



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers 1660 Nela Ave, Belle Isle, FL
Held the 1st and 3rd Tuesday of Every Month
Tuesday, December 07, 2021 * 6:30 PM

AGENDA

City Council Commissioners

Nicholas Fouraker, Mayor

Vice-Mayor, District 6 Commissioner – Jim Partin

District 1 Commissioner – Ed Gold | District 2 Commissioner – Anthony Carugno | District 3 Commissioner – Karl Shuck
District 4 Commissioner – Randy Holihan | District 5 Commissioner – Beth Lowell | 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 website at www.belleislefl.gov. If you are not on the agenda, please complete the yellow "Request to Speak" form to be handed to the City Clerk. When the Mayor recognizes you, state your name and address and direct all remarks to the Council as a body and not individual council members, staff, or audience. The Council is pleased to hear relevant comments and has set a three-minute limit. 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 technology during the session. Thank you for participating in your City Government.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag - Commissioner Jim Partin, District 6**
3. **Public Hearing**
 - a. Appeal of P&Z Decision for a front yard fence at 5115 La Croix Avenue, Belle Isle, FL 32812
4. **Consent Items** - These items are considered routine and have been previously discussed by the Council. One motion will adopt them unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. Any item removed from the Consent Agenda would be considered for consideration following the remainder of the Consent Agenda.
5. **Citizen's Comments** - Persons desiring to address the Council MUST complete and provide 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, 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 following the meeting date. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you.
6. **Unfinished Business**
 - a. Ordinance 21-15 (First Reading and Consideration) Impact Fees - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY'S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.
 - b. Ordinance 21-16 (First Reading and Consideration) Establishing PACE Program - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW CHAPTER 17, CITY OF BELLE ISLE CODE OF ORDINANCES ESTABLISHING REQUIREMENTS FOR A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE"); PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY PURSUANT TO STATE LAW AND THE REQUIREMENTS SET BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.
 - c. Disposition on Lancaster House
7. **New Business**
 - a. Approval of bid for Sol Avenue Project

"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 2

- b. Update on Holiday Events by Special Events Chair
 - [c.](#) Appointment of Police Advisory Board member, Ted Spurill, District 1
 - d. Appointment of Police Advisory Board member, Woody Johnson, District 2
 - e. Appointment of Police Advisory Board member, Andrew Dunigan, District 5
 - f. Appointment of Police Advisory Board member, Dale Dennis, District 6
 - g. Approval to Cancel December 21 Council Meeting
- 8. Attorney's Report**
- 9. City Manager's Report**
- [a.](#) Issues Log
 - b. Chief's Report
- 10. Mayor's Report**
- 11. Items from Council**
- 12. Adjournment**



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

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Public Hearing – Appeal of P&Z Decision (Front yard Fence- 5115 La Croix)

Background: The P&Z Board denied a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.

The denial was based on the determination that the variance did not meet the criteria as outlined in the BIMC as stated in the staff report to the P&Z Commission.

The procedure for this appeal is the same as other recent appeals.

With the decision of the P&Z Board being appealed, Section 42-71 (b) (3) states that “The council shall conduct a trial de novo hearing upon any appeal taken from the ruling of the board, and hear the testimony of witnesses and other evidence offered by the aggrieved person and interested parties to the appeal and may, in conformity with this article and the Land Development Code, rules and regulations adopted thereunder, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination of the board.”

De Novo Hearing: The city council shall hear the appeal as a new matter.

Before the meeting on Tuesday evening, the Council Members should familiarize themselves with BIMC ARTICLE IV. - EX PARTE COMMUNICATIONS, Sec. 2-163.

Staff Recommendation: Based on the information presented, Council should deny the variance.

Suggested Motion: I move to deny the variance to replace a fence in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.

Alternatives: Approve the variance.

Fiscal Impact: None

Attachments: P&Z Meeting Packet containing staff report, application, and justification for the variance

5 November 2021

To Whom It May Concern:

Please take this letter as our official Appeal to the Planning and Zoning Board’s decision on our variance request (Hearing 2021-09-031) in relation to our Fence, which occurred on 26 October 2021. We would like the City Council to review our request at their next meeting. We feel that the Board, did not take into account the unique features of our property when making its decision, and instead only considered the direct wording of the code as written. Our property consists of 2 lots, with the house sitting on one. An addition added by prior owners over 20 years ago encroaches on the second lot by a few feet, but in reality the lot does not have a “house” sitting on it to measure the front from. We are asking for permission to rebuild a fence that has been in its exact same location for 40 plus years, we are not creating a new condition on our own, nor are we deterring from the look of Belle Isle or our neighborhood. All our surrounding neighbors, who would actually see this fence on a daily basis came out to support us at the hearing, and have no objection to it at all. The code is written so that all houses have a front yard, which we do have a large front yard in front of our house, and there is still a yard in front of the existing fence where we want to put the fence line back to.

To expand a bit on our initial variance application, it would cause us additional financial hardship to bring the fence back the 18 feet necessary to be “within code” as well because the value of our home would most likely decrease without the usable space being contained by the fence (this backyard was the main reason we purchased this particular home, and was considered as it sits currently in the appraisal). If you look at an aerial view of our home, this lot is essentially our backyard, it is not in front of a house, but to our right side, this is the only backyard that we have to use. The only board member who actually drove past our home and saw the layout and fence in person and how it sits today actually voted in our favor.

The literal enforcement of the provision creates a hardship to us as well because of the features of the land and existing buildings/sheds that sit on the empty lot. If we pull the fence line back to be in line with the front of the house sitting on our adjacent lot, we will not be able to move our boats and camper etc around in the yard because the fence line would be too close to the large shed/workshop that sits in the middle of the yard. As it sits now we can pull around it without having to go out onto the street and disturb anyone. If we can no longer drive past the front of the shed to access the other side of the yard, we would have to exit our property, and turn around on the street and enter it again from the other side, or back in from the street, which can be difficult on a daily basis.

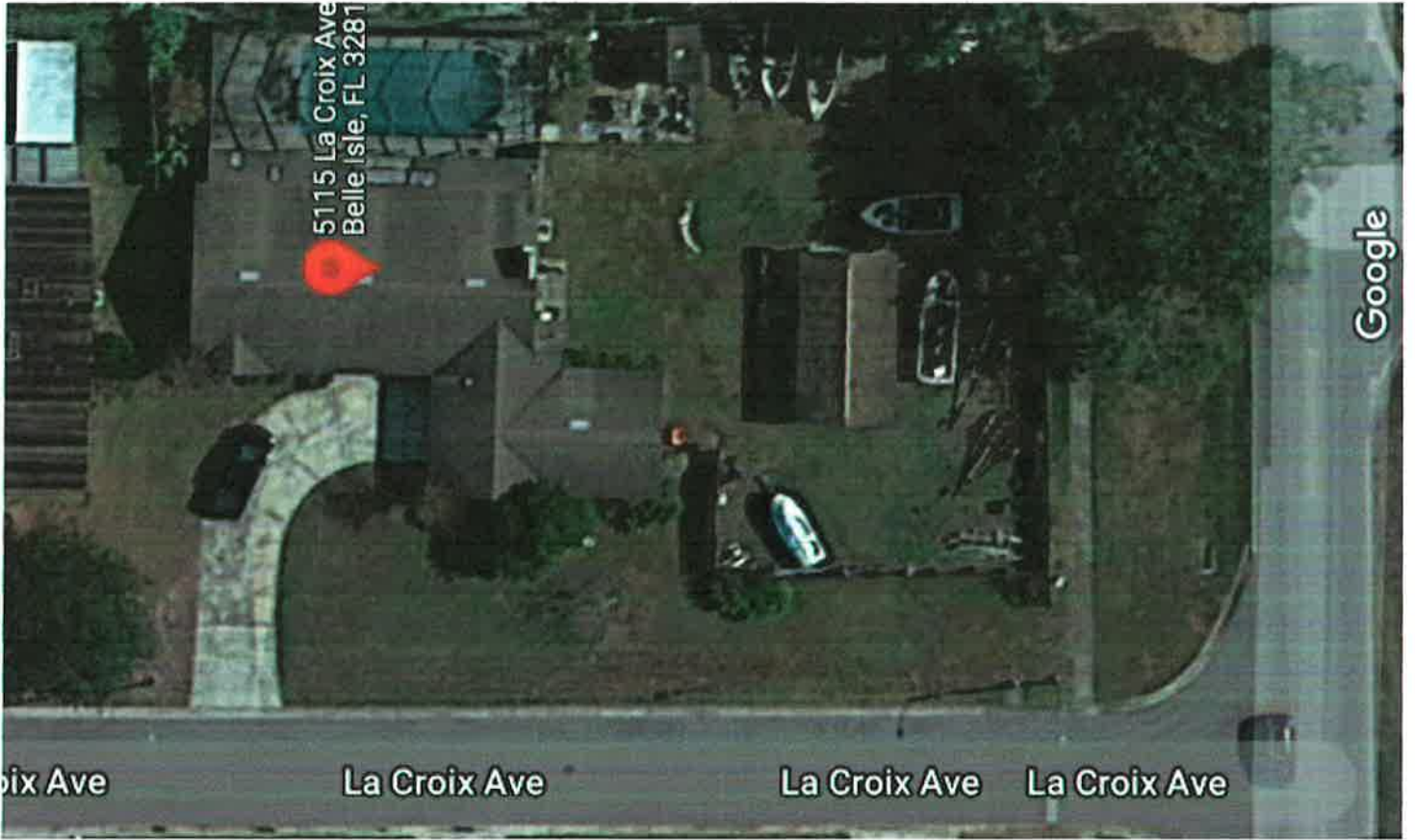
We were also told in the meeting that the City has already been considering changes to the code that applies to our situation. All we are asking is to be able to secure and use for our own enjoyment, our property as it currently sits, while also improving the look of the neighborhood and Belle Isle as a community.

Thank you,

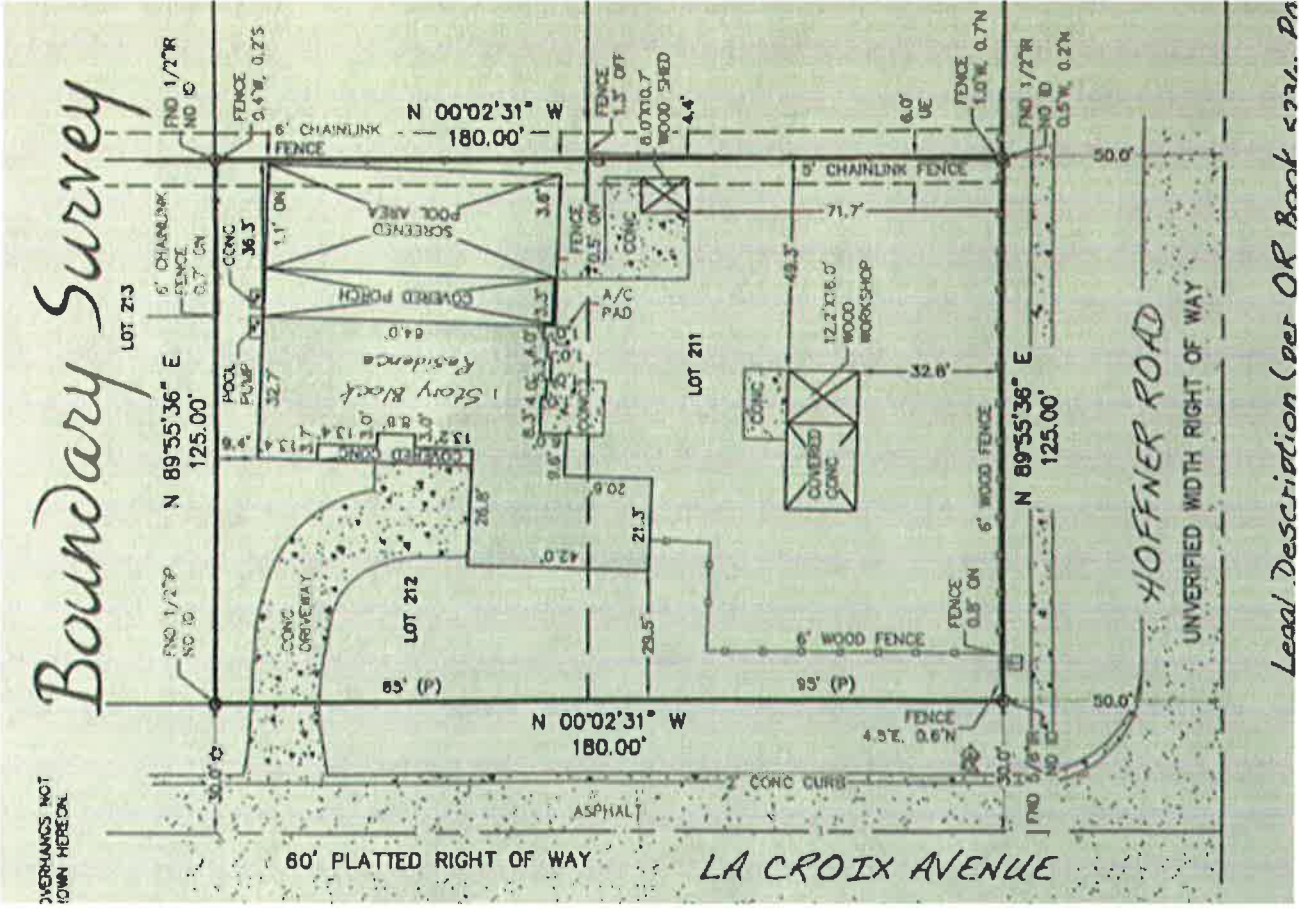
Michael Rice, Angela DelleFave, and Mary Turner, Owners
5115 La Croix Ave Belle Isle, FL 32812

Attachment: Aerial view of home and survey

NOV 8 '21 AM 9:28



Google





CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue
Held the 4th Tuesday of Every Month
Tuesday, October 26, 2021 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 1 member – David Woods, VChair | District 2 member – Christopher Shenefeld | District 3 member – Michael Statham
District 4 member – Vinton Squires | District 5 member – Rainey Lane | District 6 member – Andrew Thompson
District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning 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. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag – Board Member Woods, District 1**
3. **New Business**
 - a. Appointment of Chairman
4. **Approval of Minutes**
 - a. Approval of the P&Z Board Meeting minutes - August 24, 2021
 - b. P&Z Meeting - September 29, 2021 - No Meeting
5. **Public Hearings**
 - a. **PUBLIC HEARING CASE #2021-09-031** – Pursuant to Belle Isle Code Sec. 50-102 (B) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120
6. **Other Business**
 - a. Discussion of Accessory Dwelling Unit Regulation: Staff recommends the Planning and Zoning Board pause developing code language regarding accessory dwelling units until the Board decides if it wants to seek City Council's direction to develop such regulations for consideration.
7. **Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board 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). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "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 1



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, August 24, 2021, * 6:30 pm
MINUTES

The Belle Isle Planning & Zoning Board met in a regular session on August 24, 2021, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

- District 4 – OPEN
- Board member Woods
- Board member Statham
- Board member Shenefeld
- Board member Hobbs

Absent was:

- Board member Lane
- Board member Thompson

Also present were City Manager Bob Francis, Attorney Dan Langley, and Clerk Heidi Peacock.

1. Call to Order and Confirmation of Quorum

Vice-Chairman Woods called the meeting to order at 6:30 pm. The clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Board Member Hobbs

Board member Hobbs gave the invocation and led the Pledge to the Flag.

3. Approval of Minutes

- a. Approval of the July 27, 2021 minutes

Board member Statham moved to approve the minutes as presented.

Board member Woods seconded the motion, which passed unanimously 4:0

4. Public Hearings

- a. **PUBLIC HEARING CASE #2021-08-010 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (7) AND SEC. 50-102 (B) (8) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021.**

Vice-Chairman Woods read the variance by title.

Vice-Chairman Woods gave an overview of the process of the hearing and conditions for approval.

The homeowners, Debra and Lawrence Weil, were both present. Ms. Weil said they already have a 6-foot wooden fence on the south side of the property that also has a 4-foot chain-link fence into the water. They have small dogs, and the neighbor has a dog that is not kept on a leash. There was an incident where their dog came onto their property, attacked her husband, and tried to attack her dogs. It was the worst situation that has happened thus far. They are also two lots down from Swann Beach, and on a regular occurrence, the dogs visiting Swann Beach go on to her property. The request is made to protect her family and her dogs. They would like to raise the north side of the property fence to match the south side and allow an 8-foot chain-link to go to the water for their safety. The sea wall elevates the neighbor's yard, so it is easy for other dogs to go around or jump the 4-foot fence. They provided pictures for the file. Discussion ensued.

Mr. Weil said the problem is the unfenced area 20-feet from the existing fence to the boat dock; many of the park visitor's pets come onto the property, creating an unsafe situation.

Vice-Chairman Woods said Section 9 of the Code excludes chain link fences. He asked how the Board would rectify the request because an ornamental fence would not be the best material to use on the water.

Mr. Francis said the Board has the latitude to allow for a chain-link fence. He said the City had cited the neighbor multiple times regarding their pets. Orange County Animal Services have cited them. However, Mr. Francis said he is not sure if the City has the authority to approve the fence to be placed so far into the water; it may have to be approved by Orange County EPD. Mr. Francis said since the applicant has a 15-day waiting period, it will allow him enough time to receive a response from EPD.

Vice-Chairman Woods shared his concern with an 8-foot fence into the water and asked if the applicant is willing to compromise to a 10-foot transition from 8-foot to a 6-foot fence, not creating a visual hazard but providing a barrier to the animals. The applicant agreed.

Vice-Chairman Woods opened for public comment. There being none, he closed public comment for Board discussion.

After discussion, Board member Woods moved pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (7) AND SEC. 50-102 (B) (8) of the Belle Isle Land Development Code having been met TO APPROVE A FENCE TALLER THAN 6 FEET IN THE REAR AND SIDE YARDS; TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY; AND, ALLOW SAID FENCE TO PROJECT PAST THE SIDE AND REAR PROPERTY LINES INTO LAKE CONWAY, with a 10-foot transition from 8-foot to six-foot at the beginning of the chain-link fence continuing at 6-foot to its termination, and subject to any approval/dispute by Orange County, SUBMITTED BY APPLICANTS DEBRA ANN WEIL AND LAWRENCE MAUERMAN LOCATED AT 7315 LAKE DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #25-23-29-5884-17-021

Board member Hobbs seconded the motion, which passed 4:0.

Vice-Chairman Woods stated that the applicant has a 15 day wait period before any construction to allow for any appeals.

5. Other Business

- a. **ORDINANCE NO. 21-09 - AN ORDINANCE OF THE CITY OF BELLE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BELLE ISLE TO ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT TO COMPLY WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.**

Vice-Chairman Woods read by title for the record.

Attorney Langley said the Legislature passed a bill that requires every local government in the State of Florida to adopt the State's property rights element in its Comprehensive Plan. The Ordinance, in policy, adopts the language the Legislature requires. This amendment is not intended to create additional property rights and due process. If the Ordinance is not passed as necessary, the City will not be able to make any changes to their Comprehensive Plan moving forward. He further indicated the City has no choice in this matter according to the State.

**Board member Woods moved to recommend Ordinance 21-09 for Council approval.
Board member Stratham seconded the motion, which passed 4:0.**

- b. **ORDINANCE NO. 21-10 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING SECTION 50-103(a) OF THE CITY'S CODE OF ORDINANCES AS SUCH PERTAINS TO HOME BASED OCCUPATIONS; PROVIDING FOR HOME BASED BUSINESS REGULATIONS CONSISTENT WITH GENERAL LAW; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

Vice-Chairman Woods read by title for the record.

Attorney Langley explained the new law and said, based on the Legislature, it preempts local government regulation. This Ordinance mandates restrictions to the code that is allowed and defined by the Statute. Businesses will still be required to obtain a business tax receipt to operate. Discussion ensued on multiple business owners and additional parking of vehicles on a residential property. Chairman Woods pointed this out as a further step to remove self rule in our city.

After discussion, Board member Woods moved to recommend Ordinance 21-10 for Council approval.

Board member Stratham seconded the motion, which passed 3:1 with Comm Shenefelt, nay.

- c. **Discussion of Accessory Dwelling Units**

Board member Woods said the discussion comes centers around two different concepts (1) accessory dwellings and (2) what is a kitchen? The problem with a kitchen is that it can create a dwelling that is not allowed by code. There is an element in the City's Comprehensive Plan that provides affordable housing and a current need for approximately 80-units in the next decade. Board member Woods shared his concern and gave a summary of what we may want to see moving forward (potential for mother-in-law quarters, kids coming back home, and assisted living caretaker). Vice-Chairman Woods spoke on and provided a copy of a Policy & Procedure used in Sonoma County and Winter Park addressing the Definition of a Kitchen and Determining a Dwelling Unit. Discussion ensued on enforceability, short-term rentals, and the current need in the community.

Staff is seeking direction from the Board as to whether they would like an ordinance prepared for formal consideration.

Vice-Chairman Woods said it appears the consensus is that the City does not want short-term rentals and is open to accessory dwellings to allow caretakers, elderly, and returning children. The Board recommended incorporating some of the code language used in Marimar and Winter Park, further research about additional parking, setbacks, and enforcement. Discussion ensued on possible impact fees for dwelling upgrades.

6. Adjournment

There being no further business, Vice Chairman Woods called for a motion to adjourn the meeting, unanimously approved at 8:00 pm.

MEMORANDUM

TO: Planning and Zoning Board

DATE: October 14, 2021

PUBLIC HEARING CASE #2021-09-031 – Pursuant to Belle Isle Code Sec. 50-102 (B) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.

Background:

1. On September 28, 2021, the applicant, Michael Rice, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, October 16, 2021, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on August 15, 2021.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board will need to determine if the criteria set forth in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **Sec. 50-102 (B) (16) and Sec. 42-64** of the Belle Isle Land Development Code having been met **TO APPROVE** a **fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.**

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **Sec. 50-102 (B) (16) and Sec. 42-64**, the justifying criteria of the Belle Isle Land Development Code, **having NOT been met; [use only if NONE of the justifying criteria have been met]** the requirements of, Subsections: *[STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED]; [may be used in addition to above or alone]* **TO DENY** a **fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32809 also known as Parcel # 17-23-30-4379-02-120.**

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

October 15, 2021

Fence Variance Application: 5115 La Croix Avenue

PUBLIC HEARING CASE #2021-09-031 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE (REPLACE EXISTING) IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT MICHAEL RICE, LOCATED AT 5115 LA CROIX AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 17-23-30-4379-02-120.

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow replacement of an existing fence in the front yard of the subject property. The code expressly prohibits fences or walls in the front yard of a property. A variance is required before the proposed fence can receive a building permit.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

Staff Recommendation

The application has not identified justifying criteria that meets Sec. 50-102 (b) (16), as provided above. Additionally, the variance request does not meet the requirements of Sec. 42-64 (1) (e), which states: *"It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance"*.

