discussion will take and wanted something on the books before the summer.

Comm Partin asked if the request commits the City to move forward immediately with the Ordinance. City Manager Francis said no, the letter would not be signed until the Ordinance was adopted.

Comm Sims said the request for approval was solely to move forward with the application process and not defining anything as of yet. The staff will have enough time to notify the residents. Comm Nielsen agreed.

For the record, Comm Carugno said there are many questions to be answered. He shared his concerns and firmly said he would prefer public input before moving forward. Mr. Francis said the residents would have two readings for public comment before adoption.

**Comm Carugno rescinded the motion and asked that his comments be on the record.
Comm Gold seconded the motion to rescind the motion.**

**Comm Sims moved to have the City Manager apply to the FWC for the Canoe Trail as outlined in the City's Comprehensive Plan.
Comm Nielsen seconded the motion, which passed 6:1 with Comm Carugno, nay.**

b. Consider Change to Belle Isle Municipal Code (BIMC) allowing school buses on Hoffner Avenue

City Manager Francis said currently, the BIMC Section 30-3 states: Vehicles in excess of six tons (12,000 gross vehicle weight rating) are prohibited from traveling in the City unless for local delivery within the neighborhoods within the City. This is to prevent large and heavy trucks from traveling on Hoffner and possibly damaging the bridge.

Orange County Public School Transportation Manager, Adam Zubritsky, contacted the City and asked if we could change the code to allow for school buses to travel on Hoffner because they have a few stops to make to pick up students physically challenged. The average school bus weighs over 14,000 pounds. In researching the bridge weight limits, according to DOT, the bridge is rated to 32 metric tons (35 US tons), and therefore the school buses do not exceed this weight restriction. School buses also do not pose the same problems that the City has with larger tractor-trailer trucks. Mr. Francis said this change would also be beneficial if Cornerstone Charter Academy were ever to start providing transportation to its students.

City Manager Francis said he spoke with the Chief, and staff is requesting the changes to code as discussed.

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**Comm Nielsen moved to change the municipal code to allow for school buses to travel on Hoffner Avenue.
Comm Gold seconded the motion for discussion.**

Comm Partin asked if it is just for the people in Belle Isle. Mr. Francis said Orange County School buses have several stops in the City to other schools. Comm Carugno said he hopes this doesn't invite transitioning through the City.

Comm Nielsen said school buses would relieve the school area's traffic if the school provided public transportation.

After discussion, the motion passed unanimously 7:0 upon roll call.

c. Appointment of George Travis to the Tree Advisory Board

Chairman Holly Bobrowski of the Tree Board said the Board recommended the appointment of George Travis to the Board and requested an appointment by Council.

**Comm Gold moved to appoint George Travis to the City Tree Board.
Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.**

7. Attorney's Report – No report.

8. City Manager's Report

a. Issues Log

City Manager Francis reported as follows,

- Reported Orange County Planning Hearings,
 - 1205 Nela (Apartment Complex) may be approved to move forward because, at this time, they meet all requirements with the Orange County Code.
 - 7323 South Orange (Old Nellie Belle Restaurant) - Proposed restaurant/dog park. Notice will be sent to surrounding areas.
 - Draft Ordinance designating a Swim Area/Establishing a Vessel-Exclusion Zone on Lake Conway. Mr. Francis provided a map for Council consideration and input at the following Council meeting.
 - Storm Drainage – Staff is close to having plans ready for the Sol Avenue project before April at the latest; Engineering estimate of 440,000.
 - St. Partin outfall 6504 St. Partin – OC has been working with the City. They want to install a pad for an emergency generator requiring some curb work saving the City some money at their lift station.
 - Stafford/Pam Circle – Work start to prevent flooding.
 - Jade Circle – Continued flooding issues; City will provide more drainage.
 - Wind Willow – Flooding issues have been resolved – project closed.
 - Seminole/Warren Park – Working with the County on the flooding. Possible install of a new basin.
 - Traffic Study – Crosswalk on Monet and Hoffner is close to completed by March 27.
 - BOA Building Open House – On February 25, 2021, the staff will hold an Open house at the BOA building. Plans for traffic calming on Judge, Conway, Nela, and Hoffner will also be available for resident's review.
 - Wallace Field – Site Plan is scheduled for the P&Z meeting on March 23.
 - CCA Lease – The consultant is working on a market rate for the school property and BOA building for recommendation to Council.
 - MuniCode Update – The P&Z Board on February 23 will discuss temporary sign code revisions.
 - Annexation - Continue to work with the Owner of 5-acres on land on Conway Rd.
 - Lancaster House – the Applicant has submitted variances to Orange County to relocate the House.

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- b. Approval of Resolution No. 21-01 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO ENTERPRISE FLEET MANAGEMENT APPROVED BY THE STATE OF FLORIDA FOR THE PURCHASE/AND OR LEASE OF VEHICLES FOR THE BELLE ISLE POLICE DEPARTMENT UNDER CONTRACT #060618 SOURCEWELL COOPERATIVE PURCHASING; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

City Manager Francis presented Resolution 21-01. He said this is a resolution to piggyback on a State Contract with Enterprise Fleet Management for the Belle Isle Police Department's purchase or lease. There is a slight change on the date of recommendation by the Budget Committee to February 16, 2021.

Chief Houston gave a brief overview and said the staff has researched what companies most agencies use for their fleets' best practices. The agency's budget is \$100,000 and \$25,000 in maintenance. The BIPD has asked to replace all 21-vehicles with F150's; 7 vehicles on a 1-year lease, 14 vehicles on a 3-year (36,000) lease. The reason for the 1-year lease is because these vehicles will be for administrative use and have minimal equipment on them. The cost-benefit is that it will be sold when it is still under peak price. Chief Houston spoke on the Enterprise process for selling the current fleet with an estimate of \$217,000.

**Comm Carugno moved to adopt Resolution 21-01 as presented.
Comm Partin seconded the motion, which passed unanimously 7:0 upon roll call.**

c. Chief's Report

Chief Houston reported on the following,

- Chief Houston mentioned that she had someone look at the PDs old boat. He stated that the primary reason for the blistering and cracking of the 20-year old boat is that it has been sitting on the water. The estimated repair is approximately \$15,000 and looking into other options. She believes it is not cost-effective to be repairable at this time.
- Community Outreach – Chief Houston thanked all volunteers and said many residents benefited from the event and improved outreach partnerships.
- Annexation – Chief Houston said she has been looking into Stats for the potential annexation areas. She has general ideas and will have additional details at a future meeting.

d. BIPD UCR Verification

- UCR Report – Chief Houston said there had been an overall 20% decrease in crime in the City. She highlighted the high number of stolen vehicles and noted many are from the car rental location (i.e., missing tags and failure to return the car).