The application states that property owner has determined that it is not financially viable to utilize off-site storage for recreational vehicles and watercraft and that the configuration of the fence makes it possible for them to be stored on-site, which is a personal, financial hardship than cannot

be considered. Allowing this fence variance would create a special condition that is not enjoyed by other properties in the City. The nature of a non-conformity (the existing fence) is that once it is destroyed or removed, that it is not allowed to be built back in the same non-conforming location so that code compliance is achieved.

Based on these findings, staff recommends the requested variance not be approved.

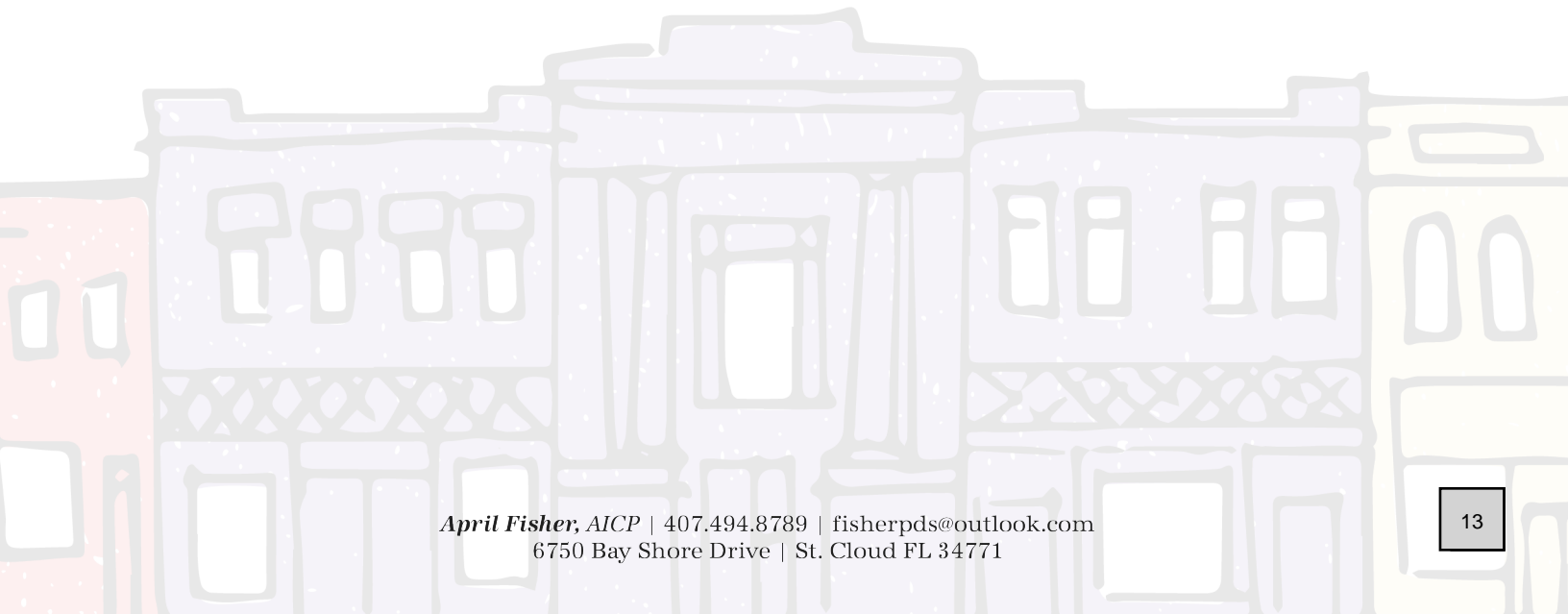
Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71. If the variance application is approved by the Board, there is a 15-day period within which an appeal may be filed. Applicable permits may only be approved and issued following this appeal period.

If a special exception or variance is approved by the Board and the duration of the validity of the special exception or variance is not limited, the special exception or variance shall become void if six months after the Board approved the variance, all permits necessary for the utilization of the variance have not been issued; or one year after issuance of the last issued permit necessary for the utilization of the variance, all construction associated with the variance has not been completed.

The City Manager may grant up to two six-month extensions to any time limits associated with a variance. A written request for an extension must be filed in the City Manager's office prior to expiration of the time period for any variance stating the reasons for the requested extension. The Code identifies in Sec. 42-67 (b) the specific good cause provisions that must be met and stated within the request.



City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 9/28/21 P&Z CASE #: 2021-09-031

[X] VARIANCE [] SPECIAL EXCEPTION [] OTHER DATE OF HEARING:

Table with 2 columns: Applicant/Owner, Address, Phone, Parcel Tax ID #. Handwritten entries: Michael Rice, 5115 La Croix Ave, 901-573-0574, 17-23-30-4379-02-120.

LAND USE CLASSIFICATION: LDR ZONING DISTRICT: R1AA

DETAILED VARIANCE REQUEST: To replace existing fence along same front footprint which currently sits in front of adjacent house

SECTION OF CODE VARIANCE REQUESTED ON: 50-102

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board... Sec. 42-64. - Variances. The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.

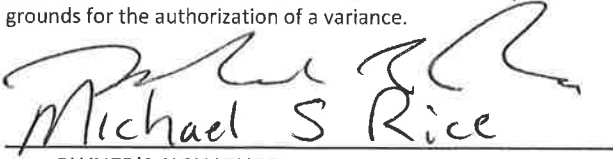
The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.



 APPLICANT'S SIGNATURE



 OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

09/28/21
Date Paid

chk # 119
Check/Cash

Hwp
Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which is comprised of seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. The application **MUST** include:

- a. the \$300.00 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or, a notarized statement from the owner with the representative's information,
- d. 10 copies of a plot plan or survey showing all improvements to the property, 10 copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large scale documents is required.
- e. for boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. A narrative addressing how the variance complies with the following:
 - 1) The literal enforcement of the provisions of the zoning ordinance would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved including, but not limited to, dimensions, topography or soil conditions.
 - 2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
 - 3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
 - 4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

- 1. A written application for special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
- 2. The Board shall make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
- 3. It is determined that the public health, safety, comfort, order, convenience, prosperity, morals or general welfare is promoted, protected or improved.

General Information

- 1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
- 2. The applicant must be present at all hearings.
- 3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
- 4. Sec 42-67 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

5115 La Croix Ave 17-23-30-4379-02-120

Name(s):
Turner Mary Ware
Rice Michael
Dellefave Angela

Physical Street Address:
5115 La Croix Ave

Property Use:
0103 - Single Fam Class III



[Upload Photos ↕](#)

Mailing Address On File:
5115 La Croix Ave
Belle Isle, FL 32812-1023
[Incorrect Mailing Address?](#)

Postal City and Zip:
Orlando, FL 32812

Municipality:
Belle Isle

[View 2021 Property Record Card](#)

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

Historical Value and Tax Benefits ⓘ

Has Homestead in 2021

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	%	Assessed Value	%
2021	\$135,000	\$245,935	\$18,750	\$399,685	31.2%	\$240,165	1.4%
2020	\$115,000	\$170,834	\$18,750	\$304,584	-2.1%	\$236,849	2.3%
2019	\$115,000	\$177,523	\$18,750	\$311,273	4.1%	\$231,524	1.9%
2018	\$105,000	\$175,146	\$18,750	\$298,896	N/A	\$227,207	N/A

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH CAP	Tax Savings
2021	\$25,000	\$25,000	\$0	\$159,520	\$3,312
2020	\$25,000	\$25,000	\$0	\$67,735	\$1,796
2019	\$25,000	\$25,000	\$0	\$79,749	\$2,024
2018	\$25,000	\$25,000	\$0	\$71,689	\$1,908

2021 Taxable Value and Estimate of Proposed Taxes ⓘ

Tax Year

2021	2020	2019	2018
------	------	------	------

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	%	Taxes	Tax Breakdown
Public Schools: By State Law (Rle)	\$240,165	\$25,000	\$215,165	3.4890	-3.3%	\$750.71	23%
Public Schools: By Local Board	\$240,165	\$25,000	\$215,165	3.2480	0.0%	\$698.86	21%
General County	\$240,165	\$50,000	\$190,165	4.4347	0.0%	\$843.32	25%
City Of Belle Isle	\$240,165	\$50,000	\$190,165	4.4018	0.0%	\$837.07	25%
Library - Operating Budget	\$240,165	\$50,000	\$190,165	0.3748	0.0%	\$71.27	2%
St Johns Water Management District	\$240,165	\$50,000	\$190,165	0.2287	0.0%	\$43.49	1%
Lake Conway Mstu	\$240,165	\$50,000	\$190,165	0.4107	0.0%	\$78.10	2%
Totals				16.5877		\$3,322.82	

Non-Ad Valorem Assessments

2021 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rates	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - BIGBR - (407)851-7730	1.00	260.40	\$260.40
CITY OF BELLE ISLE	BELLE ISLE STRM - BISTRM - (407)851-7730	1.00	125.00	\$125.00
				\$385.40

2021 Gross Tax Total: \$3,708.22

2021 Tax Savings Tax Savings

Your taxes without exemptions would be: \$6,634.92

Your ad-valorem tax with exemptions is: - \$3,322.82

Providing You A Savings Of: = \$3,312.10

Request for Variance to fence regulations 5115 La Croix Ave Belle Isle, FL 32812 – Application Supplement

Owners: Mary Ware Turner, Michael Rice, and Angela DelleFave

Special Conditions and/or Circumstances – Literal enforcement of the provisions would remove over 1,500 sq feet of usable fenced in yard for us. One of the main reasons we purchased this property was because it sits on a double lot, with the majority of the second lot already enclosed by fence. We need all this space for secure storage of our boats, camper, trailer, etc and also for usable enjoyable space for our family and dogs. Our house sits on lot 212, most of lot 211 is currently fenced in, we are only asking to replace the old fence with a new fence along the same front boundary line as it sits now. Our property actually extends an additional 8 or so feet beyond the fence line now, so there is and will still be a front yard on this lot.

Not Self Created – We purchased this house in June 2021, the current fence was replaced by the previous homeowners in its current location around 2004 or 2005. Before that we believe the same footprint has been followed for some time. We want to be able to rebuild the fence along the same line it has been built on for several decades.

Minimum possible variance – We have looked at other options for storing our boats and other items off site, and it is not financially viable to do so. We have considered the possibility of moving the fence line back to be in line with the front of the house, but with the layout of the yard and the sheds already in place (built sometime in the 80s or 90s), it is not feasible to keep everything we need to keep on our property with the reduced space. We could also leave the fence as it is, but feel that this option detracts from the neighborhood and will not be secure for much longer, it is in need of significant repairs.

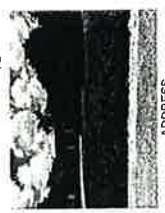
Purpose and intent – We propose to significantly improve the look of the neighborhood by being able to replace the fence along its current footprint. Our lot runs along Hoffner, so a new cedar fence will fit much better with the aesthetics of Belle Isle than the run down fence we currently have. In replacing the fence we also plan to remove the overgrown bushes and plants from the current front yard of lot 211 and relandscape the front yard of the house on 212 and the front of lot 211 as well. We have spoken to both neighbors directly across the street from our house and our second lot and both (Linda Dore at 5122 La Croix and George Barfield at 5112 La Croix) agree that the fence being replaced where it is now would not be detrimental or detract from the neighborhood or Belle Isle as a community.



EASEMENT NOTE:
THERE IS A 6' UTILITY EASEMENT (UE)
ON THE WEST LOT LINE

Boundary Survey

EAVES AND/OR OVERHANGS NOT
LOCATED NOR SHOWN HEREON.



ADDRESS
5115 La Croix Avenue
Belle Isle, FL 32812-1023

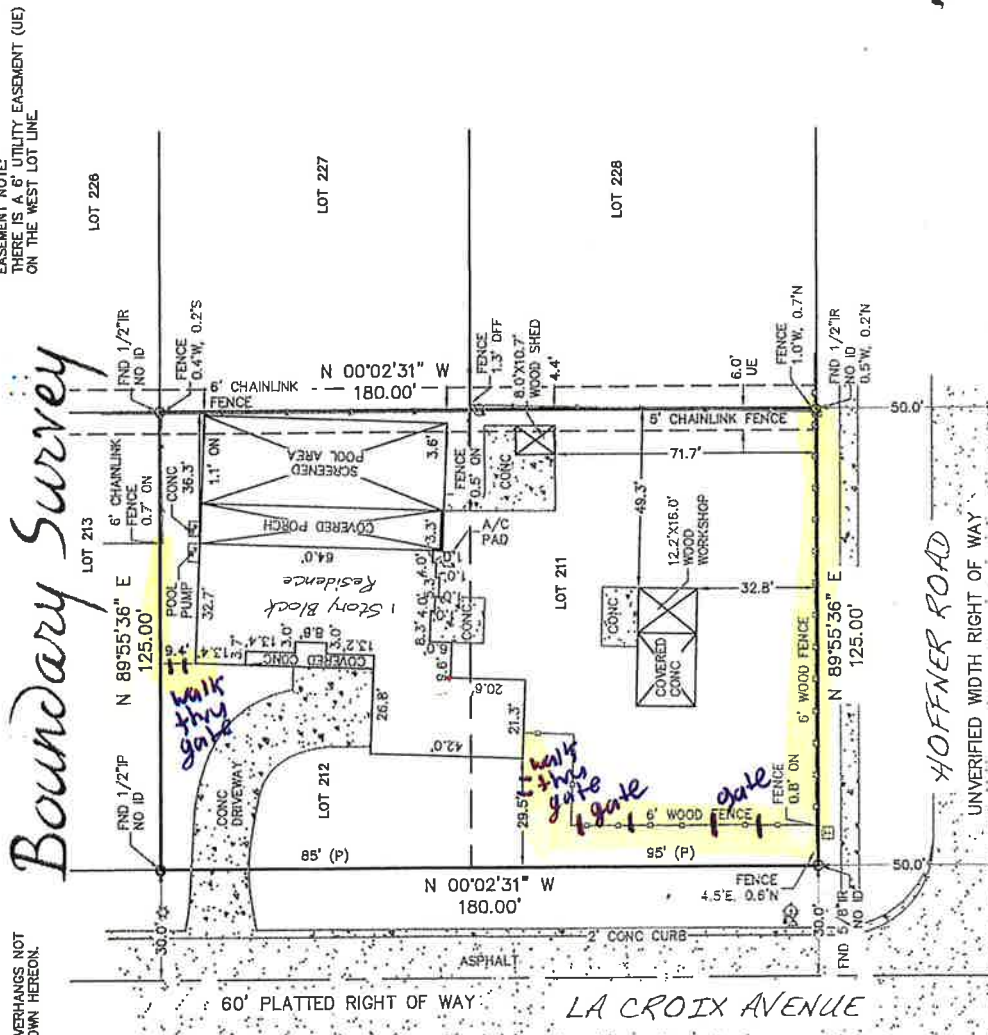
LEGEND

- OR Book = Official Record Book
- PB = Plat Book
- Pg = Page
- CONC = Concrete
- FND = Foundation
- ID = Identification
- LB = Licensed Business
- LS = Licensed Surveyor
- IR = Iron Rod & Cap (IR)
- WV = Water Valve
- TR = Telephone Riser
- ND = Nail & Disk (N&D)
- ON/OFF = On Site/Off Site
- CD = Calculated Distance
- DD = Dead Dimension
- F = Field Measurement
- R = Radial
- P = Plat Measurement
- W = Water
- P = Fire Hydrant
- WV = Water Valve
- IR = Iron Rod & Cap (IR)
- TR = Telephone Riser
- ND = Nail & Disk (N&D)
- ON/OFF = On Site/Off Site
- ☆ = Light Pole

JOB #:	VLSR21-52438
CLIENT #:	
FIELD DATE:	06-09-21
CREW:	Z100
DRAFTER:	AB
APPROVED:	JEW
SCALE:	1" = 40'

MWT
BORNWERT & ASSOCIATES, INC.
Surveyors
BORNWERT & ASSOCIATES, INC.
Belle Isle, FL 32812

Celebration
TITLE GROUP



Legal Description (per OR Book 5236, Page 413)
Lots 211 and 212, LAKE CONWAY ESTATES SECTION THREE, according to the map or plat
thereof as recorded in Plat Book "Y", Page(s) 19, of the Public Records of Orange County, Florida.

CERTIFIED TO: (AS FURNISHED)
First American Title Insurance
Mary Ware Turner
Celebration Title Group
Crosscountry Mortgage LLC, BSA00AT10A

FLOOD ZONE
SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 1208500400P. LAST REVISION DATE 09/25/2008. THE ACCURACY OF THE ABOVE INFORMATION, THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:
OWNERSHIP OF FENCES NOT DETERMINED.
FENCES CROSS PROPERTY LINES.
SHED AND CONC LIE IN EASEMENT AREA.
SCREENED POOL AREA LIES PARTIALLY IN EASEMENT AREA.

BASIS OF BEARING
BEARINGS ARE BASED ON THE EAST RIGHT-OF-WAY OF LA CROIX AVENUE WHICH HAS A BEARING OF N 00°02'31" W PER PLAT.

NOTES
1. Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
2. The purpose of this survey is for use in obtaining title insurance and financing and should not be relied upon for any other purpose other than the signing party or parties.
3. Additional encroachments may exist other than the signing party or parties. It is prohibited without the written consent of the signing party or parties.
4. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey monuments such as iron rods and caps, telephone risers, nails and disks, and other monuments as shown on the record plat and within the public records of the county the subject property is located. This survey only depicts survey monuments such as iron rods and caps, telephone risers, nails and disks, and other monuments as shown on the record plat and within the public records of the county the subject property is located.
5. Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.

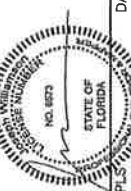
LB 7788



VISIONLAND
SURVEYORS

941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 398-8474

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY MADE BY ME OR UNDER MY DIRECTION.



Joseph E. Williamson, P.L.S.
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #8773
DATED: 06-09-21

DATE	REVISION	DATE	REVISION

5115 La Croix Ave 17-23-30-4379-02-120

Name(s): Turner Mary Ware
Rice Michael
Dellefave Angela

Physical Street Address: 5115 La Croix Ave

Property Use: 0103 - Single Fam Class III



[Upload Photos ↕](#)

Mailing Address On File: 5115 La Croix Ave
Belle Isle, FL 32812-1023
[Incorrect Mailing Address?](#)

Postal City and Zip: Orlando, FL 32812

Municipality: Belle Isle

[View 2021 Property Record Card](#)

[PROPERTY FEATURES](#)

[VALUES, EXEMPTIONS AND TAXES](#)

[SALES](#)

[MARKET STATS](#)

[LOCATION](#)

Historical Value and Tax Benefits ⓘ

[Has Homestead in 2021](#)

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Non-Ad Valorem Assessments

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				\$385.40

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2021 Tax Savings Tax Savings

Your taxes without exemptions would be: \$6,634.92

Your ad-valorem tax with exemptions is: - \$3,322.82

Providing You A Savings Of: = \$3,312.10

417

Wed & DAYS Did Parents 11/01

317860 As advertised on RealRadio 104.1



CORPORATE OFFICE

271 Southridge Industrial Drive • Tavares, FL 32778 • Ph: 407.900.2940 www.mossyfence.com

BREVARD OFFICE

455 Stan Drive • Melbourne, FL 32904 • Ph: 321.255.1020 • Toll Ph: 888.446.6779

MOSSY OAK FENCE FEATURED IN:

The Home Mag Lake Magazine Florida Home Mag WDBO WTKS 103 The Wolf



989WAMO

Follow us on [social media icons]

a.

FENCE PROPOSAL/CONTRACT

DATE: 8-27-2021 901-573-0574
NAME: MIKE RICE
ADDRESS: 5115 LA CROIX AVE
CITY: BELLE ISLE 32812
E-MAIL: MRICE2517@YAHOO.COM

PREPARED BY: RANDY TAYLOR 443-850-2395
CONTACT PHONE:
ALTERNATE PHONE:
CONTACT PERSON:
JOB NAME/ADDRESS:

JOB SPECIFICATIONS

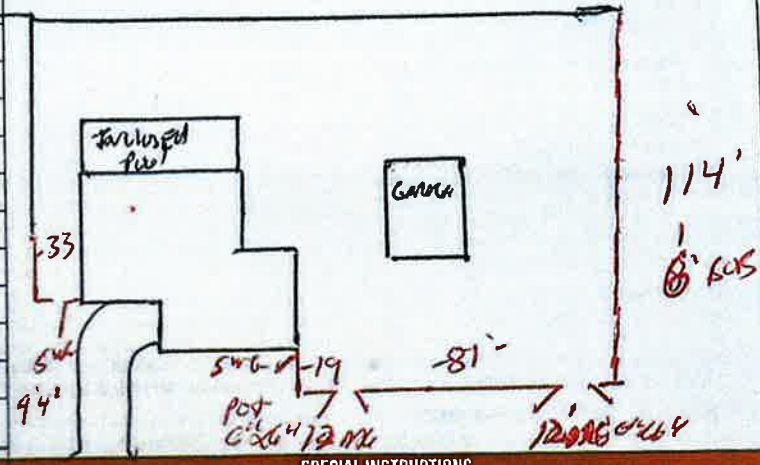
- PVC (VINYL) ALUMINUM CHAIN LINK FARM FENCE
COMPOSITE/SPECIALTY WOOD GATE AUTOMATION

Table with columns: OPTION #1, OPTION #2. Rows include: FOOTAGE, HEIGHT, STYLE/MODEL, GRADE, COLOR, ALL POSTS, TERMINAL POSTS, LINE POSTS, GATE POSTS, POST CAPS, RAILS/RUNNERS, PICKETS, PICKET CAPS, OPTIONS: PRE-STAINING, COLOR.

JOB DIMENSIONS

ALL DIMENSIONS AND SPECIFICATIONS ARE APPROXIMATE

WELLS FERRAO 12 month 0% 5774422376682919



SPECIAL INSTRUCTIONS

ALL POST SET IN (W&T) CONCRETE 5-12 FENCE P&D 6/11/2021 70%

QUOTE AMOUNT (50% DEPOSIT REQUIRED)

Table with columns: QTY, SIZE, TYPE, ARCHED, RACKED, SWING. Rows include: 2 12 ROD ALL BRACE! 11 11 OUT, 1 5 wh BRACE! 11 11 11, 1 5 ROD wh.

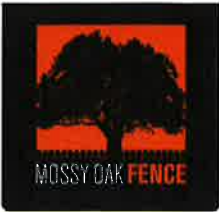
OPTIONS: 2-12 Roll Gates frame \$2040 ADD

IMPORTANT PROJECT INFORMATION

- FENCE TO FOLLOW CONTOUR OF GROUND STRAIGHT WITH GRADE DROP
TOP LEVEL - HIGHEST GRADE TOP LEVEL - LOWEST GRADE
REMOVAL & DISPOSAL OF EXISTING FENCE 214 FT
CLEARING OF FENCE LINE REQUIRED
CLEARING TO BE PERFORMED BY INITIALS
OPEN POOL / POOL CODE REQUIRED
HOA APPROVAL REQUIRED
PERMIT REQUIRED
JURISDICTION

Large yellowed area containing a table with columns: QUOTE AMOUNT, DISCOUNT, TOTAL, CONTRACT AMOUNT, ACCEPTED. Includes handwritten notes and a signature.

SUBJECT TO CONDITIONS ON THE BACK. I HAVE READ AND UNDERSTAND THE CONDITIONS ON THE BACK.



BOARD-ON-BOARD PRIVACY FENCE

Privacy fences provide security and privacy. In today's age of "zero lot lines" the desire for ultra privacy is even more important.

When a standard privacy fence is installed, the wood goes on the fence wet (or green) and in a very short period of time the wood dries out and causes the fence pickets to shrink about an 1/8 of an inch. This minimal shrinkage allows daylight through the boards and just enough space that you (or your dogs!) could see someone through the gap or vice-versa.

To avoid this problem, Mossy Oak Fence will often suggest building a board-on-board privacy fence. The style is built with each 6 inch board being overlapped by another 6 inch board with a 3/4 inch overlap being achieved on both sides. Thus as the boards shrink it does not allow for any daylight gaps.

As always, Mossy Oak Fence stick builds (no pre-built panels) all of our board-on-board fences, offering a wide range of custom styles to choose from.





CITY OF BELLE ISLE, FLORIDA

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

Mayor
Nicholas Fouraker

City Manager
Bob Francis

City Council

Ed Gold
District 1

Anthony Carugno
District 2

Karl Shuck
District 3

Randy Holihan
District 4

Beth Lowell
District 5

Jim Partin
District 6

Sue Nielsen
District 7

November 8, 2021

Parcel #«Parcel»
«FullName»
«FullName2»
«Address»
«City», «StZip»

APPLICANT: MICHAEL RICE
ADDRESS: 5115 La Croix Avenue, Belle Isle, FL 32812

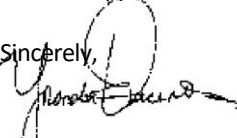
Dear Property Owner:

You are hereby given notice that the City Council of the City of Belle Isle will hold an in-person Public Hearing on Tuesday, December 7, 2021, at 6:30 p.m., or as soon thereafter as possible, at the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809, to consider and take action on the following Appeal of the Planning & Zoning Boards decision on:

PUBLIC HEARING CASE #2021-09-031 – Pursuant to Belle Isle Code Sec. 50-102 (B) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence (replace existing) in the front yard of a residential property, submitted by applicant Michael Rice, located at 5115 La Croix Avenue, Belle Isle, FL 32812 also known as Parcel # 17-23-30-4379-02-120.

You are invited to attend and express your opinion on the matter. Any person(s) with disabilities needing assistance to participate in these proceedings should contact the Planning and Zoning office at (407) 851-7730 at least 24 hours before the meeting.

If you decide to appeal the decision made by the Board, you will need a record of the proceeding. For that purpose, you may need to ensure that a verbatim record of the hearing is made to include evidence and testimony upon which the appeal is based. The burden of making such a verbatim record is on the appellant. F.S. 286.0105; 1986 Op. Atty.

Sincerely,

Yolanda Quiceno
CMC-City Clerk

Due to COVID-19, masks are recommended and social distancing may be observed.

Parcel	FullName
302317437801190	HARPER TODD W
302317437801200	MELLOW L MICHAEL
302317437801210	ULRICH ALICIA
302317437801220	TIERNEY MATTHEW P
302317437801230	GASKINS JIMMY ASHFORD
302317437902000	CHRONISTER JAMES E
302317437902010	KUCK ASHLEY
302317437902020	KASPER KYLE T
302317437902030	BROWN CRAIG
302317437902040	CASEY DAVID A
302317437902050	FLANAGAN CAROLYN B TR
302317437902060	TUCCI DEBRA J
302317437902070	NEXY LLC
302317437902080	SPONDER FAMILY TRUST
302317437902090	GEORGE F BARFIELD TRUST
302317437902100	DORE LINDA H
302317437902120	TURNER MARY WARE
302317437902130	MAXINE CANNON RIVERS TRUST
302317437902140	CUMMINGS ASHLEY NICOLE
302317437902150	MEADE JONATHAN ROBERT
302317437902160	TSCHIRHART DAVID J 1/4 INT
302317437902230	MENTZER TIMOTHY
302317437902240	NARDIN ELIZABETH J
302317437902250	SEWELL ADAM THERON
302317437902260	BAUS RITCHARD J
302317437902270	SANTOS SHIRLEY E
302317437902280	SRP SUB LLC
302319438202290	DOMINGUES ERIK
302319438202300	LANE SCOTT D
302319438202310	MOFFETT BARBARA A
302319438202370	VELEZ JUAN
302320122200010	RABBAT ABDULLAH
302320122200020	SMITHWICK BEVERLY JANE TR
302320122200120	KEECH KIMBERLY ANGELA
302320122200130	COOK BILL C
302320439500380	ZIGLAR PHILLIP C
302320439500390	SLUYTER MICHAEL

FullName2	Address	City
HARPER LESLIE COLLYNN	5101 LOUVRE AVE	BELLE ISLE
MELLOW CANDI S	5107 LOUVRE AVE	BELLE ISLE
	5113 LOUVRE AVE	BELLE ISLE
TIERNEY RACHEL N	5119 LOUVRE AVE	BELLE ISLE
GASKINS WESLEA KAY	5125 LOUVRE AVE	BELLE ISLE
	5135 BELLEVILLE AVE	BELLE ISLE
	5129 BELLEVILLE AVE	BELLE ISLE
	5123 BELLEVILLE AVE	BELLE ISLE
BROWN DENISE W	5117 BELLEVILLE AVE	BELLE ISLE
	5111 BELLEVILLE AVE	BELLE ISLE
	2925 CULLEN LAKE SHORE DR	BELLE ISLE
TUCCI GARY G	5018 LA CROIX AVE	BELLE ISLE
	5100 LA CROIX AVE	BELLE ISLE
	5106 LA CROIX AVE	BELLE ISLE
C/O GEORGE F BARFIELD TRUSTEE	5112 LA CROIX AVE	BELLE ISLE
	5122 LA CROIX AVE	BELLE ISLE
RICE MICHAEL	5115 LA CROIX AVE	BELLE ISLE
C/O MAXINE C RIVERS TRUSTEE	5109 LA CROIX AVE	BELLE ISLE
CUMMINGS ZACHARY WAYNE	5103 LA CROIX AVE	BELLE ISLE
	1004 JACKSON AVE NW	OLYMPIA
TSCHIRHART MICHAEL T 1/4 INT	2017 E WOODLAWN RD	CHARLOTTE
MENTZER CHRISTINE	5024 LOUVRE AVE	BELLE ISLE
	5102 LOUVRE AVE	BELLE ISLE
SEWELL SHANNON NICOLE	5108 LOUVRE AVE	BELLE ISLE
BAUS HEATHER G	5114 LOUVRE AVE	BELLE ISLE
	5120 LOUVRE AVE	BELLE ISLE
	1717 MAIN ST STE 2000	DALLAS
DOMINGUES DANIELLE SMUKALL	5205 SAINT REGIS PL	BELLE ISLE
	5215 SAINT REGIS PL	BELLE ISLE
	5225 SAINT REGIS PL	BELLE ISLE
	5200 SAINT REGIS PL	BELLE ISLE
	5200 DRISCOLL CT	BELLE ISLE
	5208 DRISCOLL CT	BELLE ISLE
	5209 DRISCOLL CT	BELLE ISLE
	5201 DRISCOLL CT	BELLE ISLE
ZIGLAR CATHERINE	5220 JADE CIR	BELLE ISLE
SLUYTER SHALLA	5214 JADE CIR	BELLE ISLE

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

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 21-15 Impact Fees (First Reading)

Background: The City Council gave approval to hire a consultant to conduct a study of the City’s impact fees to determine if the current fees can be changed and develop new fees. An Impact Fee Study is required by the state to adopt a new impact fee or to change the current impact fee rate.

Impact fees are a method of shifting a portion of the burden of the cost of new or expanded infrastructure to accommodate new development away from the community at large to new development itself. Impact fees are a one-time fee paid by all new development to help pay for the infrastructure and services, including schools, parks, roads, police and fire protection services.

Currently the City only charges an impact fee for residential development and the Council would like to see a study done for commercial, parks and public safety can be implemented. The City’s consultant, Duncan Associates, completed the impact fee study and th City Attorney drafted the enabling ordinance.

The P&Z Commission held a public hearing on this ordinance on November 29, 2021 and recommended that the Council adopt the ordinance.

Staff Recommendation: Read Ordinance 21-15 for a second time at the November 16, 2021 Council meeting and adopt Ordinance 21-15 at the same meeting.

Suggested Motion: I move we read Ordinance 21-15 for a second time at the November 16, 2021 Council Meeting.

Alternatives: Do not charge impact fees

Fiscal Impact: TBD based on new development and new fees approved in the study

Attachments: Ordinance 21-15 and Impact Fee Study

ORDINANCE NO. 21-15

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY’S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City Council has retained the firm of Duncan Associates to study the technical basis to enact a new impact fee program within the City limits; and

WHEREAS, has prepared and presented to the City Council a report titled “Belle Isle, Impact Fee Study for Transportation, Parks, and General Government Facilities” dated October 2021 (the “Impact Fee Study”), which establishes the proportionate share of new development’s impacts on the transportation, parks, and general governmental facilities (“Facilities”) for which impact fees will be collected pursuant to this Ordinance; and

WHEREAS, the Impact Fee Study has been presented to and reviewed by the City Council, which has determined: (1) that impact fees are necessary to offset the costs to the City associated with meeting the demand for additional Facilities created by projected new residential and non-residential development; (2) that the amount of the impact fees to be imposed by the City bears a reasonable relationship to the burden imposed upon the City to provide to new development the additional Facilities addressed in the Impact Fee Study, (3) the expenditure of transportation impact fees, pursuant to the terms of this Ordinance, will result in a beneficial use to such new development reasonably related to the impact fees, per dwelling unit, by type, and per increment of non-residential development; (4) that a “rational nexus” exists between the projected new development and the need for additional Facilities to be funded via the impact fees; and (5) that the amount of the impact fees is “roughly proportional” to the additional Facilities required to provide adequate service to new development; and,

WHEREAS, pursuant to § 163.31801, Florida Statutes:

(a) The Impact Fee Study, and the impact fees recommended therein, are based on the most recent and localized data;

(b) This Ordinance includes procedures for accounting and reporting of impact fee collections and expenditures in order to assure compliance with applicable legal standards;

(c) This Ordinance provides for a separate accounting fund for the revenues and expenditures for which impact fees will be collected;

(d) Administrative fees charged pursuant to this Ordinance for the collection of impact fees are limited to actual costs to the City to administer collection of impact fees;

(e) The City provided notice on the ____ day of _____, 2021, which is more than ninety (90) days prior to the effective date of this Ordinance; and

(f) This Ordinance requires audits of the City’s financial statements to include an affidavit of the City’s chief financial officer stating that the requirements of § 163.31801, Fla. Stat. have been complied with; and

WHEREAS, planning for improvements to serve new growth and development that generate additional travel, and the implementation of such planning through the comprehensive planning process is a responsibility of the city under Chapter 163, pt. II (the Community Planning Act), Florida Statutes, and is in the best interest of the health, safety, and welfare of the citizens of the City; and

WHEREAS, the Florida Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction; and

WHEREAS, on _____, 2021, the City’s local planning agency, the Planning & Zoning Board held a hearing on this Ordinance and made a recommendation to the City Commission; and

WHEREAS, the City Commission finds, based on the Impact Fee Study, that improvements, including those associated with transportation, parks, and general governmental facilities, expand the capacity of the City’s Facilities; and

WHEREAS, the impact fees assessed pursuant to this Ordinance are necessary to ensure the public health, safety, and welfare of the residents of the City of Belle Isle;

NOW THEREFORE, BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA AS FOLLOWS:

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 as legislative findings.

Section 2. City Code Amendment. Article VII of Chapter 46 of the City’s Code of Ordinances pertaining to the Road Impact Fee is hereby **REPEALED** in its entirety, and this

New Article VII of Chapter 46 of the City’s Code of Ordinances is substituted and **ADOPTED** in lieu thereof (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

ARTICLE VII. - IMPACT FEES

Sec. 46-191. - Short title, authority, applicability, and adoption of technical report.

- (a) Short title. This article shall be known and may be cited as the "Belle Isle Impact Fee Ordinance."
- (b) Authorization. The city council has the authority to adopt this article pursuant to Article VIII of the Florida Constitution and F.S. ch. 125 and F.S. §§ 163.31801, 163.3201, 163.3202 and 380.06(16).
- (c) Applicability. This article shall apply to all new development within the incorporated area of the City of Belle Isle.
- (d) Incorporation of technical report. The City Council has reviewed and accepted, and incorporates into this article by reference, the report prepared by Duncan Associates, titled “Belle Isle, Florida Impact Fee Study for Transportation, Parks, and General Government Facilities,” dated October 2021 (hereinafter the "Technical Report"), or any subsequent similar report, which establishes the need for and appropriate amount of impact fees for transportation, parks, and general government facilities necessary to serve new development.

Sec. 46-192. – Definitions.

- (a) Land use definitions. The land use categories in the impact fee schedule are defined as follows.

Single-Family Detached means a building containing only one dwelling unit, including a mobile or manufactured home.

Multi-Family means a building containing two or more dwelling units, including duplexes, apartments, residential condominiums, townhouses, and timeshares.

Retail/commercial means establishments engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, amusement parks, auto parts stores, auto wrecking yards, auto repair, automobile sales and service, banks, bars or cocktail lounges, barber shops, bowling alleys, building material and lumber stores, car washes, convenience stores, dance studios, department stores, discount stores, florist shops, funeral homes, furniture stores, golf courses and driving ranges, grocery stores, hardware and paint stores, health or fitness clubs, home improvement stores, hotels or motels, laundromats, lawn and garden supply

stores, marinas, massage parlors, miniature golf courses, movie theaters, newsstands, nightclubs, pharmacies, restaurants, shopping centers, supermarkets, theaters, tire stores, variety stores, and vocational or technical schools. Any land use within a shopping center shall be considered a retail/commercial use.

Office shall mean a building exclusively containing establishments providing executive, management, administrative, financial or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or childcare facilities. It may be the upper floors of a multi-story office building with ground floor retail/commercial uses. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, photocopy and reproduction, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios, professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; medical and dental offices and clinics, including veterinarian clinics; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to the principal use on the site.

Industrial/warehouse means an establishment primarily engaged in the fabrication, assembly or processing of goods, or the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include manufacturing plants, industrial parks, research and development laboratories, welding shops, wholesale bakeries, dry cleaning plants, bottling works, wholesale distributors, storage warehouses, trucking terminals, moving and storage firms, recycling facilities, trucking and shipping operations, major mail processing centers, and mini-warehouses.

Public/institutional shall mean a governmental, quasi-public, institutional or nonprofit recreational use. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, fire stations, city halls, county court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, and parks and playgrounds.

(b) Other definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means any person who applies for a development permit for impact-generating land development.

Director means the city manager or employee designated thereby to review applications for development permits that require impact fee payments pursuant to this article.

General government facilities means facilities used for the provision of police protection and other general government services, including city administration, public works, and other city services, but excluding facilities related to transportation, parks and recreation, water, and wastewater services.

Impact-generating land development is land development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the existing use of the land in a manner that increases the generation of vehicular traffic or the demand for parks or general government facilities.

Major roadway system means all arterial and collector roads within the city’s incorporated area.

Site-related improvements means road improvements necessary to provide safe and adequate ingress and egress to a development site while maintaining efficient traffic operations. Such improvements include, but are not limited to, right-of-way and easements, turn lanes, acceleration and deceleration lanes, traffic control signals, and signage and marking.

Square feet means a measurement of one (1) foot by one (1) foot. For the purpose of assessing impact fees, it is calculated by using the gross floor area of a building, measured from the exterior faces of exterior walls, excluding areas within the interior of a building that are utilized for vehicular maneuvering and parking. Structures without roofs or walls shall not be deemed to have square footage under the terms of this article.

Sec. 46-193. – Imposition of impact fees.

- (a) Any person who applies for the issuance of a development permit for an impact-generating land development shall be required to pay impact fees in the manner and amounts set forth herein. No development permit for any impact-generating development requiring payment of an impact fee pursuant to this article shall be issued unless and until the impact fees hereby required have been paid. Impact fees shall not be collected prior to the issuance of a building permit. If no building permit is required, the impact fees shall be collected prior to the issuance of the final permit required for the development. The obligation to pay impact fees due shall run with the land.
- (b) Unless the applicant requests an independent fee calculation pursuant to section 46-194 of this article, the impact fees due shall be determined by using the applicable fee schedule set forth below.

(1) The following fee schedule will be in effect from April 1, 2022 through March 31, 2023.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$1,609</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,414</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,457</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,044</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

(2) The following fee schedule will be in effect from April 1, 2023 through March 31, 2024.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$1,788</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,593</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,483</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,070</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

(3) The following fee schedule will be in effect from April 1, 2024 through March 31, 2025.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$1,967</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,772</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,509</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,096</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

(4) The following fee schedule will be in effect after March 31, 2025.

<u>Land Use Type</u>	<u>Unit</u>	<u>Transp.</u>	<u>Parks</u>	<u>Gen.</u>	
				<u>Gov't</u>	<u>Total</u>
<u>Single-Family Detached</u>	<u>Dwelling</u>	<u>\$2,146</u>	<u>\$781</u>	<u>\$1,023</u>	<u>\$3,951</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$1,536</u>	<u>\$687</u>	<u>\$900</u>	<u>\$3,123</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$2,912</u>	<u>n/a</u>	<u>\$940</u>	<u>\$3,852</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$2,755</u>	<u>n/a</u>	<u>\$470</u>	<u>\$3,225</u>
<u>Industrial/Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$499</u>	<u>n/a</u>	<u>\$91</u>	<u>\$590</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$1,140</u>	<u>n/a</u>	<u>\$238</u>	<u>\$1,378</u>

- (c) The director shall determine the appropriate land use category or categories for the proposed development. The determination shall be based on the categories listed in the fee schedule, the proposed primary use of the site, and the definitions of the categories in section 46-192. In the event that the building permit covers multiple primary uses, such as residential and commercial in the same building, the fees for each primary use shall be calculated separately and summed.
- (d) If a development involves the replacement, expansion, and/or change of use related to an existing development, the impact fees due shall be determined by the difference between the fees that would otherwise have been due for the most recent use of the existing site and the fees for the proposed development or redevelopment. No impact fee credits or refunds will be given if a development involves the replacement, expansion, and/or change of use resulting in a lower impact generating development. Provided however, if a building or structure is demolished and a replacement building or structure is not permitted for reconstruction or redevelopment within one (1) year from demolition, the previously existing building or structure will not be considered as previously existing for impact fee purposes, and the new development will be charged at the full impact fee amount due (without reduction) based on the new development.
- (e) If impact fees are due under this chapter or any portion or combination thereof are due, and such fees are not paid when due for any reason, including a failure to pay due to incorrect land use activity, mistake, or inadvertence, the city shall have the right to proceed to collect such fees as follows:
 - (1) The city shall serve, by certified mail-return receipt requested and regular U.S. Mail, a notice of nonpayment upon the building permit applicant at the address set forth in the building permit application, and

then current owner of the property based on the ownership information appearing on the Orange County Property Appraiser website. Provided the city sends the notice of nonpayment, the applicant's and/or current owner's failure to receive delivery of such notice of nonpayment shall not invalidate or otherwise impact the city's ability to collect the outstanding amount owed and place and foreclose a notice of lien against the applicable property.

- (2) The notice of nonpayment shall contain:
 - i. A description of the property;
 - ii. Advise the applicant and the property owner of the amount due and the fee and/or charges that were not paid; and
 - iii. Advise that if the impact fees are not paid within 30 calendar days from the date of the notice of nonpayment, that a notice of lien against the applicable property for which the building permit was secured may be recorded in the official records of Orange County and such notice of lien may be foreclosed upon by the city to collect the outstanding sums owed plus accrued interest and attorneys' fees and other collection expenses.

- (3) If the amount set forth in the notice of nonpayment is not paid within 30 days from the date of the notice of nonpayment, then:
 - i. The outstanding balance owed to the city shall accrue interest at the rate of 12 percent per annum until such amount is paid in full;
 - ii. The city may proceed to record a notice of lien against the applicable property in the official records of the county. Once recorded, the notice of lien shall constitute a lien against the property described therein; and
 - iii. A copy of the notice of lien will be served by U.S. Mail to the applicant and the property owner at the same addresses as set forth in subsection (1) above.

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

- (5) The owner shall be responsible for and the city shall be entitled to reimbursement for the payment of all collection expenses and costs, including attorneys' fees and litigation costs and recording and filing fees, incurred by the city in the collection of fees and charges, filing of

liens, and in actions to foreclose such liens or actions for a monetary judgment.

- (6) If impact fees or any portion or combination thereof, have not been paid when due, the city shall have the right to, without notice, immediately withhold the issuance of and not process for review any certificate of occupancy, development permit, or development order applications associated with the development and property at issue and may issue and enforce a stop work order on construction associated with the development and property at issue until such fees and charges, including the city's associated collection costs, are paid in full.
- (7) The collection and enforcement procedures set forth in this section shall be cumulative with, supplemental to, and in addition to, any applicable procedures provided in any other ordinance or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement. Failure of the city to follow the procedure set forth in this section will not constitute a waiver of its rights to proceed under any other ordinances or administrative regulations of the city, any applicable law or administrative regulation of the state, or any agreement.

Sec. 49-194. - Independent fee calculation.

- (a) Generally.
 - (1) The intent of an independent fee calculation study is to determine appropriate impact fees for land uses that are not typical of the generalized land uses listed in the impact fee schedules. It shall not be grounds for an independent fee calculation that the initial occupant of the development will not generate as much impact as is assumed by the fee schedules, but that unique and permanent features of the development will result in lower impacts over the long term.
 - (2) The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, if the applicant believes it can be demonstrated that the nature of the proposed development makes it likely that the impacts generated will cost substantially less to mitigate than the amount of the fee that would be generated by the use of the fee schedule.
 - (3) The preparation of the independent fee calculation study shall be the sole responsibility and expense of the electing party. Any person who requests an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.

(b) Requirements.

- (1) An independent fee calculation study for transportation impact fees shall provide independent sources of data for determining appropriate trip generation rate, new trip factor, and average length of a trip on the City's arterial and collector road system. The independent fee calculation study shall provide independent data not used in the technical report for all three (3) of these travel demand characteristics. The independent sources shall be (1) an accepted standard source of transportation engineering or planning data or (2) a local study on travel demand characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.
- (2) An independent fee calculation study for general government facilities impact fees shall provide independent sources of data for determining appropriate functional population per development unit for the proposed development, using the methodology set forth in the technical report.
- (3) An independent fee calculation study for parks impact fees shall provide independent sources of data for determining appropriate measures of persons per dwelling unit to be added by the proposed development.