9. Mayor's Report

Mayor Fouraker reported on the following,

- Special Events Committee – Wed, February 17 at 6:00 pm.
- Mayor Fouraker gave an update on the See Something; Say Something Event at Palm Squares. He noted that it was a very successful event and was thankful for all the private donations. Mayor Fouraker spoke on the Moratoriums' effect on affordable housing and how it affects the community and law enforcement.
- He said some residents are trying to get the county/NAV Board's attention on the invasive aquatic vegetation on Lake Conway with no recourse. He reminded all that the residents pay MSTU taxes and have the right to the request. He said he would be seeking some clarity on the issue at the upcoming meetings.

10. Council Report

- Comm Nielsen said, for the record, and to clarify some misinformation. She resides at 5006 St. Germaine Avenue today and since her first election. Her son currently lives with her, and she spends time at her daughter's house and takes care of her grandson.
- Comm Partin asked for an update on the WaWa entrance. City Manager Francis said in the last communication with Orange County; they were giving WaWa two options. 1) Reconfigure the existing turn; 2) create a new entrance by

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Wendy's. WaWa asked the City if they are willing to partner in the cost. The City said no. Comm Partin wondered whether the City should send a letter with a timeline. Mr. Francis said he could send it if Council agrees; no decision was made.

- Comm Carugno said the ANAC meeting was canceled due to no interest. He asked that residents with any complaints on airport noise please contact ANAC directly.

He further asked if the City has researched having one zip code for the entire City. Mr. Francis said he spoke with Comm Shuck, who said it may be complicated to do so but will work with staff to start the process.

- Comm Gold said if the City wants to continue using the IPAD for meetings, he has identified a fix for \$150.00 to connect the microphones to the IPAD.

Mayor Fouraker said the staff has advised for an RFP for Audio/Visual. He recalls at the last meeting Council agreed to work with great transparency and accountability to send out the RFP. Once the information is received, it will be compared to the solutions provided by Comm Gold for consideration.

11. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. Motion passed unanimously at 8:00 pm.

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

Meeting Date: March 2, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 21-01 - "After the Fact" (ATF) Permits

Background: The City Council approved the latest change to the ordinance to remove the March 1, 2017 date and allow for the date the ordinance is adopted to be the effective date. The City staff will work with the Orlando Regional Realtors Association on educating the public on permitting.

Staff Recommendation: Adopt Ordinance 21-01.

Suggested Motion: **I move that we adopt Ordinance 21-01.**

Alternatives: Do not change the current code or make additional changes to this ordinance.

Fiscal Impact: TBD

Attachments: Ordinance 21-01 (revised)

ORDINANCE 21-01

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 6, ARTICLE I, SECTION 6-5 – PENALTY FOR FAILURE TO OBTAIN PERMIT; ~~PROVIDING FOR AN AFTER-THE FACT (ATF) PERMIT AND WORKING WITHOUT A PERMIT (WWP) PROCEDURES; PROVIDING FOR FEES AND PENALTIES~~ PROVIDING FOR THE ISSUANCE OF AFTER-THE-FACT PERMITS AND RULES AND PROCEDURES REGARDING REMEDIATION OF WORKING WITHOUT A PERMIT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

SECTION 1

Section. 6-5. - Failure to Obtain Permit.

~~The penalty for failure to obtain a permit required by any code or ordinance adopted by this chapter shall be set at double the permit fee.~~

(a) Definitions:

(1) An After-The-Fact (“ATF”) Improvement is defined as an improvement made to a property ~~prior to March 1, 2017~~, and which improvement has been existing, used, occupied, or otherwise known to the current owner as legal and is not shown, located or identified upon any property record within the permitting department of the city.

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(2) Working Without a Permit (“WWP”) is defined as commencement of an improvement being made or completed to a property after March 1, 2017, and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work, or work identified, observed, or revealed during the course of an investigation or inspection of a valid permit; the work of which was not specifically described on the original permit application for which the permit was issued .:

(b) ATF Permits Procedure:

(1) ATF Purpose:

~~(i).~~ The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the current state of the building, structure, or any component is safe to utilize for its intended use. Many unpermitted improvements were built years ago, and as such, they may not be in compliance with the current Florida Building Codes and the BIMC. An ATF permit is not a substitute for a standard building permit and does not grant permission to make alterations, changes, renovations, or any remodeling improvement. Rather, the ATF permit is intended to be a vehicle to document the existing improvement, legitimize existing improvements through inspections, ensure the unpermitted work is safe or otherwise unlikely to cause immediate harm, and inform any current and future interested parties of the existence of previously unpermitted work and the result of ATF inspections.

~~(ii).~~ The ATF permit program is intended to grandfather unpermitted improvements made prior to March 1, 2017, which improvements have been existing, used, occupied, or otherwise known to the current owner as legal and not shown, located, or identified upon any property record within the city.

~~To assist properties affected by unpermitted improvements, the city establishes this policy to simplify the issuance of permits and simplify the process of inspections for ATF Improvements.~~

(2) ATF Permits:

(i). Obtaining an ATF permit is similar to the process to obtain a regular permit. Improvements made to existing unpermitted improvements do not qualify as ATF Improvements, and require the issuance of additional permits and filing of a Notice of Commencement. The City will provide the applicant with an application marked "ATF" to effectively communicate to any interested party what type of permit was issued.

(ii). The City hereby determines that ATF permits may be obtained without a contract or direct contract as defined in § 713.01, Florida Statutes, and therefore, the filing of a Notice of Commencement is not required prior to the first inspection. Such improvements, where constructed prior to March 1, 2017, are assumed to have been existing, used, occupied, or otherwise known to the current owner as legal and not requiring any further improvements.

(3) ATF Inspections:

(i). Once the permit is issued, the permit applicant must obtain their necessary approved final inspections.

(ii). The City will schedule ATF final inspections once the ATF permit is issued. Additional inspections may require the issuance of separate permits.

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(iii). ~~Alternative inspections, as described in Section (5), may be granted as determined by the building official or City Manager~~An applicant may opt to have an .

(iv). The building official is authorized to impose current applicable, technical code requirements if his or her inspection reveals the current state of the building, structure, or any component thereof is not safe to utilize for its intended use. Additional work may require the issuance of separate permits.

(v). Inspectors may require the removal of materials (at the applicant’s cost) to verify internal components are sufficient for their intended use.

(vi). At the inspectors’ ~~reasonable~~ discretion, approval may be granted if the building, structure, or any component has withstood the test of time; there’s no evidence of hazard, rot, or decay; the building system components are sufficiently operating without interruption, and the building or structure is structurally sound.

(vii). Appliances and equipment may be ~~considered~~ approved if they are installed in a manner substantially consistent with the code, meaning that the installation of such appliances or equipment meets the intent of the code for life safety and fire resistance purposes.

(4) ATF Alternative Method of Inspection:

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(i). LICENSED PROFESSIONAL AFFIDAVIT - Once the ATF permit is issued the property owner may select to have an outside inspection service, architect, or professional engineer visit the site to conduct and provide third party inspections. Such third-party inspector must be qualified as a building code inspector licensed in the appropriate category pursuant to Part XII of Chapter 468, Florida Statutes.

(ii). THIRD PARTY INSPECTION - The third party inspector shall submit an sworn affidavit to the building official, which must including include -copies of relevant inspection reports and a final certificate certifying that the ATF improvement(s), including the structure, electrical, gas, mechanical, or plumbing system, has/have been erected in accordance with the requirements of the technical codes inspection criteria established in Section 6-5(b)(3) of this code.

~~(iii). The building official must require verification that any person conducting inspections pursuant to this ordinance is qualified as a building code inspector licensed in the appropriate category pursuant to Part XII of Chapter 468, Florida Statutes.~~

~~(iv). The third party inspection service, architect, or professional engineer must assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances.~~

~~(v). The building official may consider granting administrative variations of this policy/procedure; however, any such variation from this policy or procedure will not~~

1 ~~be interpreted as setting precedent or waiving the city's rights pursuant to this~~
2 ~~ordinance.~~

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4 ~~(5) ATF Fines/Penalties:~~

5 ~~i. ATF fine is the cost of the permit plus any inspection costs related to the permit.~~

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7 (c) WWP Procedure.

8 (1) ~~WWP Purpose and Definition. Working without a permit (WWP) requires retroactive~~
9 ~~remediation of the failure to obtain a permit, including the filing of a Notice of~~
10 ~~Commencement, before a WWP permit may be issued. Working without a permit (WWP) is~~
11 ~~defined as the commencement of an improvement made or completed to a property after~~
12 ~~March 1, 2010 and prior to the issuance of a permit; the improvement of which may include~~
13 ~~building, electrical, gas, mechanical, plumbing, or roofing work or work identified, observed,~~
14 ~~or revealed during the course of an investigation or inspection of a valid permit; the work of~~
15 ~~which was not specifically described on the original permit application for which the permit~~
16 ~~was issued. In this instance, the permit applicant will be required to stop their current~~
17 ~~improvement and obtain approval of their revisions from the building official prior to~~
18 ~~recommencing their project. This may also require the permit applicant to get another permit~~
19 ~~for any improvement not included with the original description of work.~~

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21 ~~(2) WWP Permit Fee. In all cases where work for which a permit is required is started,~~
22 ~~proceeded with, or completed before the permit is obtained, except where specific~~
23 ~~permission is granted to proceed by the City Manager or the City Manager's designee, the~~
24 ~~permit fee due the city shall be as follows:~~

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~~i. \$500 and double the cost of the permit fee plus all costs related to the issuance of the permit and inspections.~~

~~ii. Payment of the after-the-fact permit fee shall not be a defense in a prosecution for doing the work for which a permit was required without having first obtained the necessary permit.~~

~~(3)(2)~~ WWP Generally:

i. The process of obtaining a permit for work started prior to the issuance of a permit is the same process used to obtain a regular permit. The applicant is required to create 2-sets of construction documents, which includes at a minimum a site plan, floor plan, exterior elevations, and structural connection details. All such information is required in order to obtain a permit.

ii. Improvements made to buildings, structures, or properties must be in compliance with the Florida Building Code. The Florida Building Code (FBC) applies to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every public and private building, structure or facility, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures must comply with the applicable provisions provided in the FBC.

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iii. Properties Located Within Designated Flood Zones: Improvements located within a designated flood zone must be in compliance with the federal flood regulations, technical bulletins, and ~~applicable Flood Damage Prevention ordinance found in Chapter 48, Article IV, of the City’s Municipal Code~~any other applicable state and local regulations pertaining to construction within such zones. Such improvements must be brought into compliance during this process.

~~(4)~~(3) WWP Notice of Commencement: Permits for projects classified as WWP will not be issued without filing a Notice of Commencement.

~~(5)~~(4) WWP Permits: The following procedures must be followed to obtain permits and inspections for work begun and/or completed without first obtaining any required permits as indicated herein:

i. If plans are required, they will be received and logged-in for plan review by the city. City staff will determine if plans must be formally submitted or reviewed over the counter. The plans submitted will be required to meet requirements for new construction.

ii. The City will provide permit applicants a job placard marked “WWP” to effectively communicate to any interested party what type of permit was issued.

(6) Inspections:

1 i. Upon issuance of the permit(s), the permit applicant must schedule the most
2 appropriate type of inspection(s), based on the scope of work, within 30 days from the
3 issuance of a permit.

4
5 ii. The applicant will be responsible to open and expose areas for inspection. All affected
6 areas must be readily accessible for inspections.

7
8 iii. -WWP inspections may require the removal of materials to sufficiently conduct any
9 inspection. The inspector may require removal of sufficient materials to expose the
10 major elements.

11
12 iv. Any work found in noncompliance will be rejected and the applicant will be asked to
13 complete or rework the deficiencies.

14
15 v. The applicant will be responsible for the costs of the inspection.

16
17 (7) Authority of the Building Official. The building official may consider granting variations of this
18 policy/procedure yet, variation from this policy/procedure will not be interpreted as setting a
19 precedent or constituting a waiver of the requirements of this ordinance.

20
21 (d) ATF and WWP Permit Fees/Penalties:

22
23 (1) The fee for an ATF permit is the cost of the permit plus any inspection costs related to
24 inspections conducted by the city in accordance therewith.

25

1 (2) The fee for a WWP permit is \$500 plus double the cost of the applicable permit fee plus all
 2 costs related to the city’s issuance of the permit and inspections. Mere payment of a WWP
 3 fee may not be used as a defense in a Code Enforcement or other similar case for
 4 performing work for which a permit was required without having first obtained a necessary
 5 permit. Full and timely compliance with this code is required.

6 (e) Additional Procedures and Regulations: The City Council may, by Resolution, provide for further
 7 clarification of or additional procedures for this section 6.5 – Failure to Obtain Permit as may be
 8 necessary, so long as such clarifications or procedures are not inconsistent with this section 6.5 or
 9 the City’s code.

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

16
 17 SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this
 18 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
 19 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate,
 20 distinct and independent provision, and such holding shall not affect the validity of the remaining portions of
 21 this Ordinance.

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1 SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance
2 or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable under the
3 law.

4
5 SECTION 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the
6 City Council of the City of Belle Isle, Florida.

7
8 First Reading on _____, _____, 2021.