(c) Procedures.

- (1) An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation. The application shall briefly describe how the applicant proposes to conduct the independent fee calculation and meet the standards for such study provided in this section.
- (2) Within ten (10) days of receipt of an application for an independent fee calculation study, the director shall determine if the application is complete. If the director determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The director shall take no further action on the application until it is deemed complete.
- (3) When the director determines that the application is complete, the application shall be reviewed by the director with the assistance of the department of public works staff, and the director shall render a written decision in forty-five (45) days on whether the fee should be

modified and, if so, what the amount should be, based upon the standards below.

- (d) Standards. If, on the basis of generally recognized principles of impact analysis, it is determined that the data, information and assumptions used by the applicant in the independent fee calculation study satisfy the requirements of this section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed impact-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this section, the fee applied shall be that fee established for the development pursuant to section 46-193.

Sec. 46-195. - Site-related road improvements.

The transportation impact fee is designed to calculate the costs inherent in the construction of non-site-related improvements to the major roadway system and is not intended to assess an amount to construct site-related roadway improvements. Therefore, if an assessment for or the construction of site-related roadway improvements are required as a condition of development approval or permit, then to the extent permitted by law, said assessment or construction requirement shall be considered as an addition to the transportation impact fee assessed pursuant to the terms of this article.

Sec. 46-196. - Establishment of trust funds.

- (a) The impact fees collected by the city pursuant to this article shall be kept in separate accounts for each fee type from other revenue of the city.
- (b) Funds withdrawn from these accounts must be used solely in accordance with the provisions of this article. The disbursement of such funds shall require the approval of the city council, upon recommendation of the city manager.
- (c) Funds in these accounts shall be deemed to have been expended on a first-in, first out basis.

Sec. 46-197. - Use of funds collected.

- (a) The funds collected by reason of establishment of the transportation impact fee in accordance with this article shall be used solely for the purpose of administering, planning, acquisition, expansion and development of non-site-related improvements to the major roadway system determined to be needed to serve new land uses, including but not limited to:
 - (1) Corridor studies and environmental assessments,
 - (2) Design and construction plan preparation,

- (3) Right-of-way acquisition,
 - (4) Construction of new through lanes,
 - (5) Construction of new turn lanes,
 - (6) Construction of new bridges,
 - (7) Construction of new drainage facilities in conjunction with new roadway construction,
 - (8) Purchase and installation of traffic signalization, and
 - (9) Construction of new curbs, medians and shoulders.
- (b) The funds collected by reason of establishment of the parks impact fee in accordance with this article shall be used solely for the purpose of administering, planning, acquisition, expansion and development of additional land, amenities, and facilities for public parks and recreation purposes.
 - (c) The funds collected by reason of establishment of the general government impact fee in accordance with this article shall be used solely for the purpose of administering, planning, acquisition, expansion and development of additional land, facilities, vehicles and equipment for general government facilities as defined in this article.
 - (d) Funds collected by reason of the establishment of the transportation, parks, and general government impact fees shall not be used for maintenance, rehabilitation, repair, or replacement of existing facilities, or for the acquisition of vehicles or equipment with a useful life of less than five years, provided that the minimum useful life does not apply to public safety vehicles.
 - (e) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts, and all income derived shall remain in the account.
 - (f) The city shall be entitled to retain up to three percent of the impact fees collected to offset the actual administrative costs associated with collection and use of said funds pursuant to this article.

Sec. 46-198. - Developer credits.

- (a) General.
 - (1) Any person who shall initiate any impact-generating land development may apply for a credit against any impact fee assessed pursuant to this article for any contribution, payment, construction, or dedication of land accepted and received by the city for those capital facilities.
 - (2) Credit for contributions, payments, construction or dedications against one type of impact fee shall not be transferable to another type of

impact fee. Credits shall be transferable between developments within the city.

- (3) Credit shall be in an amount equal to the estimated fair market value of the land dedication or improvement at the time of the application, or the value of the contribution or payment at the time it is made.
- (4) The city shall enter into a capital contribution front-ending agreement with any person who proposes or is required to dedicate or construct impact fee-eligible improvements.

(b) Credit agreement procedures.

- (1) The determination of any credit shall be undertaken through the submission of an application that includes a draft capital contribution front-ending agreement, which shall be submitted to the director.
- (2) If the proposed application involves credit for the dedication of land, the application agreement shall include the following information: a drawing and legal description of the land; the appraised fair market value of the land at the date a building permit is proposed to be issued for the impact-generating land development, prepared by a professional real estate appraiser who is a member of the Member Appraisal Institute (MAI) or who is a member of Senior Residential Appraisers (SRA); and if applicable a certified copy of the development order in which the land was agreed to be dedicated.
- (3) If the proposed application involves construction, the application shall include the proposed plan of the specific construction prepared and certified by a duly qualified and licensed Florida engineer or contractor; and the estimated cost of the proposed improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.
- (4) If the proposed application involves a credit for any other contribution or payment, the application shall include a certified copy of the development order in which the contribution or payment was agreed; if

payment has been made, proof of payment; or if payment has not been made, the proposed method of payment.

(5) Within ten days of receipt of the proposed application for credit agreement, the director shall determine if the application is complete. If it is determined that the proposed application is not complete, the director shall send a written statement to the applicant outlining the deficiencies. No further action shall be taken on the proposed application until all deficiencies have been corrected or otherwise settled.

(6) Within 30 days after an application for credit is determined complete, the director shall review the application and grant the proposed credit if it meets the standards set forth in this section. If the application for credit agreement is approved, a capital contribution front-ending agreement shall be prepared and signed by the applicant and the director. It shall specifically outline the contribution, payment, construction or land dedication; the time by which it shall be completed, dedicated, or paid, and any extensions thereof; and the dollar credit the applicant shall receive for the contribution, payment or construction.

(c) Use of credits. Credits may be used by the credit holder to reduce impact fees that would otherwise be due from any development project within the city. The dollar value of the credits to be used shall be inflated or reduced by the same percentage by which the fee for the land use for which the credits shall be used has changed since the date of the credit agreement. Any credit amount not used within ten years of the date of the credit agreement shall expire and be of no further value.

Sec. 46-199. - Refunds.

If it is determined by the city that fee assessments collected pursuant to this article have not been spent or encumbered for expenditure by the end of the calendar quarter immediately following ten years from the date that the fee was received, or if the land uses for which the fees were paid were never begun, then said funds shall be eligible for refund to the then-present owner in accordance with the following procedures.

(a) The then-present owner must petition the city council for the refund within one year following the end of the calendar quarter immediately following ten years from the date on which the fee was received by the city.

(b) The petition must be submitted to the city manager and must contain:

(1) A notarized sworn statement that the petitioner is the current owner of the development site.

- (2) A copy of the dated receipt issued for payment of the fee.
- (3) A certified copy of the latest recorded deed.
- (4) A copy of the most recent ad valorem tax bill.
- (5) Such other information which may be reasonably necessary to ascertain current ownership of the development site.

- (c) Within sixty days from the date of receipt of petition for refund, the city manager or his designee shall advise the petitioner and the city council of the determination of whether the fee requested for refund remains in the trust fund and has been there for ten years. For the purpose of determining whether fees have been spent or encumbered, the first money placed in a trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made.

- (d) If the money requested for refund is still in the trust fund account and has not been spent or encumbered by the end of the calendar quarter immediately following ten years from the date the fees were paid, the money shall be returned with interest at the rate of three percent per annum.

- (e) If the building permit or other development permit for which impact fees were paid has expired without opportunity for renewal and the permitted development has not begun, the entity that paid the fee may request a refund by filing an application for refund within 90 days of the final expiration of the permit. The application must contain a copy of the applicable development permit and evidence that the permit has expired and that the permitted development was not begun. The director shall review the application and make a written determination of whether it meets the standards of this subsection (e) within 30 days. If the determination is affirmative, the director shall cause the refund to be issued for 97 percent of the original impact fee payment to the entity that paid the impact fee. A refund shall not include interest or investment income on the impact fee while in the city's possession.

- (f) An impact fee payer may not retain the right to seek or collect a refund of an impact fee paid after the impact fee payer no longer owns fee simple title to the land for which the impact fee is paid. Only the then current owner of the land for which the impact fee was paid is entitled to seek and receive an impact fee refund that may be due.

- (g) No refunds are due under this section if the impact fee payer or the owner of land for which the impact fee was paid voluntarily signed a waiver or release of the right to seek or claim a refund of an impact fee paid. The owner of the land for which an impact fee has been paid has standing to file suit for a refund under the provisions of this section. No cause of action may be commenced for receiving a refund of impact fees paid following one (1) year after the date of the required expenditure or encumbrance date for the impact fees paid.

Sec. 46-200. - Appeals of impact fee determinations.

- (a) Any persons desiring to appeal the decision of the director regarding the assessment of an impact fee or an application for an independent fee calculation, a refund, or a credit shall file with the city clerk a written notice of appeal to the city council within 10 days of the director's decision.
- (b) The notice of appeal shall include a full explanation of the reasons for the appeal, specifying the grounds therefor and containing any documentation which the applicant desires to be considered. The appeal shall contain the name and address of the person filing the appeal and shall state their capacity to act as a representative or agent if they are not the owner of the property to which the impact fees pertain.
- (c) The city clerk shall schedule the appeal for the first city council meeting following 30 days from receipt of the written notice of appeal to the city council. Postponement of the appeal date may be granted by the city clerk if a postponement is requested by either the applicant or the director in writing at least ten days in advance of the scheduled city council meeting date.
- (d) The applicant and the director shall each be given opportunity to make oral presentations before the city council.
- (e) The city council, after hearing, shall have the power to affirm or reverse the decision of the director. In making its decision, the city council shall make written findings of fact and conclusions of law, and apply the standards in this article. If the city council reverses the decision of the director, it shall instruct the director to determine the outcome in accordance with its findings. In no case shall the city council have the authority to negotiate the amount of the fee, refund, or credit, or to waive the fee. The decision of the city council shall be final and not subject to further administrative appeal.

Secs. 46-201—46-220. - Reserved.

Section 3. Codification. Section 2 of this Ordinance will be codified and 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 governs and controls to the extent of any such conflict(s).

Section 6. Directions to City Staff. City Staff under the direction of the City Manager is directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance.

Section 7. Effective Dates. This Ordinance shall become effective on _____ after its adoption by the City Commission 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	_____	_____	_____
Randy Holihan	_____	_____	_____
Beth Lowell	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

CITY COUNCIL
CITY OF BELLE ISLE

ATTEST:

Nicholas Fouraker, Mayor

Yolanda Quiceno, City Clerk

Daniel W. Langley, 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 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 2021, at which session a quorum of its members were present.

City Clerk

s:\dl\clients\belle isle, city of\general b900-29001\impact fees\ordinances\city of belle isle ordinance adopting impact fees rev 10-20-21 - redline.docx

Belle Isle, Florida **Impact Fee Study**



**for Transportation, Parks,
and General Government Facilities**

prepared by

duncan | associates

October 2021

Public Review Draft

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Duncan Associates

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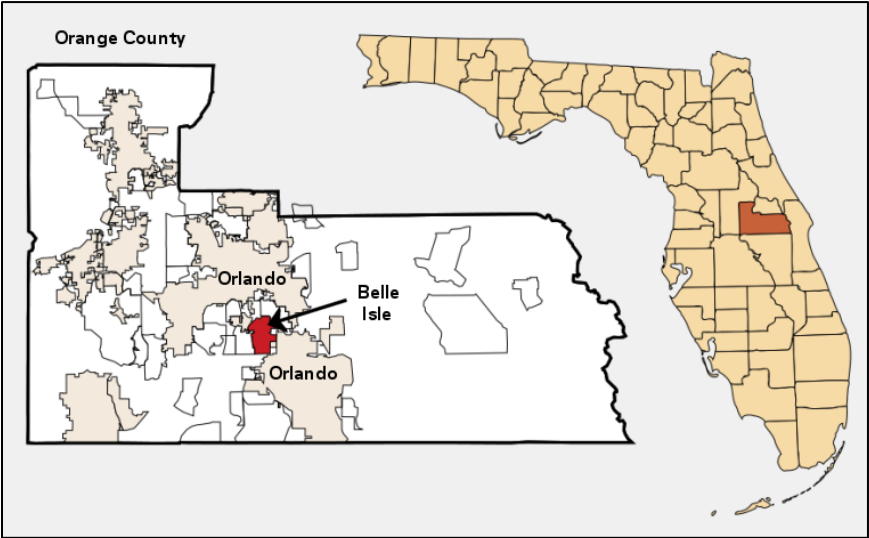
EXECUTIVE SUMMARY

The purpose of this study is to update the City’s transportation impact fees and calculate potential additional impact fees for parks and general government facilities. The City adopted traffic impact fees in 2005. Ordinance 05-06 assesses a fee of \$1,431 per dwelling unit on new residential development. While the City does not have a formal study, Exhibit A of the ordinance describes how the fee was derived: \$3.72 million in planned transportation improvements over 20 years was divided by 2,600 new homes. Traffic impact fees are not assessed on new nonresidential development.

Study Location

Belle Isle is a city in Orange County, Florida with a 2020 Census population of 7,032. It is about three miles northwest of the Orlando International Airport, and roughly six miles south of downtown Orlando. Belle Isle surrounds Lake Conway, one of greater Orlando's largest lakes. The southern portion of Little Lake Conway, another large lake, is also in Belle Isle.

Figure 1. Belle Isle Location Map



Study Approach

Legal Framework. The recent amendments to the impact fee act by the Florida legislature restrict how impact fees can be increased. Any impact fee increase of less than 25% must be phased in over two years, and any increase between 25-50% over four years. No fee can go up more than 50% over four years. Aside from annual phasing of increases, fees can only be increased once every four years (this provision would appear to rule out annual increases to account for cost inflation).

While these provisions seem pretty straight-forward, it gets more complicated because there is generally not a single impact fee. When fees are updated, the fees for individual land uses for each

Executive Summary

type of fee tend to change at different rates. In addition, each fee needs to be proportional to the impact of the development, meaning all land uses should be assessed at the same percentage of the maximum calculated fee, whether that is 100% or a lower percentage. If one category increases by a significantly higher percentage than the others, it will impose a significant limit on how much fees for other categories can be increased or assessed.

With respect to this study, the new restrictions will affect how much the transportation impact fees may be increased, but are not applicable to the potential new impact fees for parks and general government facilities. However, these restrictions could be a major factor in implementing a future study update for those fees. There is also the option to exceed the maximum increases by claiming extraordinary circumstances require it, such as the fact that the fees have not been updated in over 15 years. Additional discussion of this option can be found in the Legal Framework and Transportation chapters.

Updated Transportation Fees. Belle Isle is relatively unique in assessing transportation impact fees only on new residential dwelling units. It would be difficult to support the assumption implicit in the current fees that only new residential development creates the need for transportation improvements. Every trip has a destination, and most trips generated by residences are bound for a nonresidential use. Standard practice in impact fee analysis is to divide responsibility for a trip between the origin and the destination. Based on current land uses in the city, about a quarter of existing traffic on City streets is attributable to nonresidential development. The approach taken in this study is to be consistent with standard practice and calculate updated transportation impact fees for nonresidential uses as well.

New Park and General Government Fees. This study calculates potential new impact fees for parks and general government. The City’s current general government facilities include administrative, maintenance, and police facilities, as well as associated vehicles and equipment.

Land Use Categories. This study proposes the following land use categories for all the fee types (with the exception of no nonresidential fees for parks): single-family detached (including manufactured homes), multi-family (including apartments, townhomes, condominiums, and time-shares), retail/commercial, office (including medical office), industrial/warehouse, and public/institutional. For more discussion on this topic, see the Land Use Categories chapter.

Methodology. The City’s current traffic impact fee appears to have been calculated using what is called a “plan-based” methodology, in which planned costs needed to accommodate anticipated development over a period of time is divided by the anticipated development. This methodology requires a long-range master plan that clearly establishes the nexus between the amount of growth and the planned improvements. This study uses the alternative “consumption-based” methodology, which is used for most transportation impact fee studies in Florida. For more discussion on this topic, see the Methodology chapter.

Draft Ordinance Amendments. Draft ordinance amendments have been prepared to convert the current road impact fee ordinance into a transportation, parks, and general government impact fee ordinance. The recommended ordinance amendments have been provided separately to the City Attorney.

Maximum Fees

This impact fee study calculates fees that charge the proportionate fair share of the cost to accommodate new development at the existing level of service for various land use types. In that sense, the fees summarized in Table 1 below are maximum fees. The City can adopt them at some percentage less than 100%, but the implementation percentage should be the same for all land use categories for each fee type to preserve the proportionality of the fees to the impact of development.

Table 1. Maximum Impact Fees

Land Use Type	Unit	Transp.	Parks	General	
				Gov't	Total
Single-Family Detached	Dwelling	\$3,333	\$781	\$1,023	\$5,137
Multi-Family	Dwelling	\$2,385	\$687	\$900	\$3,972
Retail/Commercial	1,000 sq. ft.	\$4,521	n/a	\$940	\$5,461
Office	1,000 sq. ft.	\$4,277	n/a	\$470	\$4,747
Industrial/Warehouse	1,000 sq. ft.	\$775	n/a	\$91	\$866
Public/Institutional	1,000 sq. ft.	\$1,769	n/a	\$238	\$2,007

Source: Maximum fees from Table 13 (transportation), Table 20 (parks), and Table 27 (general government).

Phasing

In the event that the City decides not to pursue an “extraordinary circumstances” exemption from the phasing requirements for the updated transportation impact fees, a recommended four-year phasing schedule has been prepared that would increase the transportation fee for a single-family unit by 50% and bring all transportation impact fees to 64.42% of the maximum fees by the fourth year. The four-year phasing schedule is shown in Table 2 below. At the end of the fourth year, the City could either update the fees, or continue phasing in the transportation fees to 96.64% of the maximum fees calculated in this study in the eighth year of an extended phase-in.

Table 2. Recommended Impact Fee Phase-in

Land Use	Unit	Recommended Phasing Schedule			
		Year 1	Year 2	Year 3	Year 4
Transportation Fees					
Single-Family Detached	Dwelling	\$1,610	\$1,789	\$1,968	\$2,147
Multi-Family	Dwelling	\$1,457	\$1,483	\$1,509	\$1,536
Retail/Commercial	1,000 sq. ft.	\$2,912	\$2,912	\$2,912	\$2,912
Office	1,000 sq. ft.	\$2,755	\$2,755	\$2,755	\$2,755
Industrial/Warehouse	1,000 sq. ft.	\$499	\$499	\$499	\$499
Public/Institutional	1,000 sq. ft.	\$1,140	\$1,140	\$1,140	\$1,140
Total Impact Fees					
Single-Family Detached	Dwelling	\$3,414	\$3,593	\$3,772	\$3,951
Multi-Family	Dwelling	\$3,044	\$3,070	\$3,096	\$3,123
Retail/Commercial	1,000 sq. ft.	\$3,852	\$3,852	\$3,852	\$3,852
Office	1,000 sq. ft.	\$3,225	\$3,225	\$3,225	\$3,225
Industrial/Warehouse	1,000 sq. ft.	\$590	\$590	\$590	\$590
Public/Institutional	1,000 sq. ft.	\$1,378	\$1,378	\$1,378	\$1,378

Source: Recommended phase-in of updated transportation fees from Table 15; total fees are phased transportation fees plus new park and general government maximum fees from Table 1.

Fee Comparisons

Communities in the process of updating impact fees are naturally interested in knowing what nearby or comparable jurisdictions are charging. However, often-expressed concerns about the need to be “competitive” with other jurisdictions are not necessarily well-founded. Some studies have found that differences in impact fees between cities or counties in a state or region had no measurable effect on the rates of development. This is not surprising, given the myriad of other market and regulatory factors that differ between jurisdictions besides impact fees.

That caveat aside, a reasonable comparison would be with non-utility fees charged in the unincorporated county and other cities in Orange County. All cities in the county also collect the County’s school impact fees (which are currently \$9,148 for a typical single-family detached home and \$6,335 for a non-high-rise multi-family unit).¹ The proposed transportation impact fees shown in the comparison are maximum fees, and assume the City opts to claim extraordinary circumstances that allow it to exceed the HB 337 phasing requirements. The fees would be significantly lower if they need to comply with the phasing requirements (see preceding table). The fee comparisons for five major land use categories are provided in Table 3 on the following page. Note that if the City’s transportation fees are adopted without a phase-in, the total City fee would be very close to the average of these comparable jurisdictions for each major land use category.

¹ effective October 1, 2021

Table 3. Impact Fee Comparisons

Jurisdiction	Roads	Parks	Fire	Police	GenGovt	Total
Single-Family (per unit)						
Apopka	\$3,101	\$1,060	\$708	\$747	n/a	\$5,616
Maitland	\$1,784	\$2,151	\$390	n/a	n/a	\$4,325
Orange County	\$3,898	\$1,721	\$339	\$502	n/a	\$6,460
Orlando	\$4,123	\$966	n/a	n/a	n/a	\$5,089
Winter Garden	\$3,517	\$1,300	\$491	\$339	n/a	\$5,647
Average*	\$3,285	\$1,440	\$482	\$529	n/a	\$5,427
Belle Isle (maximum)	\$3,333	\$781	n/a	n/a	\$1,023	\$5,137
Multi-Family (per unit)						
Apopka	\$2,178	\$1,060	\$708	\$747	n/a	\$4,693
Maitland	\$1,246	\$2,151	\$498	n/a	n/a	\$3,895
Orange County	\$2,524	\$1,165	\$232	\$194	n/a	\$4,115
Orlando	\$2,729	\$825	n/a	n/a	n/a	\$3,554
Winter Garden	\$2,470	\$1,159	\$491	\$339	n/a	\$4,459
Average*	\$2,229	\$1,272	\$482	\$427	n/a	\$4,143
Belle Isle (maximum)	\$2,385	\$687	n/a	n/a	\$900	\$3,972
Retail (per 1,000 sq. ft.)						
Apopka	\$10,686	n/a	\$640	\$1,000	n/a	\$12,326
Maitland	\$3,831	n/a	\$670	n/a	n/a	\$4,501
Orange County	\$6,135	n/a	\$307	\$786	n/a	\$7,228
Orlando	\$6,766	n/a	n/a	n/a	n/a	\$6,766
Winter Garden	\$8,479	n/a	\$850	\$650	n/a	\$9,979
Average*	\$7,179	n/a	\$617	\$812	n/a	\$8,160
Belle Isle (maximum)	\$4,521	n/a	n/a	n/a	\$940	\$5,461
Office (per 1,000 sq. ft.)						
Apopka	\$3,090	n/a	\$490	\$290	n/a	\$3,870
Maitland	\$2,036	n/a	\$210	n/a	n/a	\$2,246
Orange County	\$4,748	n/a	\$269	\$265	n/a	\$5,282
Orlando	\$4,576	n/a	n/a	n/a	n/a	\$4,576
Winter Garden	\$5,748	n/a	\$850	\$650	n/a	\$7,248
Average*	\$4,040	n/a	\$455	\$402	n/a	\$4,644
Belle Isle (maximum)	\$4,277	n/a	n/a	n/a	\$470	\$4,747
Industrial (per 1,000 sq. ft.)						
Apopka	\$1,445	n/a	\$70	\$70	n/a	\$1,585
Maitland	\$795	n/a	\$160	n/a	n/a	\$955
Orange County	\$1,185	n/a	\$84	\$146	n/a	\$1,415
Orlando	\$1,220	n/a	n/a	n/a	n/a	\$1,220
Winter Garden	\$4,690	n/a	\$850	\$650	n/a	\$6,190
Average*	\$1,867	n/a	\$291	\$289	n/a	\$2,273
Belle Isle (maximum)	\$775	n/a	n/a	n/a	\$91	\$866

* average fees by fee type exclude jurisdictions that do not charge that fee type
 Source: Belle Isle's maximum fees from Table 1; other jurisdiction's current fees from Duncan Associates survey, July 20, 2021.