9 Second Reading and Adoption this _____ day of _____, 2021.

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12

	YES	NO	ABSENT
13			
14 Ed Gold	_____	_____	_____
15 Anthony Carugno	_____	_____	_____
16 Karl Shuck	_____	_____	_____
17 Mike Sims	_____	_____	_____
18 Harvey Readey	_____	_____	_____
19 Jim Partin	_____	_____	_____
20 Sue Nielsen	_____	_____	_____

21

22 ATTEST:

23 _____

24 Yolanda Quiceno, CMC

Nicholas Fouraker, Mayor

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1 City Clerk

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4 Approved as to form and legality

5 For use and reliance by the City

6 Kurt Ardaman, City Attorney

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STATE OF FLORIDA

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COUNTY OF ORANGE

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I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 20-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 20____, at which session a quorum of its members were present.

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Yolanda Quiceno, CMC-City Clerk

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ORDINANCE 21-01

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 6, ARTICLE I, SECTION 6-5 – PENALTY FOR FAILURE TO OBTAIN PERMIT; PROVIDING FOR THE ISSUANCE OF AFTER-THE-FACT PERMITS AND RULES AND PROCEDURES REGARDING REMEDIATION OF WORKING WITHOUT A PERMIT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

SECTION 1

Section. 6-5. - Failure to Obtain Permit.

~~The penalty for failure to obtain a permit required by any code or ordinance adopted by this chapter shall be set at double the permit fee.~~

(a) Definitions:

(1) An After-The-Fact (“ATF”) Improvement is defined as an improvement made to a property, and which improvement has been existing, used, occupied, or otherwise known to the current owner as legal and is not shown, located or identified upon any property record within the permitting department of the city.

1 (2) Working Without a Permit (“WWP”) is defined as commencement of an improvement being made to a
2 property, and prior to the issuance of a permit; the improvement of which may include building, electrical,
3 gas, mechanical, plumbing, or roofing work, or work identified, observed, or revealed during the course of an
4 investigation or inspection of a valid permit; the work of which was not specifically described on the original
5 permit application for which the permit was issued .

6 (b) ATF Permits:

7 (1) ATF Purpose:

8 The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the
9 current state of the building, structure, or any component is safe to utilize for its intended use. Many
10 unpermitted improvements were built years ago, and as such, they may not be in compliance with the
11 current Florida Building Codes and the BIMC. An ATF permit is not a substitute for a standard building
12 permit and does not grant permission to make alterations, changes, renovations, or any remodeling
13 improvement. Rather, the ATF permit is intended to be a vehicle to document the existing
14 improvement, legitimize existing improvements through inspections, ensure the unpermitted work is
15 safe or otherwise unlikely to cause immediate harm, and inform any current and future interested
16 parties of the existence of previously unpermitted work and the result of ATF inspections.

17

18 (2) ATF Permits:

19 (i). Obtaining an ATF permit is similar to the process to obtain a regular permit.
20 Improvements made to existing unpermitted improvements do not qualify as ATF
21 Improvements, and require the issuance of additional permits and filing of a Notice of
22 Commencement. The City will provide the applicant with an application marked
23 “ATF” to effectively communicate to any interested party what type of permit was
24 issued.

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(ii). The City hereby determines that ATF permits may be obtained without a contract or direct contract as defined in § 713.01, Florida Statutes, and therefore, the filing of a Notice of Commencement is not required prior to the first inspection. Such improvements, where constructed prior to March 1, 2017, are assumed to have been existing, used, occupied, or otherwise known to the current owner as legal and not requiring any further improvements.

(3) ATF Inspections:

(i). Once the permit is issued, the permit applicant must obtain their necessary approved final inspections.

(ii). The City will schedule ATF final inspections once the ATF permit is issued. Additional inspections may require the issuance of separate permits.

(iii). An applicant may opt to have an .

(iv). The building official is authorized to impose current applicable, technical code requirements if his or her inspection reveals the current state of the building, structure, or any component thereof is not safe to utilize for its intended use. Additional work may require the issuance of separate permits.

(v). Inspectors may require the removal of materials (at the applicant’s cost) to verify internal components are sufficient for their intended use.

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(vi). At the inspectors' reasonable discretion, approval may be granted if the building, structure, or any component has withstood the test of time; there's no evidence of hazard, rot, or decay; the building system components are sufficiently operating without interruption, and the building or structure is structurally sound.

(vii). Appliances and equipment may be approved if they are installed in a manner substantially consistent with the code, meaning that the installation of such appliances or equipment meets the intent of the code for life safety and fire resistance purposes.

(4) ATF Alternative Method of Inspection:

(i). LICENSED PROFESSIONAL AFFIDAVIT - Once the ATF permit is issued the property owner may elect to have an outside inspection service, architect, or professional engineer visit the site to conduct and provide third party inspections. Such third-party inspector must be qualified as a building code inspector licensed in the appropriate category pursuant to Part XII of Chapter 468, Florida Statutes.

(ii). THIRD PARTY INSPECTION - The third party inspector shall submit a sworn affidavit to the building official, which must include copies of relevant inspection reports and a final certificate certifying that the ATF improvement(s), including the structure, electrical, gas, mechanical, or plumbing system, has/have been erected in accordance with the inspection criteria established in Section 6-5(b)(3) of this code.

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(c) WWP Procedure.

(1) WWP Purpose. Working without a permit (WWP) requires retroactive remediation of the failure to obtain a permit, including the filing of a Notice of Commencement, before a WWP permit may be issued.

(2) WWP Generally:

i. The process of obtaining a permit for work started prior to the issuance of a permit is the same process used to obtain a regular permit. The applicant is required to create 2-sets of construction documents, which includes at a minimum a site plan, floor plan, exterior elevations, and structural connection details. All such information is required in order to obtain a permit.

ii. Improvements made to buildings, structures, or properties must be in compliance with the Florida Building Code. The Florida Building Code (FBC) applies to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every public and private building, structure or facility, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures must comply with the applicable provisions provided in the FBC.

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iii. Properties Located Within Designated Flood Zones: Improvements located within a designated flood zone must be in compliance with the federal flood regulations, technical bulletins, and any other applicable state and local regulations pertaining to construction within such zones. Such improvements must be brought into compliance during this process.

(3) WWP Notice of Commencement: Permits for projects classified as WWP will not be issued without filing a Notice of Commencement.

(4) WWP Permits: The following procedures must be followed to obtain permits and inspections for work begun and/or completed without first obtaining any required permits as indicated herein:

i. If plans are required, they will be received and logged-in for plan review by the city. City staff will determine if plans must be formally submitted or reviewed over the counter. The plans submitted will be required to meet requirements for new construction.

ii. The City will provide permit applicants a job placard marked "WWP" to effectively communicate to any interested party what type of permit was issued.

(6) Inspections:

i. Upon issuance of the permit(s), the permit applicant must schedule the most appropriate type of inspection(s), based on the scope of work, within 30 days from the issuance of a permit.

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- ii. The applicant will be responsible to open and expose areas for inspection. All affected areas must be readily accessible for inspections.
- iii. WWP inspections may require the removal of materials to sufficiently conduct any inspection. The inspector may require removal of sufficient materials to expose the major elements.
- iv. Any work found in noncompliance will be rejected and the applicant will be asked to complete or rework the deficiencies.
- v. The applicant will be responsible for the costs of the inspection.

(7) Authority of the Building Official. The building official may consider granting variations of this policy/procedure yet, variation from this policy/procedure will not be interpreted as setting a precedent or constituting a waiver of the requirements of this ordinance.

(d) ATF and WWP Permit Fees/Penalties:

- (1) The fee for an ATF permit is the cost of the permit plus any inspection costs related to inspections conducted by the city in accordance therewith.
- (2) The fee for a WWP permit is \$500 plus double the cost of the applicable permit fee plus all costs related to the city’s issuance of the permit and inspections. Mere payment of a WWP fee may not be used as a defense in a Code Enforcement or other similar case for performing work for which a permit was required without having first obtained a necessary permit. Full and timely compliance with this code is required.

1 (e) Additional Procedures and Regulations: The City Council may, by Resolution, provide for further
2 clarification of or additional procedures for this section 6.5 – Failure to Obtain Permit as may be
3 necessary, so long as such clarifications or procedures are not inconsistent with this section 6.5 or
4 the City’s code.

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

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

17
18 SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance
19 or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable under the
20 law.

21
22 SECTION 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the
23 City Council of the City of Belle Isle, Florida.

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First Reading on _____, _____, 2021.

Second Reading and Adoption this _____ day of _____, 2021.

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

ATTEST:

_____	_____
-------	-------

Yolanda Quiceno, CMC	Nicholas Fouraker, Mayor
City Clerk	

Approved as to form and legality

For use and reliance by the City

Kurt Ardaman, City Attorney

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STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 20-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 20____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk



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

Meeting Date: March 2, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: P&Z Board Recommendation to Change Sign Code

Background: On February 23, 2021, the P&Z Board reviewed the changes to the sign code recommended by the staff. This change deals with temporary signs and brings the sign code into compliance with federal guidelines for eliminating regulation by content based signage.

Staff Recommendation: Review the draft ordinance and if not changes need to be made, approve the P&Z recommendation and move the ordinance to the first reading

Suggested Motion: I move that we approve the recommendation of the P&Z Board to change the Sign Code.

Alternatives: Make additional changes to the code.

Fiscal Impact: N/A

Attachments: Draft Ordinance

ORDINANCE NO. 21-02

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

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

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

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

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

Sec. 52-2. - Definitions.

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

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

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

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

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

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

electronically, mechanically or manually without altering the sign structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

sign means a sign which has a revolving sign face.

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

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

~~(a) Prohibitions.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(d) Political campaign signs.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

materials per street frontage.

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

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

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

Sec. 52-36. - Severability.

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

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

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

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

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

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

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

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

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

FIRST READING: _____, 2021

SECOND READING: _____, 2021

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

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

City Council

City of Belle Isle

ATTEST: _____

Yolanda Quiceno, CMC
City Clerk

Nicholas Fouraker, Mayor

Kurt Ardaman, City Attorney

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

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 21-02 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 20____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

S:\DL\Clients\Belle Isle, City of\General B900-29001\Sign Code\Ordinance amending sign code.doc



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

Meeting Date: March 2, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 21-03 Allow School Buses on Hoffner, First Reading

Background: BIMC Section 30-3 states: Vehicles in excess of six tons (12,000 GVWR—gross vehicle weight rating) are prohibited from traveling on Hoffner Avenue within the city unless for a local delivery within the neighborhoods abutting Hoffner Avenue within the city. This is to prevent large and heavy trucks from travelling on Hoffner and possibly damaging the bridge.

Orange County Public School Transportation Service Manager, Adam Zubritsky, contacted me to ask if the City could change the code to allow for school buses to travel on Hoffner because they have a few stops to make in order to pick up students. The average school bus weighs in excess of 14,000 pounds and therefore the City has restricted school buses from travelling on Hoffner Avenue.

In researching the bridge weight limits, according to DOT, the bridge is rated to 32 metric tons (35 US tons) and therefore the school buses do not exceed this weight restriction. School buses also do not pose the same problems that the City has with larger trucks.

This change would also be beneficial in the event that Cornerstone Charter Academy were to ever start providing transportation to its students.

If approved, the staff will develop the proper ordinance.

Staff Recommendation: Change the code to exempt school buses from the Hoffner restriction.

Suggested Motion: I move that we move Ordinance 21-03 to a second reading at the March 16, 2021 Council meeting.

Alternatives: Do not change the code.

Fiscal Impact: N/A

Attachments: Ordinance 21-03

ORDINANCE 21-03

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE MUNICIPAL CODE, CHAPTER 30, ARTICLE I, SECTION 30-3 – HEAVY TRUCKS PROHIBITED ON CERTAIN STREETS; PROVIDING FOR SCHOOL BUSES TO TRAVEL ON HOFFNER AVENEUE FOR DROP-OFF AND PICK-UP OF STUDENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

SECTION 1

Section 30-3. - Heavy trucks prohibited on certain streets.

(b) Vehicles in excess of six tons (12,000 GVWR—gross vehicle weight rating), with the exception of school buses that are picking up or dropping off students, are prohibited from traveling on Hoffner Avenue within the city unless for a local delivery within the neighborhoods abutting Hoffner Avenue within the city.

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

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

6
7 SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance
8 or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable under the
9 law.

10
11 SECTION 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the
12 City Council of the City of Belle Isle, Florida.

13
14 First Reading on _____, _____, 2021.

15 Second Reading and Adoption this _____ day of _____, 2021.

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

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ATTEST:

Yolanda Quiceno, CMC

Nicholas Fouraker, Mayor

City Clerk

Approved as to form and legality

For use and reliance by the City

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 20-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 20____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk



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

Meeting Date: March 2, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance and Resolution to allow At-Large Appointments

Background: The City has had difficulty with filling vacancies on the several advisory boards. Two of the Boards, Planning and Zoning (P&Z) and Budget Committee currently have their vacancies filled by District appointment. Both boards have vacancies that are approaching a year. The City has had interest from volunteers who would like to serve; however that District seat is already filled. The City advertised many times for a candidate; however no one from those Districts applied.

The process for P&Z Board appointments is under the BIMC and therefore should be changed by ordinance. The Budget Committee was created by resolution and should be changed by resolution.

Staff Recommendation: The staff recommends changing the process for filling vacancies on these Boards to allow for at-large appointments, if after advertising by District, no volunteers from that District apply for the position.

Suggested Motion: I move that we move forward with the Ordinance to allow for At-Large Appointments to the Planning & Zoning Board and Adopt Resolution 21-02 to allow for At-Large Appointments to the Budget Committee.