LEGAL FRAMEWORK

Impact fees are a way for local governments to require new developments to pay a proportionate share of the infrastructure costs they impose on the community. In contrast to traditional “negotiated” developer exactions, impact fees are charges that are assessed on new development using a standard formula based on objective characteristics, such as the number and type of dwelling units constructed. The fees are one-time, up-front charges, with the payment usually made at the time of building permit issuance. Essentially, impact fees require that each new development project pay its pro-rata share of the cost of new capital facilities required to serve that development.

Case Law

Because impact fees were pioneered in states like Florida that lacked specific enabling legislation, such fees have generally been legally defended as an exercise of local government’s broad “police power” to regulate land development in order to protect the health, safety and welfare of the community. The courts have developed guidelines for constitutionally-valid impact fees, based on “rational nexus” standards. The standards essentially require that the fees must be proportional to the need for additional infrastructure created by the new development and must be spent in such a way as to provide that same type of infrastructure to benefit new development. A Florida district court of appeals described the dual rational nexus test in 1983 as follows, and this language was quoted and followed by the Florida Supreme Court in its 1991 St. Johns County decision:

In order to satisfy these requirements, the local government must demonstrate a reasonable connection, or rational nexus, between the need for additional capital facilities and the growth in population generated by the subdivision. In addition, the government must show a reasonable connection, or rational nexus, between the expenditures of the funds collected and the benefits accruing to the subdivision. In order to satisfy this latter requirement, the ordinance must specifically earmark the funds collected for use in acquiring capital facilities to benefit the new residents.²

One of the most fundamental principles of impact fees, rooted in case law, is that impact fees should not charge new development for a higher level of service than is provided to existing development. While impact fees can be based on a higher level of service than the one existing at the time of the adoption or update of the fees, two things are required if this is done. First, another source of funding other than impact fees must be identified and committed to fund the capacity deficiency created by the higher level of service. Second, the impact fees must generally be reduced to ensure that new development does not pay twice for the same level of service, once through impact fees and again through general taxes that are used to remedy the capacity deficiency for existing development. In order to avoid these complications, the general practice is to base impact fees on the existing level of service.

² *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-612 (Fla. 4th DCA), review denied, 440 So. 2d 352 (Fla. 1983), quoted and followed in *St. Johns County v. Northeast Florida Builders Ass’n*, 583 So. 2d 635, 637 (Fla. 1991).

A corollary principle is that new development should not have to pay more than its proportionate share when multiple sources of payment are considered. As noted above, if impact fees are based on a higher-than-existing level of service, the fees should be reduced by a credit that accounts for the contribution of new development toward remedying the existing deficiencies. A similar situation arises when the existing level of service has not been fully paid for. Outstanding debt on existing facilities that are counted in the existing level of service will be retired, in part, by revenues generated from new development. Given that new development will pay impact fees to provide the existing level of service for itself, the fact that new development may also be paying for the facilities that provide that level of service for existing development could amount to paying for more than its proportionate share. Consequently, impact fees should be reduced to account for future payments that will retire outstanding debt on existing facilities.

The issue is less clear-cut when it comes to other types of revenue that may be used to make capacity-expanding capital improvements of the same type being funded by impact fees. No credit is warranted in most cases because while new development may contribute toward such funding, so does existing development, and both existing and new development benefit from the higher level of service that the additional funding makes possible. The City does not earmark its tax funds for specific types of capital improvements, but programs such funds for growth-related improvements when impact fee funds are insufficient. No revenue credit is warranted for such discretionary use of general fund revenues.

Credit has also sometimes been provided for outside grants for capacity improvements that can reasonably be anticipated in the future. In addition to the argument presented above (i.e., grants raise the level of service and benefit new development as well as existing development), two additional arguments can be made against applying credit for grants. First, new development in a community does not directly pay for State and Federal grants in the same way they pay local gasoline and property taxes. Second, future grant funding is far more uncertain than dedicated revenue streams. An exception is State/Federal funding for transportation improvements. On the other hand, local governments have less discretion about whether to spend grant funding on capacity-expanding capital improvements.

There are specific circumstances where a stronger case can be made that a credit should be provided. An example is state/federal transportation funding. Of all the types of impact fee facilities, transportation systems tend to be highly integrated between jurisdictions, particularly in the form of the state and federal highway system. Neither the federal government nor any state government assesses a transportation impact fee (although Louisiana considered the idea), and local governments often contribute to the cost to improve such roads, because matching local funding will make the improvement more attractive to the state transportation department. Many communities include state and federal highways in their transportation impact fee studies because they form an integral part of the local transportation system. However, the local government is not responsible for these roads, which are primarily funded from federal and state revenues. In this instance, a credit would seem to be warranted.

Florida Statute

The 2006 Florida Legislature passed Senate Bill 1194, which established certain requirements for impact fees in Florida. It was most recently amended by House Bill 337, which was signed by the governor and became effective on June 4, 2021. The current Florida Impact Fee Act reads as follows (major changes made by HB 337 are indicated by underline/strike-out):

163.31801 Impact fees; short title; intent; minimum requirements, audits; challenges.--

- (1) This section may be cited as the "Florida Impact Fee Act."
- (2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) For purposes of this section, the term:

(a) "Infrastructure" means a fixed capital expenditure or fixed capital outlay, excluding the cost of repairs or maintenance, associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of at least 5 years; related land acquisition, land improvement, design, engineering, and permitting costs; and other related construction costs required to bring the public facility into service. The term also includes a fire department vehicle, an emergency medical service vehicle, a sheriff's office vehicle, a police department vehicle, a school bus as defined in s. 1006.25, and the equipment necessary to outfit the vehicle or bus for its official use. For independent special fire control districts, the term includes new facilities as defined in s. 191.009(4).³

(b) "Public facilities" has the same meaning as in s. 163.3164 and includes emergency medical, fire, and law enforcement facilities.⁴

(4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district that adopts, collects, and administers an impact fee by resolution must:

- (a) Ensure that the calculation of the impact fee is based on the most recent and localized data.
- (b) Provide for accounting and reporting of impact fee collections and expenditures and account for the revenues and expenditures of such impact fee in a separate accounting fund.
- (c) Limit administrative charges for the collection of impact fees to actual costs.
- (d) Provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A local government is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new or increased impact fees may not apply to current or pending permit applications submitted before the effective date of a new or increased impact fee.

³ 191.009(4) ... As used in this subsection, "new facilities" means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment. ...

⁴ 163.3164(39) "Public facilities" means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

- (e) Ensure that collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.
 - (f) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.
 - (g) Ensure that the impact fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.
 - (h) Specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.
 - (i) Ensure that revenues generated by the impact fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.
- (5) (a) Notwithstanding any charter provision, comprehensive plan policy, ordinance, development order, development permit, or resolution, the local government or special district must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied on a dollar-for-dollar basis at fair market value to reduce any education-based impact fee collected for the general category or class of public facilities or infrastructure for which the contribution was made.
- (b) If a local government or special district does not charge and collect an impact fee for the general category or class of public facilities or infrastructure contributed, a credit may not be applied under paragraph (a).
- (6) A local government, school district, or special district may increase an impact fee only as provided in this subsection.
- (a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.
 - (b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.
 - (c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.
 - (d) An impact fee increase may not exceed 50 percent of the current impact fee rate.
 - (e) An impact fee may not be increased more than once every 4 years.
 - (f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.
 - (g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d),

or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations.

2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

(h) This subsection operates retroactively to January 1, 2021.

(7) If an impact fee is increased, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. ~~This subsection shall operate prospectively and not retrospectively.~~

(8) A local government, school district, or special district must submit with its annual financial report required under s. 218.32 or its financial audit report required under s. 218.39 a separate affidavit signed by its chief financial officer or, if there is no chief financial officer, its executive officer attesting, to the best of his or her knowledge, that all impact fees were collected and expended by the local government, school district, or special district, or were collected and expended on its behalf, in full compliance with the spending period provision in the local ordinance or resolution, and that funds expended from each impact fee account were used only to acquire, construct, or improve specific infrastructure needs.

(9) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(10) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and which receives benefits from the improvement or contribution that generated the credits. This subsection applies to all impact fee credits regardless of whether the credits were established before or after the effective date of this act.

(11) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(12) This section does not apply to water and sewer connection fees.

(13) In addition to the items that must be reported in the annual financial reports under s. 218.32, a local government, school district, or special district must report all of the following information on all impact fees charged:

- (a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.
- (b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.
- (c) The amount assessed for each purpose and for each type of dwelling.
- (d) The total amount of impact fees charged by type of dwelling.
- (e) Each exception and waiver provided for construction or development of housing that is affordable.

Key provisions of the Florida Impact Fee Act in effect prior to the 2021 amendments include the requirements that: (1) impact fees are calculated based on the most current and localized data, (2) administrative charges do not exceed actual costs, (3) 90 days’ notice is provided before a new or increased impact fee goes into effect, (4) financial audits include certification of compliance with the Act, (5) the burden of proof in any impact fee litigation is on the local government, (6) fees cannot be collected prior to the date of issuance of a building permit, (7) developer contributions must be credited at full market value, (8) the value of developer credits must be increased by the same percentage when the applicable type of impact fees for which the credit was given is increased, and (9) waivers of impact fees for affordable housing projects, as defined in Sec. 420.9071, do not have to be offset with other government revenues. Other provisions relating to impact fees are scattered about in the Florida Statutes. For example, the boards of independent special fire control districts are authorized to establish fire impact fees in Section 191.009(4). Public schools are exempted from the payment of impact fees in Section 1013.371(1)(a). Mobility fees must comply with the Florida Impact Fee Act, per Sec. 163.3180(5)(i)

The major change in the 2021 amendments relates to restrictions on how much impact fees may be increased, and that is addressed in depth below. Another change is to require that eligible capital facilities have a minimum life expectancy of five years (although public safety vehicles appear not to be subject to this restriction). HB 377 also references a definition of public facilities in 163.3164(39) – “major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities” – and adds “emergency medical, fire, and law enforcement facilities.” This list leaves out support facilities that many jurisdictions charge for under the rubric of “general government” or “public building” fees, as well as rarer types of fees such as those for hurricane mitigation. Because the referenced definition does not expressly limit facilities to those listed, it does not appear to ban impact fees from covering non-listed facilities.

Restrictions on Fee Increases

As noted above, the most significant changes made in 2021 are new restrictions on impact fee increases. Any impact fee increase of no more than 25% must be phased in over two years, and any increase between 25-50% over four years. No fee can go up more than 50% over four years. Aside from annual phasing of increases, fees can only be increased once every four years (this provision would appear to rule out annual increases to account for cost inflation).

The phased increases over the two- or four-year phasing period must be in equal annual increments. This poses a potential conflict with the requirement that the fees be proportional to the impact of the development. A strict application of the proportionality principle would seem to require that the fee for each land use is assessed at the same percentage of the updated maximum fee each year. However, because the fees must be increased in equal annual amounts, proportionality cannot be retained each year during the phase-in period.

In light of this, it will be necessary to temporarily suspend the proportionality principle during the phase-in period. However, this may not be defensible if the phase-in takes so long that the fees would likely be updated before it is completed, the cycle would restart, and the various fee categories may never be based on the same percentage of the latest maximum fees. A four-year phase-in that ends with each land use category assessed the same percentage of the maximum updated fee, with at least a full year of proportionality before the fees are updated, would seem to be appropriate and defensible.

The bill allows the phase-in limitations to be exceeded, based on an analysis that “expressly demonstrates the extraordinary circumstances” that require exceeding them. The difficulty is deciphering what “extraordinary circumstances” means. There will likely be litigation over whatever rationale is used, and this might be necessary to clarify what kinds of circumstances qualify as “extraordinary.” In addition to a description of the extraordinary circumstances, two public hearings would need to be held on the issue within twelve months prior to ordinance adoption, and adoption would require a two-thirds majority of the governing body.

Assuming the City decides not to pursue the extraordinary circumstances option, the recommended phasing approach is to allow the transportation impact fees for the different land use categories to temporarily depart from strict proportionality during the phasing period, while ensuring that all categories are assessed at the same percentage of the updated maximum fees during the fourth year.

LAND USE CATEGORIES

Transportation impact fees are generally what drives jurisdictions to include a large number of detailed use categories, and this is because published national trip generation data have long been available for hundreds of use categories. However, the fact that trip generation rates are available for so many land uses does not mean all of those uses must be included in the fee schedule. An alternative approach is to simplify the fee schedule by eliminating many of the uses and replacing them with a fewer number of broader, more generalized use categories. Having learned that attempts to enumerate every possible land use in the fee schedule is both unnecessary and overly complicated, many communities are now moving in this direction.

Rationale for Broad Categories

The fact that it may be possible to calculate impact fees for many specific land use types does not mean that all these categories need to be included in the fee schedule. As a general rule, the more specialized the category, the less robust the data about it. Many uses have some trip generation data available, but for some the data are limited to only a few studies that were done years ago, and reliable data on trip length and percent new trips is even scarcer.

The fundamental policy choice related to the choice between general versus specific categories is whether fees should be assessed on new development based on the impact of the general long-term use of the development, or on the impacts of the specific initial occupant of the development. For example, much of the retail/commercial space being built can accommodate a wide range of uses, and may cycle among them during the development’s useful life. As a reflection of the longer term impact, the general retail/commercial rate is the most appropriate for these types of developments.

The main argument for assessing fees based on the initial use is that the immediate impacts can be measured more precisely, and if the development changes to a more intensive use in the future, an additional fee can be assessed that charges for the increased impact. Given data constraints for many specialized uses, the accuracy even for the immediate impacts may not be as great as might be imagined. Change-of-use fees are paid by a prospective buyer or tenant, and can be a disincentive to the reuse of vacant retail/commercial buildings. There is also the equity issue that refunds are not provided if the use changes to something less intensive.

Most commercial uses occur within shopping centers, and trip generation rates for shopping centers assume a mix of uses. The *Trip Generation Manual* produced by the Institute of Transportation Engineers (ITE) notes that some of the shopping centers in its surveys include “non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs and recreational facilities.” It also notes that some of the centers surveyed include outparcels, which often contain service stations, drive-in banks and fast-food restaurants. The proposed approach is to utilize the shopping center rate for all retail/commercial uses. Fees for the other nonresidential categories would be based on the lowest component rate.

Recommended Land Uses

Definitions for the six proposed land use categories are provided below. These definitions are intended to assist City staff in classifying proposed developments and assessing appropriate impact fees. If these definitions are adopted by ordinance or resolution, they should be accompanied by a disclaimer that they only apply to interpretation of the impact fee schedules.

Single-Family Detached means a building containing only one dwelling unit, including a mobile or manufactured home.

Multi-Family means a building containing two or more dwelling units. It includes duplexes, apartments, residential condominiums, townhouses, and timeshares.

Retail/Commercial means an integrated group of commercial establishments planned, developed, owned or managed as a unit, or a free-standing retail or commercial use. A retail or commercial use shall mean the use of a building or structure primarily for the sale to the public of nonprofessional services, or goods or foods that have not been made, assembled or otherwise changed in ways generally associated with manufacturing or basic food processing in the same building or structure. This category includes all uses located in shopping centers and includes but is not limited to the following types of free-standing uses:

- Amusement park
- Auto parts store
- Auto wrecking yard
- Automobile repair
- Bank
- Bar and cocktail lounge
- Camera shop
- Car wash
- Convenience store
- Department store
- Florist shop
- Food store
- Grocery
- Hardware store
- Health or fitness club
- Hobby, toy and game shop
- Hotel or motel
- Junkyard
- Laundromat
- Laundry or dry cleaning
- Lawn and garden supply store
- Massage establishment
- Music store
- Newsstand
- Nightclub
- Racetrack
- Recreation facility, commercial
- Rental establishment
- Repair shop, including auto repair
- School, commercial
- Specialty retail shop
- Supermarket
- Theater, indoor (including movie theater)
- Used merchandise store
- Variety store
- Vehicle and equipment dealer

Office means a building exclusively containing establishments providing executive, management, administrative, financial, or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or childcare facilities. It may be the upper floors of a multi-story office building with ground floor retail/ commercial uses. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; medical and dental offices and clinics, including veterinarian clinics; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations. This category does not include an administrative office that is ancillary to the principal use on the site.

Industrial/Warehouse means an establishment primarily engaged in the fabrication, assembly, or processing of goods; the display, storage, and sale of goods to other firms for resale; and/or activities involving significant movement and storage of products or equipment. Typical uses include manufacturing plants, industrial parks, research and development laboratories, welding shops, wholesale bakeries, dry cleaning plants, bottling works, wholesale distributors, storage warehouses, trucking terminals, moving and storage firms, recycling facilities, trucking and shipping operations, major mail processing centers, and mini-warehouses.

Public/Institutional means a governmental, quasi-public or institutional use, or a non-profit recreational use, not located in a shopping center or separately listed in the impact fee schedule. Typical uses include churches, day care centers, elementary and secondary schools, higher education facilities, hospitals, nursing homes, city halls, courthouses, fire stations, post offices, jails, parks, libraries, museums, military bases, airports, bus stations, and fraternal lodges.

METHODOLOGY

This chapter provides a brief overview of impact fee methodology. Key components of an impact fee methodology include the following:

- the set of facilities for which the impact fees are charged,
- the geographic area served by that set of facilities (“service area”),
- the measure of demand on those facilities (“service unit”),
- the amount of demand generated by a unit of development for a particular land use type (“demand schedule”),
- the cost per service unit to accommodate new development at the appropriate level of service,
- the amount by which the cost per service unit should be reduced to account for future revenues attributable to new development that will pay for the same facilities or existing deficiencies (known as “revenue credits”), and
- the combination of the components to produce the impact fee schedule.

While it gets more complicated in its application, the basic impact fee formula is simple. The cost per service unit is reduced by the revenue credit per service unit to determine the net cost per service unit, which is then multiplied by the number of service units generated by a land use per development unit (e.g., dwelling, 1,000 square feet of building area) to determine the net cost per development unit.

Level of Service

The most important legal principle for impact fee methodology is related to the concept of “level of service.” Level of service (LOS) is critical in the determination of the appropriate cost per service unit and revenue credit per service unit. Impact fees should not charge new development for a higher LOS than is provided to existing development. This principle recognizes that public infrastructure provides a shared level of service to all development within a service area. Both new and existing development in the service area will have access to any improvement funded with impact fees paid by new development. If impact fees are based on a desired level of service that is higher than what is being provided to existing development, new development would bear a disproportionate share of the cost of raising the LOS. If impact fees are the only revenue source used to fund capital improvements, new development would pay impact fees that would be used both to maintain the same LOS paid for by existing development, as well as to raise the LOS, which would benefit existing development as well as new development.

Generally speaking, level of service is the ratio of the capacity of the facilities to the demand for those facilities. Examples of common levels of service are vehicle-miles of capacity per vehicle-mile of travel, park acres per 1,000 population, and water treatment capacity (gallons per day) per daily gallon of water consumption. However, while level of service is an indispensable concept in impact fee analysis, attempts to quantify it in terms of physical ratios of capacity to demand are not always appropriate. Capacity can be more precisely determined for so-called “hard” facilities, such as roads, water, wastewater, and drainage infrastructure, than for so-called “soft” facilities, such as parks, libraries, fire, police, and general government facilities. For these types of facilities, more capital

investment generally equates to a better level of service. Level of service is an important concept in impact fee law and methodology. However, trying to quantify it in terms of physical ratios is not always necessary or appropriate.

Types of Methodology

Impact fee methodologies are classified based on how the cost per service unit is calculated. Impact fee calculations also require consideration of possible revenue credits, and that is discussed in the Legal Framework chapter. There are two primary types of methodologies, which can be referred to as “standards-based” and “plan-based.” The standards-based methodology is calculated based on a generalized level-of-service (LOS) standard. The plan-based approach methodology, as the name implies, is based on a plan and an identified set of improvements. The plan-based approach relies on the master plan to establish the nexus between anticipated growth and the need for the identified improvements. Many master plans are not adequate to support such a methodology. This study employs the standards-based approach.

A standards-based methodology typically uses a generalized level of service standard, such as number of park acres per 1,000 residents, to determine the costs to accommodate new development. This approach does not require that there be a master plan, or even a list of specific planned projects that will be funded with the impact fees. Most often, the standards-based approach uses the actual level of service (LOS) that exists at the time the study is prepared. In its simplest form, the standards-based approach divides the replacement cost of existing facilities by the existing development being served by those facilities to determine the cost per service unit. In essence, the cost to maintain the existing LOS is defined as the existing investment in capital facilities per service unit currently using those facilities. In many cases, physical or quasi-physical LOS ratios are used as intermediary factors, but the resulting fee is the same. The two major variants of the standards-based methodology – “incremental expansion” and “consumption-based” – are described below.

Incremental Expansion. When the cost per service unit is based on the existing LOS, this approach is sometimes referred to as “incremental expansion.” The basic assumption is that it will be necessary to expand capital facilities proportional to growth. Basing the fees on the existing LOS assumes that there is little or no excess capacity in existing facilities to accommodate future growth. However, a standards-based methodology can also be based on a LOS that is lower or higher than the current existing LOS. When there is a significant amount of excess capacity, a lower-than-existing LOS may be used. For soft facilities for which capacity is difficult to measure, the incremental expansion approach is almost always used.

Consumption-Based. For hard facilities such as transportation, the most common standards-based approach is often referred to as “consumption-based.” This approach charges a new development the cost required to replace the capacity it will consume in the system. In essence, instead of dividing the cost of all existing facilities by the existing demand units being served, as is typically done for soft facilities, only the cost of the existing facility capacity being consumed by existing development is used as the numerator. The reason for this difference is that the hard facilities tend to have measurable excess capacity.

Methodology

The consumption-based approach for transportation impact fees uses travel miles as the service unit rather than trips. One can't determine the cost of trip capacity without including the distance component. The cost of adding capacity for a trip to a 5-mile road segment will be roughly five-times the cost to add capacity for one trip on a 1-mile segment. So the service unit of choice is a mile of travel. This can refer to either vehicle-miles or person-miles. Most transportation impact fee studies continue to be based on vehicle-miles because the data on vehicular trips is so much more robust than it is for bike/ped or other modes of travel.

Summary. There are two basic impact fee methodologies: standards-based and plan-based. This study uses the standards-based approach. The consumption-based variant is used to calculate the updated transportation impact fees, and the incremental expansion variant is used for the new parks and general government fees. These are the most commonly-used methodologies in Florida for these types of facilities.

TRANSPORTATION

The purpose of this chapter is to update City’s transportation impact fees. The City currently assesses transportation impact fees for residential uses only, based on an ordinance adopted in 2005. This update proposes to assess nonresidential uses as well. To make the calculations easier to follow, numbers in one table that are inputs into another table are highlighted in red.

Major Roadway System

A transportation impact fee program should include a clear definition of the major roadway system that is to be funded with impact fees. For the purposes of this study, the major roadway system is defined as all arterial and collector roads within the city limits. An inventory of existing arterial and collector roads within the city limits is presented in Table 4. It provides a description of each major road segment, including ownership, functional classification, number of lanes, segment length in miles, average daily traffic, and generalized daily capacity. Judge, Daetwyler, Seminole and McCoy are two-lane major collector roads that were deeded to the City by the County on April 7, 2021. Hoffner Avenue is a two-lane County minor arterial. The major roads in the vicinity of Belle Isle are shown on the functional classification map in Figure 2 on the following page.

Table 4. Major Roadway Inventory

Street	Segment Description	Juris- diction	Func. Class	Lns	Miles	Daily Trips	VMT	Capa- city	VMC
Judge Rd	S Conway Rd-Conway Lakes Dr	City	Coll.	2	0.34	20,700	7,038	13,200	4,488
Daetwyler Dr	Conway Lakes Dr-McCoy Rd	City	Coll.	2	1.16	12,300	14,268	13,200	15,312
Hoffner Ave	S Conway Rd-Oak Island Rd	County	Art.	2	1.51	17,631	26,623	13,200	19,932
Hoffner Ave	Oak Island Rd-La Belle St	County	Art.	2	0.87	12,142	10,564	13,200	11,484
Nela Ave	Matchett Rd-Seminole Dr	City	Coll.	2	1.15	1,950	2,243	13,200	15,180
Seminole Dr	Nela Ave-Daetwyler Dr	City	Coll.	2	0.46	1,950	897	13,200	6,072
McCoy Rd	Daetwyler Dr-Via Flora	City	Coll.	2	0.38	12,300	4,674	13,200	5,016
Total					5.87		66,307		77,484

Source: Street and segment description and segment length in miles from City of Belle Isle; functional classification from Florida Department of Transportation (FDOT), *Roadways on the Federal Aid System*, Orange County Map No. F06, May 2010; average daily trips from recent studies provided by the City of Belle Isle and FDOT traffic count map accessed July 7, 2021; generalized daily capacity at LOS D from FDOT *Quality/Level of Service Handbook*, 2020 for non-state signalized class II roadways in urban areas; vehicle-miles of travel (VMT) is miles times trips; vehicle-miles of capacity (VMC) is miles times capacity.

The major purpose of the inventory is to ensure that the travel demand factors for individual land uses in the fee schedule are calibrated to the actual travel observed on the city’s major roadway system. A secondary purpose is to ensure that the level of service (LOS) implicit in the standard consumption-based transportation impact fee methodology does not exceed the actual LOS on the major roadway system. The LOS in the standard consumption-based methodology (see Methodology chapter for more explanation) is measured in terms of the system-wide ratio of 1.0 between vehicle-miles of capacity (VMC) and vehicle-miles of travel (VMT) on the major roadway system. There are no existing deficiencies, evidenced by a an existing VMC/VMT ratio significantly greater than one – see Table 5 on the following page.

Table 5. Existing Roadway System Level of Service

VMC on Major Road System	452,861
÷ VMT on Major Road System	222,023
VMC per VMT	2.04

Source: Table 4.

Figure 2. Functional Classification Map



Service Unit

In an impact fee analysis, various types of development must be translated into a common unit of measurement, called a service unit. The service unit for transportation is expressed in terms of daily vehicle-miles of travel (VMT). VMT is the product of three factors: 1) trip generation, 2) percent new trips and 3) trip length in miles.

Trip Generation. Trip generation rates represent trip ends, or driveway crossings at the site of a land use. Thus, a single one-way trip from home to work counts as one trip end for the residence and one trip end for the workplace, for a total of two trip ends. To avoid double-counting travel, trip rates are divided by two. The daily trip generation rates used in this study are from the Institute of Transportation Engineers' (ITE), *Trip Generation* manual, 11th edition, published in 2021.

New Trips. The trip rates are also adjusted by a “new trip factor” to exclude pass-by and diverted-link trips. This adjustment reduces the possibility of over-counting trips by including only primary trips generated by the development. Pass-by trips are those trips that are already on a particular route for a different purpose and simply stop at a particular development on that route. For example, a stop at a convenience store on the way home from the office is a pass-by trip for the convenience store. A pass-by trip does not create an additional burden on the street system and therefore should not be counted in the assessment of impact fees. A diverted-link trip is similar to a pass-by trip, but a diversion is made from the regular route to make an interim stop. The new trip factors are based on the most recent ITE *Trip Generation Manual*.

Trip Length. The average trip length is the most difficult travel demand factor to determine. In the context of a transportation impact fee using a consumption-based methodology, the relevant input is the average length of a trip on the jurisdiction’s major roadway system. This varies significantly between jurisdictions based on the size and shape of the jurisdiction and layout of the jurisdiction’s major roads. The starting point for determining average trip lengths by land use is national data. While these average trip lengths provide reasonable estimates of relative magnitudes associated with different land use types, the actual distances are likely to be unrepresentative of travel on Belle Isle’s major roadway system. To account for this, an adjustment factor is derived by dividing the VMT actually observed on the major roadway system by the VMT that would be expected using national average trip lengths.

The first step in developing the adjustment factor for the local trip length is to estimate the total VMT that would be expected on the major roadway system based on national average trip lengths by land use type. Existing land uses in the city are multiplied by trip generation rates, percent new trips and average trip lengths and summed to estimate total city-wide VMT. As shown in Table 6, existing land uses within the city, using national trip generation data and trip length data, would be expected to generate 148,233 VMT per day on the major roadway system.

Table 6. Expected Vehicle-Miles of Travel

Land Use Category	Unit	Existing Units	Trip Rate	% New	Miles	Total VMT
Single-Family Detached	Dwelling	2,508	4.71	100%	8.75	103,361
Multi-Family	Dwelling	340	3.37	100%	8.75	10,026
Retail/Commercial	1,000 sq. ft.	373	18.50	43%	7.03	20,860
Office	1,000 sq. ft.	162	5.42	100%	9.76	8,570
Industrial/Warehouse	1,000 sq. ft.	0	0.85	100%	11.28	0
Public/Institutional	1,000 sq. ft.	248	3.37	100%	6.48	5,416
Total Expected Vehicle-Miles of Travel (VMT)						148,233

Source: Existing units from Table 28 in the Appendix; trip rate and percent new trips from recommended travel demand schedule in Table 9; average trip lengths from 2017 National Household Travel Survey; VMT is products of units, trip rate, % new trips, and trip length in miles.

The next step in developing the local trip length adjustment factor is to compare the expected VMT using national average trip lengths to actual daily VMT on the major roadway system, as shown in Table 7. Expected VMT based on existing land uses and national travel demand characteristics over-

estimates VMT actually observed on the City’s major roadway system. Consequently, the national average trip lengths will be adjusted downward by the local adjustment factor calculated below.

Table 7. Comparison of Expected to Actual Vehicle-Miles of Travel

Actual Daily VMT on Major Road System	66,307
÷ Expected Daily VMT on Major Road System	148,233
Ratio of Actual to Expected VMT	0.447

Source: Actual local VMT from Table 4; expected VMT from Table 6.

Applying the local adjustment factor calculated above to the national average trip lengths results in the recommended average trip lengths by land use for Belle Isle shown in Table 8.

Table 8. Local Average Trip Lengths by Land Use

Land Use Type	National Avg. Trip Length	Local Adjustment Factor	Local Avg. Trip Length
Single-Family Detached	8.75	0.447	3.91
Multi-Family	8.75	0.447	3.91
Retail/Commercial	7.03	0.447	3.14
Office	9.76	0.447	4.36
Industrial/Warehouse	11.28	0.447	5.04
Public/Institutional	6.48	0.447	2.90

Source: National average trip lengths from Table 6; local adjustment factor from Table 7.

Service Unit Summary. The result of combining trip generation rates, new trip factors, and local average trip lengths is a travel demand schedule that establishes the vehicle-miles of travel (VMT) during the average weekday generated by various land use types per unit of development in Belle Isle. The daily VMT generation rates are summarized in Table 9.

Table 9. Transportation Service Units by Land Use

Land Use Category	Unit	ITE Code	Trip Rate	% New	Trip Length	VMT/Unit
Single-Family Detached	Dwelling	210	4.71	100%	3.91	18.42
Multi-Family	Dwelling	220	3.37	100%	3.91	13.18
Retail/Commercial	1,000 sq. ft.	820	18.50	43%	3.14	24.98
Office	1,000 sq. ft.	710	5.42	100%	4.36	23.63
Industrial/Warehouse	1,000 sq. ft.	150	0.85	100%	5.04	4.28
Public/Institutional	1,000 sq. ft.	620	3.37	100%	2.90	9.77

Source: Daily trips are 1/2 daily trip ends from Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th edition, 2021; percent new trips for retail from ITE *Trip Generation Handbook* for shopping centers; trip lengths from Table 8; daily VMT (vehicle-miles of travel) is the product of trip rate, percent new trips, and average trip length.

Cost per Service Unit

The cost of expanding the capacity of the major roadway system is generally measured for projects that widen existing roadway by adding lanes or by building new roads. Transportation capacity can also be expanded in ways that are less easily quantified in terms of vehicular capacity, such as intersection, signalization, and bicycle/pedestrian improvements, but the capacity added by such improvements is more difficult to quantify. Standard practice is to base the cost per service unit on the average cost of constructing a lane-mile divided by the average capacity per lane.

The City of Belle Isle does not have any recent cost information related to constructing new or widened roadways. The most localized data available is for Orange County projects. The County’s most recent 2020 transportation impact fee study analyzed a set of recent County road improvements and determined the average cost per lane-mile, including design, construction and right-of-way, as well as the average capacity per lane added. To take into consideration that improvements to major roads in the city may be less costly, the County cost per lane-mile is reduced by 50 percent. The resulting cost per service unit is \$252 per vehicle-mile of capacity, as shown in Table 10.

Table 10. Transportation Cost per Service Unit

County Average Cost per Added Lane-Mile	\$4,540,000
x Percentage Assumed for City	50%
Assumed City Cost per Added Lane-Mile	\$2,270,000
÷ Average Capacity Added per Lane	9,000
City Cost per Vehicle-Mile of Capacity (VMC)	\$252

Source: County average cost per lane-mile and capacity per new lane from Tindale Oliver, *Orange County Transportation Impact Fee Update Study*, September 2020, Table 3; City cost percentage assumed.

Net Cost per Service Unit

This section calculates appropriate revenue credits to account for future revenue generated by new development that will be used to pay for the same level of service that will be provided by transportation impact fees. There are no existing deficiencies because the impact fees are based on a lower level of service (VMC/VMT ratio of one) than that currently provided to existing development. The City does not have any outstanding debt related to past capacity-expanding transportation improvements.

A credit for State and Federal transportation funding recognizes planned expenditures to improve major roads in the city over the next five years included in the current regional transportation improvement program (TIP). Only one such project is included in the current TIP. The annual amount of such funding per service unit over this period is assumed to continue for the long term, quantified as 30 years. The net present value of these annual amounts over the next 30 years is the State/Federal funding credit per service unit of \$71 per VMT shown in Table 11.

Table 11. State/Federal Funding Credit

Hoffner Ave/Nela Ave Bike/Ped Safety Study	\$1,000,000
Total Five-Year Funding, FY 2022-2026	\$1,000,000
÷ Number of Years	5
Annual State Transportation Funding	\$200,000
÷ Existing Daily VMT on Major Road System	66,307
Annual Transportation Funding per VMT	\$3.02
x Present Value Factor (over 30 years)	23.35
Transportation Funding Credit per VMT	\$71

Source: Five-year funding from MetroPlan Orlando, FY 2021/22 – 2025-26 Orlando Urban Area Transportation Improvement Program, adopted July 7, 2021; existing VMT from Table 4; present value factor based on discount rate of 1.70%, which is the average 30-year AAA municipal bond yield reported by fmsbonds.com on October 7, 2021.

The net cost to accommodate new development’s impact on the major roadway system is the cost per service unit less the State/Federal revenue credit per service unit. This yields a net cost of \$181 per vehicle-mile of travel, as summarized in Table 12.

Table 12. Transportation Net Cost per Service Unit

Transportation Cost per VMT	\$252
– State/Federal Funding Credit per VMT	-\$71
Transportation Net Cost per VMT	\$181

Source: Cost per VMT is same as cost per VMC from Table 10; State/Federal credit from Table 11.

Net Cost Schedule

The final calculation for transportation impact fees is to multiply the daily vehicle-miles of travel (VMT) generated by a unit of development by the net cost per VMT. The transportation impact fee calculation is shown in Table 13.

Table 13. Transportation Net Cost Schedule

Land Use	Unit	VMT/Unit	Net Cost/VMT	Net Cost per Unit
Single-Family Detached	Dwelling	18.42	\$181	\$3,333
Multi-Family	Dwelling	13.18	\$181	\$2,385
Retail/Commercial	1,000 sq. ft.	24.98	\$181	\$4,521
Office	1,000 sq. ft.	23.63	\$181	\$4,277
Industrial/Warehouse	1,000 sq. ft.	4.28	\$181	\$775
Public/Institutional	1,000 sq. ft.	9.77	\$181	\$1,769

Source: VMT per unit from Table 9; net cost per VMT from Table 12; net cost per unit is product of VMT per unit and net cost per unit.

The City’s current transportation impact fees for residential uses were adopted in 2005 and have not been updated for 15 years. Table 14 shows the comparison between the current and updated study maximum fees. The updated maximum single-family fee would increase more than the multi-family fee. Note that a percentage increase cannot be calculated for nonresidential uses, because a number cannot be divided by zero.

Table 14. Change in Transportation Impact Fees

Land Use Category	Unit	Current Fee	Updated Fee	Change	Percent Change
Single-Family Detached	Dwelling	\$1,431	\$3,333	\$1,902	133%
Multi-Family	Dwelling	\$1,431	\$2,385	\$954	67%
Retail/Commercial	1,000 sq. ft.	n/a	\$4,521	\$4,521	n/a
Office	1,000 sq. ft.	n/a	\$4,277	\$4,277	n/a
Industrial/Warehouse	1,000 sq. ft.	n/a	\$775	\$775	n/a
Public/Institutional	1,000 sq. ft.	n/a	\$1,769	\$1,769	n/a

Source: Current fees from Exhibit "A" to Ord.-05-06, adopted April 5, 2005; updated fees from Table 13.

The impact fee phasing requirements recently enacted by HB 337 apply to increases from existing fees, based on the percentage by which the fees are increased. Fees can only be increased once every four years, and may not be increased more than 50%. Increases of more than 25% but no more than 50% must be phased in over four years in equal annual increments.

The statute allows the cap on increases and the phasing requirements to be exceeded, provided the jurisdiction establishes the need for such increase in excess of what would otherwise be authorized is completed within 12 months before the adoption of the impact fee increase that expressly demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations. The local government jurisdiction must hold at least two publicly noticed workshops dedicated to the extraordinary circumstances, and adopt the ordinance with at least a two-thirds vote of the governing body. What qualifies as extraordinary circumstances is not clear, but the fact that the fees have not been updated in over 15 years could arguably qualify.

Assuming the City decides not to pursue that option, a suggested phasing schedule is provided in Table 15 on the following page. Impact fees must also be proportionally related to impact, meaning the fees for all land uses should be assessed at the same percentage of the maximum fee. As discussed in the Legal Framework chapter, a reasonable approach is to temporarily vary from a strict application of proportionality during a four-year phase-in, while ensuring that the fee for each land use is assessed at the same percentage of the maximum fee in the fourth year. While no phase-in is required for the new nonresidential fees, those fees would be capped by the same assessment percentage as single-family, which would have the lowest assessment rate because it is increasing by the largest percentage. After the allowed 50% increase, the single-family fee would be assessed at 64.40% of the updated maximum fee in year four. Nonresidential and multi-family fees would also need to be assessed at no more than that percentage during the fourth year to return to proportionality. No phasing is required for the new nonresidential fees, and those could be assessed at 64.40% in the first year. However, the general requirement to “provide notice at least 90 days before the effective date of an ordinance or

resolution imposing a new or increased impact fee” would apply to the new nonresidential fees as well.

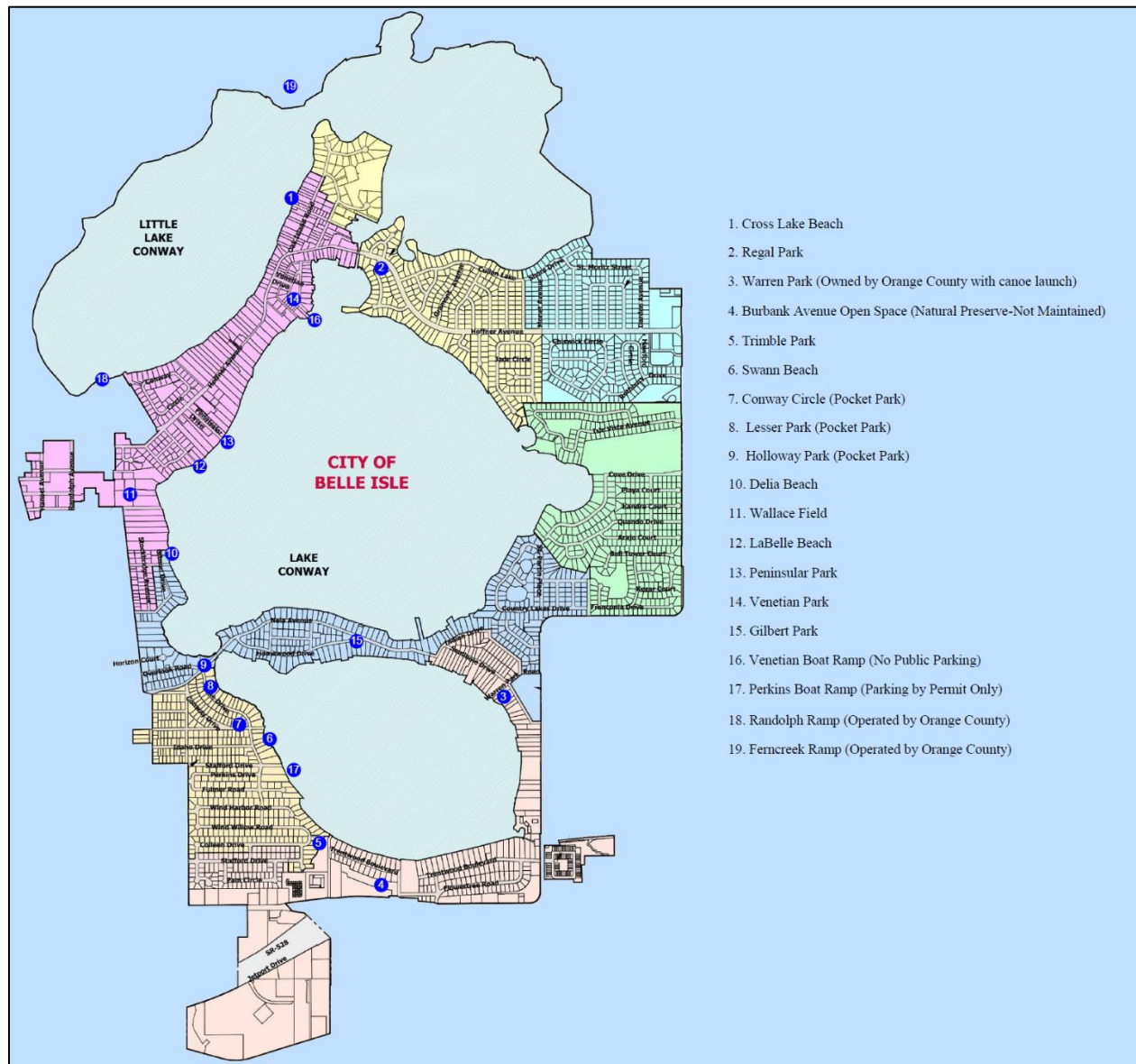
Table 15. Recommended Transportation Phasing Schedule

Land Use	Unit	Current Fee	Recommended Phasing Schedule				Updated Fee
			Year 1	Year 2	Year 3	Year 4	
Single-Family Detached	Dwelling	\$1,431	\$1,610	\$1,789	\$1,968	\$2,147	\$3,333
Multi-Family	Dwelling	\$1,431	\$1,457	\$1,483	\$1,509	\$1,536	\$2,385
Retail/Commercial	1,000 sq. ft.	n/a	\$2,912	\$2,912	\$2,912	\$2,912	\$4,521
Office	1,000 sq. ft.	n/a	\$2,755	\$2,755	\$2,755	\$2,755	\$4,277
Industrial/Warehouse	1,000 sq. ft.	n/a	\$499	\$499	\$499	\$499	\$775
Public/Institutional	1,000 sq. ft.	n/a	\$1,140	\$1,140	\$1,140	\$1,140	\$1,769
Annual Change							
Single-Family Detached	Dwelling		\$179	\$179	\$179	\$179	
Multi-Family	Dwelling		\$26	\$26	\$26	\$27	

PARKS

The City provides public parks for the enjoyment of its residents. The locations of existing City parks (and some County boat ramps) are illustrated in Figure 3. The City’s current parks are mostly small amounts of open space, many of which provide access to the lakes for swimming or boating. Some are patches of excess street right-of-way with minimal improvements other than irrigation and landscaping. This chapter calculates the net cost to accommodate new residential development at the existing park level of service. To make the calculations easier to follow, numbers in one table that are inputs into another table are highlighted in red.

Figure 3. Existing Park Locations



Service Unit

Disparate types of development must be translated into a common unit of measurement that reflects the impact of new development on the demand for park facilities. This unit of measurement is called a “service unit.” The service unit for park impact fees is the “equivalent dwelling unit” or EDU, which represents the impact of a typical single-family detached dwelling. By definition, a typical single-family unit represents one EDU. Other types of units each represent a fraction of an EDU, based on their relative household sizes.