Alternatives: Do not make changes

Fiscal Impact: None

Attachments: Resolution 21-02
Draft Ordinance to Change BIMC

Resolution 21-XX

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING RESOLUTION 19-18 GOVERNING THE CITY’S BUDGET ADVISORY COMMITTEE; PROVIDING FOR THE FILLING OF VACANCIES ON THE BUDGET ADVISORY COMMITTEE; PROVIDING FOR APPOINTMENT OF AT-LARGE MEMBERS IF NO CANDIDATES FROM WITHIN THE RELEVANT DISTRICT APPLY; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

SECTION 1. Amendment of City Resolution 19-18. Subsections 4.A. and Section 9 of Resolution 19-18 are hereby amended as follows (underlining represents new additions; stars * * * * * represent breaks between sections and subsections and do not represent changes):

Section 4. Qualifications and terms of appointed members.

Appointments to the committee are made by the city council after an application is filed with the city clerk. Appointments are made by District. Appointed members:

A. Must be a resident from each of the city's districts unless no candidate from the relevant district is available, including candidates to fill vacancies appointed according to Section 9;

* * * * *

Section 9. Removal/vacancies of citizen members.

1 Citizen members serve at the pleasure of city council and may be removed by a majority vote of the
 2 city council. A member who is absent from three consecutive meetings without the permission of the
 3 presiding officer is presumed to be in nonperformance of duty, and the city council may declare the
 4 position vacant. All committee vacancies shall be filled by the council, for the unexpired term, for the
 5 remainder of the term within 45 days after the vacancy occurs. The vacancy will be advertised to fill
 6 the vacancy by District; however if no candidates apply from the District for that District vacancy, the
 7 Council may fill the vacancy from at-large candidates regardless of District residency.

8
 9 **SECTION 2. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of
 10 this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
 11 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct
 12 and independent provision, and such holding shall not affect the validity of the remaining portions of this
 13 Resolution.

14
 15 **SECTION 3. Conflicts.** In the event of a conflict or conflicts between this Resolution and any other
 16 resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under the law.

17
 18 **SECTION 4. Effective Date.** This Resolution shall take effect upon its adoption.

19
 20 ADOPTED this ____ day of _____, 2021

21
 22 ATTEST: _____

23 Yolanda Quiceno
 24 CMC-City Clerk

 Nicholas Fouraker
 Mayor

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STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document RESOLUTION 19-18 was duly and legally passed by the Belle Isle City Council, in session assembled on the 15th day of October 2019, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

ORDINANCE 21-XX

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 42, ARTICLE II, SECTION 42-32 – PLANNING AND ZONING BOARD; PROVIDING FOR THE APPOINTMENT AND FILLING OF VACANCIES ON THE BOARD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

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

SECTION 1. Land Development Code Amendment. Subsections 42-32(a) and 42-32(b)(3) of the City Land Development Code are hereby amended as follows (underlining represents new additions; stars * * * * * represent breaks between sections and subsections and do not represent changes):

Sec. 42-32. - Planning and zoning board.

(a) *Establishment and composition*. The council is hereby empowered to establish a planning and zoning board and appoint the members thereto to render decisions as to special exceptions and variances and to act in an advisory capacity to the council on other planning and zoning matters in the city. The planning and zoning board shall consist of seven members, to be appointed in the following manner:

- (1) One resident from each of the city's districts unless no candidate from the relevant district is available, including candidates appointed to fill vacancies according to Subsection 42-32(b)(3);
- (2) No more than two members shall be of the same occupation or profession; and

(3) No more than two members shall be employed by the same employer.

* * * * *

(b) *Office of planning and zoning board member.*

* * * * *

(3) *Vacancies on the board.* Any vacancy occurring during the unexpired term of office of any member of the planning and zoning board shall be filled by the council for the remainder of the term within 45 days after the vacancy occurs. The vacancy will be advertised to fill the vacancy by District; however if no candidates apply from the District for that District vacancy, the Council may fill the vacancy from at-large candidates regardless of district residency.

* * * * *

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

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

1 **SECTION 4. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other
2 ordinance or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable
3 under the law.

4
5 **SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon adoption
6 by the City Council of the City of Belle Isle, Florida.

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8 First Reading on _____, _____, 2021.

9 Second Reading and Adoption this _____ day of _____, 2021.

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

ATTEST:

Yolanda Quiceno, CMC

Nicholas Fouraker, Mayor

1 City Clerk

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4 _____
Approved as to form and legality

5 For use and reliance by the City

6 Kurt Ardaman, City Attorney

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STATE OF FLORIDA

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COUNTY OF ORANGE

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I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 20-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 20____, at which session a quorum of its members were present.

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Yolanda Quiceno, CMC-City Clerk

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

Meeting Date: March 2, 2020

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Dock at 5842 Cove Drive – Noncompliance

Background: On November 4, 2020, the City Council passed a motion to require the property owner, Jeff Giles, to deny the appeal of Public Hearing 2020-08-006 application for a variance by Jeffrey Giles, 5842 Cove Drive, Belle Isle, FL 32812. Council also passed a motion that the dock located at 5842 Cove Drive be brought into conformance with Section 48 of the BIMC by applying for and receiving an approved permit within 90-days of the date of this hearing and constructing the dock within 6-months of the date of the permit.

The 90-day period has passed even though Mr. Giles was given an additional two weeks to comply.

Staff Recommendation: Start the process to have Mr. Giles dock brought into conformance with the code to include the possibility of taking down the dock.

Suggested Motion: I move that the staff take the necessary steps to bring the dock belonging to Jeffrey Giles, 5842 Cove Drive, Belle Isle, FL 32812 into compliance with Section 48 of the BIMC or have the dock removed.

Alternatives: Allow the dock to remain with not further action and let the dock continue to be a noncompliant with the code.

Fiscal Impact: TBD if the City is forced to remove the dock.

Attachments: Letters to Mr. Giles
BIMC 48-35



CITY OF BELLE ISLE, FLORIDA

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

February 4, 2021

Jeffrey Giles
5842 Cove Dr.
Belle Isle, FL 32809

RE: Boat Dock

Dear Mr. Giles:

At the Council meeting held on November 4, 2020, the City Council passed a motion denying your variance request for your boat dock and that you must bring the dock into compliance with the BIMC, Section 48. To do so, you had 90 days to apply for a permit and the construction of the dock had to be done within 6 months of the issue date of the permit. The 90-day period has expired and you have not applied for, or received, the permit. Attached is an excerpt from the minutes of the City Council Meeting.