Demand for park facilities is proportional to the number of people in a dwelling unit. Consequently, data on average household size for various types of units is a critical component of park demand. These data are presented and analyzed in the Appendix and are used to develop the EDU multipliers for Belle Isle’s park impact fee. The relative EDUs associated with each housing type are shown in Table 16.

Table 16. Park Equivalent Dwelling Unit Multipliers

Housing Type	Average Household Size	EDUs/Unit
Single-Family Detached	2.92	1.00
Multi-Family	2.57	0.88

Source: Average household size from Table 29 in the Appendix; single family EDUs/unit is one by definition; multi-family EDUs/unit is the ratio of multi-family to single-family average household size.

To determine the existing level of service, it is necessary to estimate the total number of service units in the city. Data on existing units by housing type is presented in the Appendix. To determine the total EDUs for the purpose of the park impact fee, the numbers of existing dwelling units of each housing type are multiplied by the appropriate EDUs per unit and the results for all housing types are summed. As shown in Table 17, there are currently 2,807 park service units (EDUs) city-wide.

Table 17. Existing Park Service Units

Housing Type	Total Units	EDUs/Unit	Total EDUs
Single-Family Detached	2,508	1.00	2,508
Multi-Family	340	0.88	299
Total	2,848		2,807

Source: EDUs per unit from Table 16; existing units from Table 28 in the Appendix.

Cost per Service Unit

This study uses the “incremental expansion” methodology for the park impact fee calculations (see Methodology chapter for more explanation). It bases the park impact fee on the existing level of service, and measures that level of service in terms of the ratio of the replacement value of existing facilities to existing residential development. Land acquisition and related site improvements are

significant costs related to park facilities. The City’s most recent acquisition was the purchase of 2.4 acres for Wallace Field in 2016 for \$0.83 million. Land and improvement costs are based on original costs. An inventory of the City’s land and improvement values are summarized in Table 18.

Table 18. Existing Park Facility Inventory

Park Name	Facility Type	Acres	Estimated Current Value		
			Land	Improvement	Total
Swann Beach	Swimming Beach/Bench	0.25	n/a	\$21,585	\$21,585
Delia Beach	Swimming Beach/Bench	0.22	n/a	\$411,000	\$411,000
LaBelle Beach	Swimming Beach/Bench	0.31	n/a	\$25,000	n/a
Cross Lake Beach	Swimming Beach/Bench	0.16	\$260,000	n/a	\$260,000
Perkins Boat Ramp	Boat Launch Ramp	0.33	n/a	\$80,374	\$80,374
Venetian Park	Boat Launch Ramp/OS	1.93	n/a	n/a	n/a
Wallace Field	Undeveloped Open Space	2.40	\$830,000	n/a	\$830,000
Burbank Ave. Open Space	Open Space	4.03	\$403,067	n/a	\$403,067
Trimble Park	Open Space/Picnic Area	n/a	n/a	\$25,000	\$25,000
Regal Park	Fountain/Benches/Lights	0.51	\$50,000	\$65,000	\$115,000
Peninsular Park	Open Space/Benches	n/a	n/a	\$15,000	\$15,000
Gilbert Park	Open Space/Irrigation	n/a	n/a	\$15,000	\$15,000
Lesser Park	Open Space/Irrigation	n/a	n/a	\$15,000	\$15,000
Conway Circle Park	Open Space/Bench	n/a	n/a	n/a	n/a
Holloway Park	Open Space on City Hall Site	n/a	n/a	n/a	n/a
Total		10.14	\$1,543,067	\$672,959	\$2,191,026

Source: City of Belle Isle, July 9, 2021 (land and improvement costs are original costs).

As shown in Table 19, the cost to maintain the existing level of service is \$781 per EDU.

Table 19. Park Cost per Service Unit

Total Park Land and Improvement Value	\$2,191,026
÷ Existing Park Service Units (EDUs)	2,807
Park Cost per Service Unit	\$781

Source: Park value from Table 18; park EDUs from Table 17.

Net Cost per Service Unit

The City funds park land and improvements entirely from the general fund. It does not have any outstanding debt related to existing parks, nor has it received any State or Federal grants for park improvements in recent years. There are no existing deficiencies, because the proposed impact fees are based on the existing level of service. To the extent that general revenues are used for park improvements after impact fees are assessed, those improvements will raise the level of service for both existing and new development. Consequently, no revenue credits are warranted for taxes that will be paid by new residential development. The net cost per service unit is therefore the same as the cost per service unit calculated above.

Net Cost Schedule

The maximum parks and recreation impact fees that can be adopted by the City based on this study are derived by multiplying the EDUs associated with each dwelling unit type by the net cost per EDU, as shown in Table 20.

Table 20. Park Net Cost Schedule

Housing Type	EDUs/ Unit	Net Cost/ EDU	Net Cost/ Unit
Single-Family Detached	1.00	\$781	\$781
Multi-Family	0.88	\$781	\$687

Source: EDUs per unit from Table 16; net cost per EDU is cost per EDU from Table 19.

The impact fee phasing requirements recently enacted by HB 337 apply to increases from existing fees, based on the percentage by which the fees are increased. They do not apply to new fees. The City does not currently assess impact fees for parks. It is not mathematically possible to calculate a percentage increase from zero. No phasing of the proposed park impact fees is required beyond the requirement to “provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.”

GENERAL GOVERNMENT

The City of Belle Isle provides a variety of buildings and equipment used to deliver general government services to businesses and residents that are not included in other impact fee program areas, such as the transportation impact fee or the proposed park impact fee. The City’s existing general government capital improvements consist of administrative and maintenance facilities, as well as police facilities. This chapter calculates a potential general government impact fee based on the existing level of service. To make the calculations easier to follow, numbers in one table that are inputs into another table are highlighted in red.

Service Unit

The “functional population” approach is a technique commonly used in impact fee studies to estimate the demand for general government facilities. This section describes how functional population service units are determined for each land use type, and calculates the total number of existing service units in the city.

Functional population represent the number of full-time equivalent people at a land use during a typical workday, based on the observation that demand for general government facilities tends to be proportional to the number of people. Functional population is analogous to the concept of “full-time equivalent” employees. It represents the number of “full-time equivalent” people present at the site of a land use, and it is used for the purpose of determining the impact of a particular development on the need for facilities. For residential development, functional population is average household size times the percent of time people spend at home. For nonresidential development, functional population is based on a formula that includes trip generation rates, average vehicle occupancy and average number of hours spent by visitors at a land use.

Residential Functional Population. For residential land uses, the impact of a dwelling unit on the need for capital facilities is generally proportional to the number of persons residing in the dwelling unit. This can be measured for different housing types in terms of either average household size (average number of persons per occupied dwelling unit) or persons per unit (average number of persons per dwelling unit, including vacant as well as occupied units). In this analysis, average household size is used to develop the functional population multipliers, as it avoids the need to make assumptions about more-volatile occupancy rates.

The first step is to determine the percentage of time people spend at their place of residence. In 2018, the U.S. Bureau of Labor Statistics interviewed one person each from 9,600 randomly-selected households to determine how people spent their time during a recent day. Survey respondents were limited to persons aged 15 or older in the civilian population. The survey determined the average number of hours spent on various types of activities. While it did not itemize where the activities occurred, reasonable assumptions have been made about which activities were more likely to take place at the place of residence or away from home. The results, summarized in Table 21, indicate that people spend on average two-thirds of each 24-hour day at their place of residence.

Table 21. Time Usage Survey

Primary Activity	Total Hrs. per Day	At Home	Away
Sleeping (including naps, spells of sleeplessness)	8.82	8.82	–
Personal care activities (other than sleeping)	0.76	0.76	–
Eating and drinking*	1.19	0.89	0.30
Household activities	1.78	1.78	–
Purchasing goods and services	0.72	–	0.72
Caring for and helping household members	0.51	0.51	–
Caring for and helping non-household members	0.21	–	0.21
Working and work-related activities	3.57	–	3.57
Educational activities	0.46	–	0.46
Organizational, civic and religious activities	0.30	–	0.30
Watching television	2.84	2.84	–
Other leisure and sports	2.43	–	2.43
Telephone, mail and email	0.15	0.15	–
Other activities	0.26	0.26	–
Total Hours	24.00	16.01	7.99
Percent of Time	100.0%	66.7%	33.3%

* estimates 75% of meals eaten at home

Source: U.S. Dept. of Labor, Bureau of Labor Statistics, *American Time Use Survey - 2018 Results*, June 19, 2019 news release, Table 1: Time spent in primary activities per day, civilian population 15 years or older, 2018 annual averages; time at home or away is estimated.

Based on these data, it is estimated that people spend about two-thirds of their time at home and the rest of each 24-hour day away from their place of residence. The functional population per unit for residential uses is shown in Table 22.

Table 22. Residential Functional Population per Unit

Housing Type	Unit	Average HH Size	Occupancy	Func. Pop./Unit
Single-Family Detached	Dwelling	2.92	66.7%	1.948
Multi-Family	Dwelling	2.57	66.7%	1.714

Source: Average household size from Table 29 in the Appendix; percent of time at home from Table 21.

Nonresidential Functional Population. The functional population methodology for non-residential uses starts with trip generation rates. The number of daily trips is multiplied by the average vehicle occupancy to determine the total number of persons going to the site each day. The number of employees is estimated from average employee densities. Visitors are the remainder of persons going to the site. Employees are estimated to spend eight hours per day at their place of employment, and visitors are estimated to spend one hour per visit. Functional population per 1,000 square feet is derived by dividing the total number of hours spent by employees and visitors during a weekday by 24 hours. The formula used to derive the nonresidential functional population estimates is summarized in Figure 4.

Figure 4. Nonresidential Functional Population Formula

$$\text{Functional population/1000 sf} = (\text{employee hours/1000 sf} + \text{visitor hours/1000 sf}) \div 24 \text{ hours/day}$$

Where:

$$\text{Employee hours/1000 sf} = \text{employees/1000 sf} \times 8 \text{ hours/day}$$

$$\text{Visitor hours/1000 sf} = \text{visitors/1000 sf} \times 1 \text{ hour/visit}$$

$$\text{Visitors/1000 sf} = \text{weekday ADT/1000 sf} \times \text{avg. vehicle occupancy} - \text{employees/1000 sf}$$

$$\text{Weekday ADT/1000 sf} = \text{one way average daily trips (total trip ends} \div 2)$$

Using this formula and trip generation rates from the *Trip Generation Manual*, vehicle occupancy rates from the *National Household Travel Survey* and employee densities from the U.S. Department of Energy, nonresidential functional population estimates per 1,000 square feet of gross floor area are calculated. Table 23 presents the results of these calculations for the proposed nonresidential land use categories.

Table 23. Nonresidential Functional Population per Unit

Land Use	Unit	Trip Rate	Persons/Trip	Employees/Unit	Visitors/Unit	Functional Pop./Unit
Retail/Commercial	1,000 sq. ft.	18.50	1.97	0.93	35.52	1.790
Office	1,000 sq. ft.	5.42	1.29	2.07	4.92	0.895
Industrial/Warehouse	1,000 sq. ft.	0.85	1.29	0.48	0.32	0.173
Public/Institutional	1,000 sq. ft.	3.80	2.07	0.43	7.42	0.453

Source: Trip rates are one-half daily trip ends during a weekday from Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th ed., 2021 (retail/commercial based on shopping center, office based on general office, industrial/warehouse based on warehouse, public/institutional based on church); persons/trip is average vehicle occupancy by trip purpose from Federal Highway Administration, *Nationwide Household Travel Survey*, 2017 for state of Florida (retail/commercial based on shopping, office and industrial/warehouse based on home-to-work, public/institutional based on family/personal); employees/unit from U.S. Department of Energy, *Commercial Buildings Energy Consumption Survey*, 2012; visitors/unit is trips times persons/trip minus employees/unit; functional population/unit calculated based on formula in Figure 4.

Functional Population Summary. The functional population multipliers for the residential and nonresidential land use categories are summarized in Table 24 below. Multiplying the multipliers by the amount of existing development for each land use type and summing for all land uses results in a current estimate of 6,394 functional population city-wide.

Table 24. Functional Population Summary

Land Use	Unit	Functional Pop./Unit	Existing Units	Total Func. Pop.
Single-Family Detached	Dwelling	1.948	2,508	4,886
Multi-Family	Dwelling	1.714	340	583
Retail/Commercial	1,000 sq. ft.	1.790	373	668
Office	1,000 sq. ft.	0.895	162	145
Industrial/Warehouse	1,000 sq. ft.	0.173	0	0
Public/Institutional	1,000 sq. ft.	0.453	248	112
Total Functional Population				6,394

Source: Functional population per unit from Table 21 (residential) and Table 23 (nonresidential); existing units from Table 28 in the Appendix.

Cost per Service Unit

This study uses the “incremental expansion” methodology to determine the cost per service unit for the general government impact fee (see Methodology chapter for more explanation). The existing level of service used in developing the impact fees is quantified as the ratio of the replacement value of existing facilities to existing service units (functional population). The existing general government facilities and their replacement values are shown in Table 25. The building replacement costs are based on the City’s insured values. Land values are based on original costs.

Table 25. General Government Building and Land Cost

Asset	Address	Acres	Building Sq. Feet	Land Value	Building Value
City Hall	1600 Nela Ave	0.49	3,642	\$82,583	\$1,050,246
Public Works	6916 Sunny Ln Ave	0.27	2,519	\$53,389	\$213,313
Police Dept.	1521 Nela Ave	0.27	2,057	\$80,000	\$494,624
Total, General Government Buildings			8,218	\$215,972	\$1,758,183

Source: Facility name and address, acres, building square feet, and original land acquisition costs from City of Belle Isle; building value based on City’s insured values, April 29, 2021.

The cost per service unit based on the existing level of service can be determined by dividing the replacement cost of existing general government buildings, land, and vehicles and equipment with a useful life of at least five years (except for police vehicles, which are not subject to this limitation and have a useful life of about three years) by existing functional population. As shown in Table 26, the replacement value of the existing general government capital assets is about \$3.4 million. Dividing the replacement cost by existing service units yields a cost per service unit of \$525 per functional population.

Table 26. General Government Cost per Service Unit

Building Cost	\$1,758,183
Land Cost	\$215,972
Police Vehicle and Equipment Cost	\$1,076,512
Other Vehicle and Equipment Cost	\$308,943
Total General Government Replacement Cost	\$3,359,610
÷ Existing Functional Population	6,394
General Government Cost per Functional Population	\$525

Source: Building and land costs from Table 25; vehicle and equipment costs are original costs from the City's fixed assets records; existing functional population from Table 24.

Net Cost per Service Unit

Impact fees should be reduced to account for future funding that will be generated by new development and used to remedy existing deficiencies or to retire outstanding debt on facilities that serve existing development. As with the other fee calculations in this report, the updated fees are based on the existing level of service and there are no deficiencies. The City does not have any outstanding debt and has not received any grant funding in recent years for general government facilities. Consequently, no additional revenue credits are warranted, and the net cost per service unit is the same as the cost per service unit calculated in the previous section.

Net Cost Schedule

The maximum general government impact fees that can be adopted based on this study are derived by multiplying the number of service units (functional population) represented by each development unit by the net cost per service unit, as shown in Table 27.

Table 27. General Government Net Cost Schedule

Land Use Type	Unit	Func. Pop. per Unit	Net Cost/ Func. Pop.	Net Cost/ Unit
Single-Family Detached	Dwelling	1.948	\$525	\$1,023
Multi-Family	Dwelling	1.714	\$525	\$900
Retail/Commercial	1,000 sq. ft.	1.790	\$525	\$940
Office	1,000 sq. ft.	0.895	\$525	\$470
Industrial/Warehouse	1,000 sq. ft.	0.173	\$525	\$91
Public/Institutional	1,000 sq. ft.	0.453	\$525	\$238

Source: Functional population per unit from Table 24; net cost per functional population is the same as the cost per functional population from Table 26.

The impact fee phasing requirements recently enacted by HB 337 apply to increases from existing fees, based on the percentage by which the fees are increased. They do not apply to new fees. The City does not currently assess impact fees for general government facilities. It is not mathematically possible to calculate a percentage increase from zero. No phasing of the proposed general government impact fees is required beyond the requirement to "provide notice at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee."

APPENDIX: HOUSING AND LAND USE

To determine the existing level of service, it is necessary to determine the existing amounts of residential and nonresidential development, as well as the number of residents associated with each dwelling unit type. Identifying these quantities is the purpose of this appendix.

Information on existing land uses in Belle Isle is derived primarily from the Property Assessor’s publicly-available tax parcel data base. This data base includes land use type, building floor area, and number of living units for each parcel. The land use code for single-family includes both detached and attached (townhome) units. Townhomes, however, have occupancy and trip characteristics much more like multi-family units (apartments and condominiums). Census estimates of housing unit types for Belle Isle indicate that 2.61% of single-family units in the city are townhomes. That percentage was used to estimate the number of existing townhomes and move those units into the multi-family category. The results are shown in Table 28.

Table 28. Existing Land Use by Type

Land Use	Unit	Total Units
Single-Family Detached	Dwelling	2,508
Multi-Family	Dwelling	340
Total Residential	Dwelling	2,848
Retail/Commercial	1,000 sq. ft	373
Office	1,000 sq. ft	162
Public/Institutional	1,000 sq. ft	248
Total Nonresidential	1,000 sq. ft	783

Source: Orange County Property Assessor, 2021; number of residential units adjusted by moving 67 townhouse units (2.61% of combined single-family detached/townhouse category per U.S. Census Bureau, *American Community Survey 2019 5-year sample table*) to the multi-family category.

Average household size is household population divided by households. Local census data on average household size for Belle Isle is unreliable due to small sample size. Adequate sample sizes are available for areas of at least 100,000 people, called Public Use Microdata Areas, or PUMAs. The census data for such areas is available in the form of microdata, which includes records for each individual dwelling unit. The PUMA in Orange County that includes Belle Isle has average household sizes of 2.92 for single-family detached units and 2.57 for multi-family units, as calculated in Table 29 below. These household sizes should be reasonably representative of housing units in the city.

Table 29. Average Household Size by Housing Type

Housing Type	Household Residents	Households	Avg. HH Size
Single-Family Detached*	38,202	13,097	2.92
Multi-Family	41,222	16,023	2.57
Total	79,424	29,120	2.73

* includes mobile homes

Source: U.S. Census, American Community Survey, 2015-2019 5% sample microdata for Public Use Microdata Area 9504, which includes Belle Isle.



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

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance 21-16 Property Assessed Clean Energy (PACE) Program (1st Reading)

Background: At the November 16, 2021 Council meeting, the Council discussed the Property Assessed Clean Energy (PACE) Program which would assist in funding eligible renovations in Belle Isle homes. Over 200 cities and towns in Florida have a PACE Program. In Orange County, Orlando, Apopka, Winter Garden and Winter Park have PACE Programs. PACE is NOT a City Program and PACE programs are not subsidized with City funds.

The Council direction was to move forward with establishing a PACE Program in the City. The City Attorney drafted the proposed ordinance to establish the program.

What is PACE?

PACE is a long term, fixed rate source of financing that allows homeowners to do energy conservation and hurricane hardening improvements to their property. Property owners can use PACE financing to cover 100% of the costs involved in installing eligible projects, including all related equipment, materials and labor. Eligible improvements include energy efficiency, water conservation, renewable energy generation, and resiliency upgrades. A few examples include: air conditioners, roofs, windows/doors, water heaters, solar panels, pool heaters, hurricane shutters, and generators.

Property owners pay back the financing for PACE improvements through a special (non-ad valorem) assessment that is added to their property tax bill each year. Property owners repay the special assessment for an agreed upon term (usually the useful life of the improvements) and the interest rates are fixed. There are no adjustments to interest rates, balloon payments, and PACE assessments can be prepaid at any time. PACE can make it easy for property owners to make improvements to their home by eliminating upfront cash payments and providing competitive interest rates spread out over time.

What are some improvements that can be made with PACE financing?

PACE can be used to fund energy efficiency improvements, wind resistance measures and renewable electricity generation including, but not limited to, solar water heating systems; air sealing and ventilation systems; efficient doors and windows; insulation; “cool” roofs; water

heaters; pool pumps; lighting fixtures and controls; storm shutters; wind resistant shingles; high impact windows and doors; photovoltaic systems; EV charging stations; and small wind turbines.

Staff Recommendation: Move the ordinance to a second reading at the next scheduled Council Meeting.

Suggested Motion: I move we read Ordinance 21-16 at the January 4, 2022 Council Meeting.

Alternatives: Do not establish a PACE Program.

Fiscal Impact: None to the City as this is not a City program

Attachments: Ordinance 21-16

ORDINANCE NO. 21-16

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW CHAPTER 17, CITY OF BELLE ISLE CODE OF ORDINANCES ESTABLISHING REQUIREMENTS FOR A PROPERTY ASSESSED CLEAN ENERGY PROGRAM (“PACE”); PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY PURSUANT TO STATE LAW AND THE REQUIREMENTS SET BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, Property Assessed Clean Energy (PACE) is a program which provides upfront capital to property owners to invest in energy-efficient, renewable energy or wind-resistance improvements to their properties; and

WHEREAS, Section 163.08, Florida Statutes, has provided supplemental authority for such improvements through general law and states that the “...Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance; and

WHEREAS, Section 163.08, Florida Statutes, also authorizes a local government to either levy non-ad valorem assessments in order to fund qualifying improvements or, alternatively, allows a for-profit entity or a not-for-profit organization to act as a third party administrator for a PACE program on behalf of and at the discretion of the local government such that a financing agreement with the property owner, when recorded, constitutes a lien of equal dignity to county taxes and assessments from the date of recordation; and

WHEREAS, a property owner’s participation in such financing agreements is entirely voluntary and the local government shall not incur or be requested to authorize any obligations secured by special assessments associated with qualifying improvements imposed by the third-party administrator; and

WHEREAS, the City desires to adopt a PACE program subject to the conditions and requirements set forth herein.

NOW THEREFORE, BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA AS FOLLOWS:

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 as legislative findings.

Section 2. City Code Amendment. A new Chapter 17 of the City of Belle Isle Code of Ordinances pertaining to Property Assessed Clean Energy Program (“PACE”) is hereby adopted

to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Chapter 17 – PROPERTY ASSESSED CLEAN ENERGY PROGRAM (PACE)

Section 17-1. – Definitions For purposes of this article, the following words and phrases shall have the following meanings:

Financing agreement shall mean the financing agreement or the summary memorandum of such agreement required to be recorded in the public records of Orange County, Florida in accordance with F.S. Section 163.08.

PACE assessment shall mean the non-ad valorem assessment placed on a property owner’s tax bill as a result of financing obtained under a PACE program.

PACE program shall mean one or more authorities or programs authorized by resolution of the City Council to offer financing of qualifying improvements.