Due to delays brought about by COVID-19, I am extending this 90-day period until February 24, 2021. If you do not have an approved permit by that time, I will request that the City Council issue a directive to have the Code Enforcement Officer issue daily fines according to the code and pursue any other legal remedy until the dock is brought into compliance with the Code. If you have any questions regarding this letter, please do not hesitate to contact me. If you have questions regarding the permit process, please contact the City Planner, April Fisher, at aprilfisher73@gmail.com. Thank you.

Sincerely,

Bob Francis, ICMA-CM
City Manager



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
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February 4, 2021

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RE: Boat Dock

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Sincerely,

Bob Francis, ICMA-CM
City Manager

Comm Gold asked how the applicant can rectify the wrong without costing the applicant a high cost; what harm has it caused. City Manager Francis said the harm caused was that the rules were not followed. The applicant has violated the Code on numerous occasions, and in this instance, the abutting docks have caused a navigational safety hazard.

Comm Carugno shared his concern with the extended walkway and the pictures that show a pump on the beach and lights on the dock. The amount of work on the dock is way over the amount that was written in the permit. Comm Carugno said there is a lot more unpermitted work done in the City, and if the Council lets this go, it is opening a Pandora’s Box.

Comm Nielsen moved to deny the appeal of Public Hearing 2020-08-006 application for a variance by Jeffrey Giles, 5842 Cove Drive, Belle Isle, FL 32812. She also moved that the dock located at 5842 Cove Drive be brought into conformance with Section 48 of the BIMC by applying for and receiving an approved permit within 90-days of the date of this hearing and constructing the dock within 6-months of the date of the permit.

Comm Sims seconded the motion, which passed unanimously by roll call 7:0.

CONSENT ITEMS

- a. Approval of the October 6, 2020, City Council minutes.
- b. Approval of the October 20, 2020, City Council minutes.

**Comm Shuck moved to approve Consent Items a and b as presented.
Comm Gold seconded the motion, which passed unanimously upon roll call 7:0.**

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.
There being no comments presented, Mayor Fouraker closed citizen comments.

UNFINISHED BUSINESS

Proposed Ordinance to change “After-the-Fact” permits and fines

Mr. Francis said, as a result of the October 20, 2020 meeting, the Council directs that the staff research what other municipalities provide in the way of penalties associates with after-the-fact fees. He offered a list of approx 10-cities that currently apply after-the-fact fees. He spoke of an existing violation of Seminole. To reiterate, he said permits are essential because they provide a permanent record of work and inspections on a project. He asked Council three questions.

1. Does the Council want to have a date of March 1, 2010, as discussed or the date of the Ordinance adoption?
2. Does the Council want to have both the After-The-Fact permit and Work-Without-Permit permit or just an ATF permit?
3. What is considered a fair penalty but strong enough to dissuade residents from applying for a permit?

**Comm Carugno moved to accept the staff recommendation to increase the after-the-fact penalty and direct that the appropriate Ordinance be drafted for a first reading.
Comm Sims seconded the motion for discussion.
Comm Gold said he would like to see the penalty breakdown as simple and sufficiently painful and be based on double the permit fee and triple the after-the-fact fee.
After discussion, the motion passed unanimously upon roll call 7:0.**

NEW BUSINESS

Donation Request for Pioneer Days

**Comm Nielsen motioned to sponsor \$600.00 to the Pine Castle Pioneer Days for the acoustic stage.
Comm Gold seconded the motion, which passed unanimously upon roll call 7:0.**

**Belle Isle Issues Log
3/2/21**

a.

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Street Paving	The City staff will conduct a street assessment to determine the pavement conditions and determine if the prior assessment is still valid. When complete, the staff will set-up a Capital Improvement Program for street paving. Program	7/1/2020	PW/CM	TBD	The City has been successful in paving several streets over the past few years; most recently the area around City Hall.	2021 Goal: City to conduct Pavement Assessment and develop CIP for paving (next Fiscal Year). Continue to work toward goal
Storm Drainage	The City Engineer recently completed an assessment of the storm system. Some trouble spots have been corrected (Wind Drift, Derine, Chiswick) CM and Finance Director developed Storm Water CIP	4/3/2017	ENG/CM	TBD	Stormwater CIP was developed and reviewed by Budget Committee, who recommend approval. City staff to start reconditioning swales in trouble areas. Work at Jade Circle Swales done. 1631 Wind Willow (completed). Pipe lining on St. Moritz and Jade completed.	Plans still being developed for Sol avenue, St. Partin Outfall and Stafford& Pam drainage and Barby Lane drainage. Working with Nav Bd staff for some funding for projects. (SEE ATTACHMENT)
Traffic Studies	Increased traffic in and through Belle Isle prompted the Council to allocate funds for city-wide traffic study to improve traffic flow. Study was done and resulting Traffic Master Plan was adopted by Council. Due to the City's membership in Metroplan Orlando, they are conducting additional studies focusing on Hoffner Ave.	4/3/2017	CM/Eng.	Sept. 2020	City's TMP completed and adopted. Metroplan study is nearing completion. Hoffner median constructed but still needs additional work. WaWa to reconfigure entrance (Working on permit with OC). Citizen feedback sent back to MetroPlan. Metroplan Consultant to work toward finalizing report.	Install RRFB at Monet/Hoffner crosswalk (expected completion date is March 27, 2021). Open House at BoA building (2/25/21) to show possible Projects for traffic calming on major roads. Update on Open House
Wallace Field	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2020	Use Agreement adopted. CCA planning park site plan. CCA/City staff met to go over site plan requirements. CCA working with City Planner for site plan submission. CCA completed site plan. Council approved site plan concepts.	P&Z decision granting special exception was approved by City Council. The site plan review will be scheduled for Planning and Zoning Meeting on March 23, 2021.

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City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at options on how to acquire property.	3/20/2018	CM	8/31/2020	Cross lake purchase is on hold until County reschedules PH. Mayor/CM to meet with Commissioner Uribe and Adjacent property owner on Cross Lake on March 4. CM/Comm. Cross Lake Property deed recorded and improvements made (closed). BoA agreement finalized.	Financing complete. PSA executed by Mayor and BoA. BoA is now owned by the City. Discuss possible open house.
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues. CM sent memorandum to CCA outlining conditions for refinancing . CCA discussed and rejected all the conditions sent by Council.	New Lease draft sent to Budget Committee for review. Budget Committee reviewed draft lease. Consultant is researching rent (should be completed next month).
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do. P&Z Board looking at possible changes to fence/wall requirements. Discussion of sidewalk maintenance. Ordinance adoption for Home Occupation and Golf Carts.	On-going as needed. New temporary sign provisions to be discussed at the P&Z Board Meeting on 2/23. ATF Permit ordinance for 2nd reading (agenda items)
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	City Manager and Planner to review 2009 Comp Plan for errors discovered in Zoning Map. No Update
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/28/2020	Council determined the priority to annex. Planner completed 1st report. City Staff reviewing.	CM and Mayor met with Management Company for Publix Shopping Center. CM to met with private owner for annexation of 5 acres. Sienna on hold until HOA elections (No Update)
Lake Conway Issues	Residents have complained that Lake Conway is unsafe due to speeding of PWCs and issues with wake boats. Council would like more local control over the lake.	6/1/2019	CM, CA, Chief	10/1/2020	City Attorney looking at how other communities have control of lakes. Staff drafting an ordinance for No Wake Zones. City waiting for County to meet with stakeholders.	Draft ordinance is put on hold for now. City/OCSO looking at other avenues to allow enforcement. Lobbyist Proposals to be reviewed by BC. Canoe Trail & Swim Ordinances on hold

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IT Issues	City Council wants Staff to research changes in IT from Gmail back to Outlook	8/6/2019	City Clerk Chief	10/1/2020	City staying with Gmail. City has new pages on website for financial transparency and new work order tracking program.	City doing ADA conversion. City Clerk working with ADA compliance company. New website developed & ADA compliant. RFP out for Chambers A/V. Comm. Gold also looking at A/V issue
Grady (Lancaster) House	PCHS requested the Council not demolish Grady House and give up to a year to have it moved.	2/5/2019	CM	12/5/2020	Discussion at PCHS. CM contacted State Historic Office on house and homestead and getting it registered on National Registry. Council directed PCHS top provide dates for moving the house and for renovations. PCHS responded to council stating they will not be moving or taking the house. Council set deadline of July 1, 2020 to have the house removed. Neighbor is working to get approvals to move the House to 5817 Randolph so it can be donated to her. Council extended deadline until September 1. Duke contacted for moving wires; quotes received for moving house; met with possible new owner; National Registry Application moving forward. Need cooperation of County to annex property across Waltham.	Comm. Uribe will work with property owner to get OC variances. Private property owner was contacted by OC District 3 Office. City will assist where possible. Private property owner applying to County for variances to relocate the house. (No update)

Drainage Issues/Possible Steps to resolve

Barby Lane Issue: Basin and pipe undersized for this area. Flooding occurs in moderate to heavy rains.

Solution: Current system is undersized for contributing area. Solution in three-parts/phases:

- (1) Remove and replace existing system between 6921 and 6915 Barby – system replacement to be upsized (TBD);
- (2) Add a drainage basin and piping at intersection of Indian and Barby;
- (3) Add another basin and piping in the vicinity of Warren Park Road and Barby.

City Engineers are working with Duke Energy to determine if a new basin and pipe can be installed in their utility easement between 7009 and 7015 Barby. Surveying started to determine placement of new systems. If the new basin cannot be done in this location (TBD), the basin may be placed on Warren Park Road and runoff will be piped back to the Daetwyler swales.

City Engineers are developing plans to add a basin on SW corner of Indian and run pipe across Indian to take runoff north to canal.

Stafford/Pam: Heavy flooding in intersection. Slow to drain.

Solution: City Engineers to provide sketches for drainage solutions with opinion of costs. There may be potential to provide a solution in phases.

City to clean/camera underdrain to determine functionality.

Potential remediation efforts were discussed that included:

- Adding clean-outs every 150-200 feet to underdrain.
- Excavate swales on N side of 1639 Pam to 1728 Stafford. Inspect underdrain. Add stone around underdrain.
- Install 18” or larger perforated pipes (depending on depth) to connect with underdrain or have solid pipe 24” or larger connected to underdrain. Add sod.
- Install drainage basins at intersection. Run pipe from E basin to W basin.
- Add cleanouts to underdrain on Pam at 1639 Pam (S of driveway); 1645 Pam @ 60-feet S of driveway and basin at 1705 Pam. Clean underdrain.
- Excavate swale @ 1639 Pam and first 100 feet S of 1645 Pam and install 24” pipes as above.

Colleen/Dewayne: Moderate flooding. Swales overgrown; water sits in driveway channels.

Solution: Recondition swales by removing sod and excavating dirt/muck to deepen channel. Add new sod.

Clean channel across Dewayne.

Public Works maintenance project. City Engineers on stand-by/hold.

1631 Wind Willow: Swales don't drain; water sits in driveway channels.

Solution: Excavate to expose underdrain @ 1649 Wind Willow. Inspect for damage. If damaged repair and charge property owner. If intact, install small catch basins (Home Depot) and connect to underdrain at 1631 Wind Willow (E side of driveway); W property line at 1643 Wind Willow; and 1649 Wind Willow (W side of driveway).

Excavated the area to recondition the swale. Area now drains. **Project is closed.** City will monitor the area.

St. Partin Place: Swales overgrown; water sits in driveway channels.

Solution: Recondition swales @ 6403 to 6427; 6416 to property line between 6428 and 6504. St. Partin by removing sod and excavating dirt/muck to deepen channel. Add new sod.

Install new basin and pipe at 6504 St. Partin. City Engineers are developing plans.

City is working with OC Utilities to have them place a new curb in the area to direct drainage.

City removed large oak tree in the swale at 6504 St. Partin and reconditioned the swale. No evidence of flooding in this area since. **This part of the project is closed.**

Jade Circle/LCS: Swales overgrown; water sits in driveway channels. Pipe collapse near Ming Dr.

Solution: Find all clean-outs in LCS and mark lids (w/metal bands) for future location.

Reconditioned swales at 5293-5275 Jade. Driveways now drain.

For others in LCS follow same procedures for reconditioning swales and adding small basins.

Pipe near Ming Drive was relined. **Project closed.**

Sol/Playa/Kendra: Major flooding and road destruction

Solution: Rebuild the road base. Add new underdrains and new material to aid in drainage. Engineer estimate is \$440,000.

City Engineers are developing plans.

St. Moritz: Pipe Collapse **Pipe has been lined. Project Closed**

Solution: Line Pipe (See Granite Proposal).

Daetwyler/Seminole: Moderate flooding. Water runs N on Daetwyler and SE on Seminole.

Solution: The City worked with Orange County to contour Seminole N side ROW for better flow into Warren Park swale. Seminole now drains in the swale. City will maintain the ROW. **This part of the project is closed.**

City plans to install basin at the SW corner of the Daetwyler/Seminole Intersection to capture runoff flowing north along the sidewalk. Install a pipe across Seminole and install bubbler at Warren Park swale so water from Daetwyler flows into swale at SW corner of Warren Park.

City Engineers are developing a drainage plan.

Hafley Ditch: Slow draining. Constant overgrowth

Solution: Excavate and line N-S channel and E-W channel with pipe; Or Excavate N-S channel and add concrete blanket (see attached); keep E-W ditch clean (depending on cost line ditch with fiber blanket and rock.

Decision was made at this time to control the vegetation in the ditch. **Project considered closed.** City will continue to monitor and when needed remove overgrowth along and in the entire ditch.