Program administrator shall mean the entity responsible for offering, managing and administrating the specific PACE program.

Qualifying improvement shall include those improvements as defined by F.S. section 163.08, including energy efficiency, renewable energy and wind resistance or as may be amended by law.

Section 17-2. – Eligible Properties.

(a) Residential property with 4 units or fewer may be eligible for financing qualifying improvements though a PACE program provided each of the following criteria have been met:

- (1) All property taxes and other assessments levied on the property tax bill have been paid and have not been delinquent for the preceding three (3) years, or the property owner’s period of ownership, whichever is less; and
- (2) There are no involuntary liens, including but not limited to construction liens on the property; and
- (3) No notices of default or other evidence of property-based debt delinquency have been recorded during the preceding three years, or the property owner’s period of ownership, whichever is less; and
- (4) All mortgage debt on the property is current and not delinquent; and
- (5) The amount to be financed by the PACE program may not exceed 20 percent of the just value of the property as determined by the county property appraiser, except as otherwise provided by statute; and
- (6) The total mortgage-related debt on the underlying property plus PACE program financing may not exceed the fair market value of the property.

(b) Multi-family residential properties of 5 or more units, in addition to commercial, industrial, agricultural, and other non-residential properties may be eligible for financing qualifying improvements through a PACE program.

Section 17-3. – Eligible Improvements.

Energy efficiency, renewable and wind resistance improvements that are permanently affixed to the property shall be eligible for financing under a PACE program in accordance with statute. PACE programs and program administrators shall be eligible for financing under a PACE program in accordance with the statute. PACE programs and program administrators shall identify efficiency standards established by the U.S. Department of Energy, the U.S. Environmental Protection Agency, or Florida statute agencies, as applicable. PACE programs and program administrators shall confirm that property owners intend to install eligible products, and that at the time of funding such improvements have been installed.

Section 17-4. – Pricing.

Each PACE program shall establish pricing rules and enforcement mechanisms to ensure that property owners are protected from excessive or unjustified prices and charges.

Section 17-5.- Consumer Protection.

- (a) Property owner. Only the records of the property owner may enter into a financing agreement with a PACE program.
- (b) Consumer notice. In addition to any statutory disclosure requirements the program administrator shall ensure that each property owner is provided with a separate, written notice disclosing each of the following:
 - (1) The estimated total amount of the debt, including amount financed, fees, fixed interest rate, capitalized interest and the effective rate of the interested charged (annual percentage rate);
 - (2) The 30 day right to cancel the financing;
 - (3) A repayment term that does not exceed the average expected useful life of the improvements;
 - (4) The repayment process and terms, amounts and a schedule that fully amortizes the amount financed including the estimated annual assessments amount;
 - (5) Identification of any pre-payment fees or penalties;
 - (6) That there is no representation that the property improvements to be financed will increase the overall value of the property;
 - (7) That there is no discount for paying the PACE assessment early;
 - (8) That the PACE assessment will appear on the property owner’s tax bill;
 - (9) The nature of the lien recorded and that the PACE assessment will be collected in the same manner as real estate taxes, that failure to pay the PACE assessment may cause a tax certificate to be issued against the property, and that failure to pay may result in the loss of the property subject to the PACE assessment in the same manner as failure to pay property taxes;

- (10) The specific improvements to be financed and installed;
- (11) Notice that the property owner may be required to pay any PACE assessment in full at the time of refinance or sale of the property.
- (c) Notice. The consumer notice described in this section must be delivered to the property owner by the program administrator, and must be signed and dated by the property owner prior to or contemporaneously with the property owner's signing of any legally enforceable documents under the PACE program.
- (d) Funding. The PACE program shall require compliance with each of the following conditions prior to the issuance of any funding to the contractor:

 - (1) Any necessary permits have been obtained;
 - (2) Verification that the appropriate financed products and improvements have been installed; and
 - (3) The property owner and the contractor have signed a certificate of completion that all improvements have been installed to the property owner's satisfaction.
- (e) Consumer privacy. The PACE program shall have and maintain a privacy policy that complies with state and federal law and, in particular, shall provide a property owner the ability to opt-out of having the property owner's information shared with third parties, except where expressly permitted by state and federal law.
- (f) Data security. The PACE program shall be responsible for taking security measures that protect the security and confidentiality of property owner records and information in proportion to the sensitivity of the information, and as may be required by state and federal law.

Section 17-6.- Marketing. Marketing practices for a PACE program that are or could appear to be unfair, deceptive, abusive, or misleading, or that violating laws or regulations, or that are inappropriate, incomplete or are inconsistent with the program's purpose are prohibited.

Section 17-7.- Contractor Management.

- (a) Any work under a PACE program requiring a license under any applicable law to make a qualifying improvement shall be performed by a contractor properly licensed, certified or registered pursuant to state law.
- (b) Contractors performing work under a PACE program shall comply with each of the following conditions:

 - (1) Be licensed and insured pursuant to the applicable statutory requirements;
 - (2) Agree to comply with all program requirements and marketing guidelines;
 - (3) Act in good faith to timely resolve property owner complaints.
- (c) No cash payment may be made to or from a contractor in exchange for or related to such contractor being awarded work under a PACE program, excepting payment for the contractor's installation of eligible improvements.

Section 17-8.- Collection of Special Assessments.

The PACE program shall be solely responsible for professionally coordinating all interface with the Orange County Tax Collector and/or Orange County Property Appraiser in regards to imposition and collection of any special assessments and for ensuring compliance with all laws, rules and regulations in the imposition and collection of any special assessments levied upon property owned by participating property owners.

Section 17-9.- No City liability.

In no event shall the City be liable for or obligated to pay or perform any debts, liabilities, conditions or obligations arising as a result of any financing agreement, financing documents, special assessment, qualifying improvements or any act or omission of any property owner or its/their agents. City shall have no monetary, appropriation or budgetary obligations under any agreement or any authorizing resolution concerning any PACE program. The City shall have no liability or responsibility to any property owners concerning the PACE program, any qualifying improvement, program administrator’s failure to comply with the requirements of this chapter or its obligations and duties under any financing agreement, concerning any PACE program or program administrator’s statement or claim concerning the PACE program, or any proposed financing agreement or qualifying improvements.

Section 3. Codification. Section 2 of this Ordinance will be codified and 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 governs and controls to the extent of any such conflict(s).

Section 6. Effective Date. This Ordinance shall become effective upon its adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____, 2021.

SECOND READING: _____, 2022.

ADOPTED this ____ day of _____ 2022, by the City Council of the City of Belle Isle, Florida.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Randy Holihan	_____	_____	_____
Beth Lowell	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

CITY COUNCIL
CITY OF BELLE ISLE

ATTEST:

Nicholas Fouraker, Mayor

Yolanda Quiceno, City Clerk

Daniel W. Langley, 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 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 2022, at which session a quorum of its members were present.

Yolanda Quiceno, City Clerk

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

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Lancaster House (Green House at 5903 Randolph)

Background: At the July 7, 2020 Council meeting, the Council passed a motion to have the City Manager salvage what could be saved and then demolish the remainder of the house and the garage. .

Since that time, Kimberly Stevens, who lives across the street from the Lancaster House, contacted the City and stated she would like to move the house to her property. Ms. Stevens received the approvals necessary to move the house from Orange County.

The bids to move the house have increased significantly over the past year but Ms. Stevens said that they will cover all the additional costs, if the City will head up the project to move the house. The City staff doesn't have the resources to take on this project.

The City has recently heard from the Pioneer Days Committee that they would be interested entering into an agreement with the City to lease the house for their organization and they would be responsible for renovating the house and maintaining it, but the house has to stay where it is.

The questions that the Council needs to discuss are whether the house is worth saving at the expense of the expansion of the school; is the demolition of the house integral to the expansion of the school? Since the school now has the BoA property, can the CCA Master Plan be revised to integrate the House? Can the expansion of CCA be done in other areas of the campus to give Pioneer Days a timeframe to see what they can do with the house and if so, how much time is needed?

Staff Recommendation: Listen to the proposal of the Pioneer Days Committee to determine if the proposal should be discussed further. If the Council accepts this proposal, then there should be an agreement developed that would define the time when the house would be substantially renovated, financial responsibilities, purpose of the house once renovated, and penalty for failing to meet the timeline. If the proposal does not meet with the Council's approval, then direct the City Manager to demolish the house.

Suggested Motion:

(For demolishing the house): I move that the Lancaster House be demolished.

(For accepting the proposal from Pioneer Days): I move that the City Manager enter into discussions with Pioneer Days to develop an agreement to lease the house to Pioneer Days by the February 1, 2022 Council meeting.

Alternatives: None

Fiscal Impact: \$20,000 allocated in the FY21-22 Budget

Attachments: None – Pioneer Days will present at the meeting



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

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Approval to Bid for Sol Avenue Reconstruction Project

Background: The City received two bids for the Sol Avenue Reconstruction Project:

Cathcart Construction \$862,148.00

DB Civil Construction \$1,369,900.00

The project estimate is \$490,000

Staff Recommendation: Reject both bids and rebid the project after a review of the project .

Suggested Motion: I move we reject all bids for the Sol Avenue Project.

Alternatives: None .

Fiscal Impact: \$490,000 (ARPA funding)

Attachments: Bids

Bid Forms

00300

Contractors Name: Cathcart Construction Company-Florida
Project Identification: COBI RFP #21-06 Cove Dr and Sol Ave Roadway Improvements Project
Owner: CITY OF BELLE ISLE
City Bid #: #21-06

- 1) The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the City in the form included in this document to complete all work as specified or indicated in the Project Manual for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the document.
- 2) The Bidder certifies that they have investigated the requirements to do business in the jurisdiction where the project is located, and that they are either qualified to do business or will obtain such pre-qualification before award of the contract.
- 3) The Bidder certifies that they have reviewed, understand, and accepts the Supplemental Contract Conditions for Federal Contracting prior to submitting their bid.
- 4) The Bidder accepts all of the terms and conditions in this document including, without limitation, those dealing with the disposition of Bid Security (if applicable). This Bid will remain open for 60 days after the day of the Bid Opening. The Bidder will sign the Agreement and other documents required by the Contract Documents within 10 days after the date of City's Notice of Award.
- 5) In submitting this Bid, the Bidder represents, as more fully set forth in the Agreement, that:
 - a) The Bidder has examined copies of all Contract Documents and the following addenda:
 Date: 11-17-2021 Number: Addendum A
 - b) The Bidder has examined the site and locality where the work is to be performed and the conditions affecting cost, progress or performance of the work and has made such independent investigations as the Bidder deems necessary.
 - c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation or solicited any other Bidder to submit a false or sham Bid and the Bidder has not sought by collusion to obtain for themselves any advantage over any other Bidder or over the City.
- 5) BIDDER will complete the Work outlined in the Construction Documents and Specifications as outlined herein.

We Cathcart Construction Company-Florida have carefully examined the construction documents and specifications, and hereby propose to provide the complete installation of new stormwater slot channel drains, mill and replace the asphalt roadway, excavate and replace the base material, and install new curbing. The cost indicated below includes all labor, materials, equipment, construction management and testing that is shown in the construction documents and as outlined herein. The cost indicated below also includes all labor, material, equipment, construction management and testing that may not be expressly shown on the construction documents but that are inherently necessary to complete the works.

Complete Project Base Bid as specified Lump Sum:

\$ 862,148.00

For the purposes of evaluating potential change order requests and/or add alternates, the Bidder shall provide the following unit prices listed on the attached form within **Appendix A**.

The Contractor shall evaluate the following add/deduct bid alternates:

Alternate #1 – Shell base (meeting specifications of FDOT Section 911) in lieu of recycled concrete aggregate base bid. Refer to detail #7, on sheet C-402. Cost for pavement section to replace cost for base bid pavement section (i.e. Detail #2, sheet C-402).

Alternate #2 – Provide 10 inches of base material in lieu of 8 inches of base material and geosynthetic (base bid). Refer to detail #5, on sheet C-403. Cost for pavement section to replace cost for base bid pavement section (i.e. Detail #2, sheet C-402).

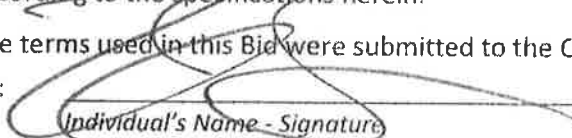
Alternate #3 – Refer to Note #4 on detail #2, on sheet C-402. Cost for only crushed shell base in lieu of RCA base material. Base thickness same as shown for RCA.

Alternate #4 – Refer to Note #4 on detail #7, on sheet C-402. Cost for only crushed shell base in lieu of RCA base material. Base thickness same as shown for RCA.

The undersigned hereby declares that they have carefully examined the individual site(s) listed on the bid form and will complete the **COVE DRIVE AND SOL AVENUE ROADWAY IMPROVEMENTS PROJECT** according to the specifications herein.

The terms used in this Bid were submitted to the City of Belle Isle on the 2nd of DECEMBER, 2021.

By:



Individual's Name - Signature

Matt Blanton

Individual's Name - Printed

doing business as Cathcart Construction Company-Florida (business name)

Business Address: 2564 Connection Point, Oviedo, FL 32765

Business Phone No.: 407-629-2900

Business Fax No.: 321-203-4900

Email: mblanton@cathcartconstruction.com

Communications to the BIDDER concerning this Bid shall be addressed to

Mailing Address: 2564 Connection Point, Oviedo, FL 32765

Street Address: 2564 Connection Point

City, State and Zip: Oviedo, FL 32765

Telephone No.: 407-629-2900

Fax No.: 321-203-4900

Email: mblanton@cathcartconstruction.com

**It is understood that the City of Belle Isle reserves the right to accept or reject any or all bids not deemed in the best interest of the City as determined by the City.*

Bid Forms

00300

Contractors Name: DB Civil Construction, LLC
Project Identification: COBI RFP #21-06 Cove Dr and Sol Ave Roadway Improvements Project
Owner: CITY OF BELLE ISLE
City Bid #: #21-06

- 1) The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with the City in the form included in this document to complete all work as specified or indicated in the Project Manual for the Contract Price and within the Contract Time indicated in this Bid and in accordance with the document.
- 2) The Bidder certifies that they have investigated the requirements to do business in the jurisdiction where the project is located, and that they are either qualified to do business or will obtain such pre-qualification before award of the contract.
- 3) The Bidder certifies that they have reviewed, understand, and accepts the Supplemental Contract Conditions for Federal Contracting prior to submitting their bid.
- 4) The Bidder accepts all of the terms and conditions in this document including, without limitation, those dealing with the disposition of Bid Security (if applicable). This Bid will remain open for 60 days after the day of the Bid Opening. The Bidder will sign the Agreement and other documents required by the Contract Documents within 10 days after the date of City's Notice of Award.
- 5) In submitting this Bid, the Bidder represents, as more fully set forth in the Agreement, that:
 - a) The Bidder has examined copies of all Contract Documents and the following addenda:
 Date: 11/22/2021 Number: 1
 - b) The Bidder has examined the site and locality where the work is to be performed and the conditions affecting cost, progress or performance of the work and has made such independent investigations as the Bidder deems necessary.
 - c) This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation or solicited any other Bidder to submit a false or sham Bid and the Bidder has not sought by collusion to obtain for themselves any advantage over any other Bidder or over the City.
- 5) BIDDER will complete the Work outlined in the Construction Documents and Specifications as outlined herein.

We DB Civil Construction, LLC have carefully examined the construction documents and specifications, and hereby propose to provide the complete installation of new stormwater slot channel drains, mill and replace the asphalt roadway, excavate and replace the base material, and install new curbing. The cost indicated below includes all labor, materials, equipment, construction management and testing that is shown in the construction documents and as outlined herein. The cost indicated below also includes all labor, material, equipment, construction management and testing that may not be expressly shown on the construction documents but that are inherently necessary to complete the works.

Complete Project Base Bid as specified Lump Sum:

\$ 1,369,900.00

For the purposes of evaluating potential change order requests and/or add alternates, the Bidder shall provide the following unit prices listed on the attached form within **Appendix A**.

The Contractor shall evaluate the following add/deduct bid alternates:

Alternate #1 – Shell base (meeting specifications of FDOT Section 911) in lieu of recycled concrete aggregate base bid. Refer to detail #7, on sheet C-402. Cost for pavement section to replace cost for base bid pavement section (i.e. Detail #2, sheet C-402). DEDUCT \$86,000.00

Alternate #2 – Provide 10 inches of base material in lieu of 8 inches of base material and geosynthetic (base bid). Refer to detail #5, on sheet C-403. Cost for pavement section to replace cost for base bid pavement section (i.e. Detail #2, sheet C-402). NO BID

Alternate #3 – Refer to Note #4 on detail #2, on sheet C-402. Cost for only crushed shell base in lieu of RCA base material. Base thickness same as shown for RCA. NO BID

Alternate #4 – Refer to Note #4 on detail #7, on sheet C-402. Cost for only crushed shell base in lieu of RCA base material. Base thickness same as shown for RCA. NO BID

The undersigned hereby declares that they have carefully examined the individual site(s) listed on the bid form and will complete the **COVE DRIVE AND SOL AVENUE ROADWAY IMPROVEMENTS PROJECT** according to the specifications herein.

The terms used in this Bid were submitted to the City of Belle Isle on the 2 of December, 2021.

By: Dalton Baylor
Individual's Name - Signature

Dalton Baylor
Individual's Name - Printed

doing business as DB Civil Construction LLC (business name)

Business Address: 4475 US 1 S Ste 707 St. Augustine, FL
Business Phone No.: 386-256-7460 32086

Business Fax No.:

Email: Estimating@DBCivilConstruction.com

Communications to the BIDDER concerning this Bid shall be addressed to:

Mailing Address: 4475 US 1 S Ste 707

Street Address: 4475 US 1 S Ste 707

City, State and Zip: St. Augustine FL 32086

Telephone No.: 386-256-7460

Fax No.:

Email: Estimating@DBCivilConstruction.com

**It is understood that the City of Belle Isle reserves the right to accept or reject any or all bids not deemed in the best interest of the City as determined by the City.*



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

Meeting Date: December 7, 2021

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Police Advisory Board Appointments

Background: Appointments to the Police Advisory Board are at-large appointments. , but the Districts they reside in are shown. The following citizens expressed an interest in serving on the Police Advisory Board (Appointments to the Police Advisory Board are at-large appointments, but the Districts they reside in are shown):

- District 1- Ted Spurill
- District 2 – Woody Johnson
- District 5 - Andrew Dunigan
- District 6 - Dale Dennis

Staff Recommendation: Appoint those citizens listed above for 3-year terms

Suggested Motion: I move we appoint Ted Spurill, Woody Johnson, Andrew Dunigan, and Dale Dennis to the Police Advisory Board.

Alternatives: Ask for other volunteers

Fiscal Impact: None as these are voluntary positions

Attachments: N/A

Belle Isle Issues Log
12/7/21

a.

Issue	Description	Start Date	POC	Last Completed Action	Next steps
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	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). Assessment complete. CM working with PW Director on CIP for streets. District 3 Streets included in FY21-22 Budget. Streets in District 2 and 5 (Delia Beach area) included on budget. City will start paving as outlined in FY21-22 Budget. Updated estimates received for projects in the budget.
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	Preparing to bid Sol Ave. Project. Close Stafford/Pam Project. Grant submitted to FDEP for Wallace Project and HAB Project. City received notification that HAB grant was approved by the state. City and contractor working a final plan submission to the State for HAB grant. Issuing RFP for Sol Project. Refining projects that are eligible for ARPA. HAB application completed and submitted to the State for funding. City agreed to take lead on Wallace Street Drainage and Barby Lane Drainage Projects with Nav Board. Pre-bid meeting held on 11/10/21 for Sol Avenue Project.	Bids Received for Sol Avenue (Agenda Item).
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.	Staff sent information to consultant for review. First draft of study received. Being reviewed by staff. Staff review complete. Distribution to Council for review and action on September 7. Consultant putting together draft ordinance for new impact fees. Impact Fee Ordinance received from Consultant. Will send to City Attorney for review. Impact Fee Ordinance sent to P&Z for public hearing and recommendation to Council. P&Z Hearing schedule for November 29, 2021.	P&Z held PH on Impact Fee Ordinance, recommended Council Adopt the Ordinance. 1st reading of Ordinance 21-15 on 12/7/21.
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	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 was approved with conditions. Staff is preparing documents to address the conditions. P&Z decision is being appealed to Council. Council approved Wallace Field Site Plan with conditions.	Continuing to plan for drainage project with OC. Discuss grading of site with CCA. CCA to start development of Wallace Field. First elements will be artificial turf and parking. CCA started practice on the field on August 10 (signs posted). Deed restriction recorded.
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	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. BoA is now owned by the City.	City to hire Consultant to do Space Needs analysis to determine what type and size facility is need for City staff and BIPD.
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	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. Market Rent Study completed. Being reviewed by Budget Committee. Subcommittee of Council revising the new lease. CCA, at their June 30 meeting, would like to work with the City to continue working with the City on the lease agreement.	Meeting between City and CCA was held on August 31 on new lease. Revisions being made. City and CCA agree on terms of the new Agreement. Final draft of the Agreement and Ordinance prepared. 1st reading done on October 5, 2021. Lease Agreement and Service Agreement were sent to CCA Chair. Service Agreement still needs some minor changes. Should be done by December 15, 2021.

**Belle Isle Issues Log
12/7/21**

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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	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. New Sign Ordinance (adopted and closed). Ordinance on at-large appointments (adopted and will advertise vacancies).	Changes to Impervious surface ratio were discussed and will remain unchanged. P&Z discussions on definition of "kitchen" and look at possible ordinance for installation of artificial turf on residential property. P&Z discussing Accessory Dwelling Units. No meeting was held last month.
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	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.
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	Council determined the priority to annex. Planner completed 1st report. City Staff reviewing. CM and Mayor met with Management Company for Publix Shopping Center (another meeting is set for 5/19/21). CM to meet with private owner for annexation of 5 acres. Sienna condo about 70% complete. Discussion with Brixmor going well. Brixmor asked for additional information.	Sienna may be an involuntary annexation. Information supplied to Brixmor for their review. Planner drafted Urban Service Report for Sienna Place. Staff is reviewing report. Urban Services Report sent to BCC. Ordinance for annexing Sienna being reviewed by CA. Information needs to go to OC Elections by January 21 to be on the ballot.
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	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/OCSCO looking at other avenues to allow enforcement. Lobbyist Presentations to BC on April 8. CM received information from FWC on Canoe Trail & Swim Areas. City staff to get public input on both.	Discuss control issues with lobbyist and determine direction. Met with FWC Officials. FWC will be sending additional information to the City. City staff working on changes to the draft ordinance
IT Issues	City Council wants Staff to research changes in IT from Gmail back to Outlook	8/6/2019	City Clerk Chief	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 (Issue Closed). Bids received on RFP for Chambers A/V. Council approved bid.	Contract executed. Looking at a completion date of September 30. Due to COVID restrictions some materials are late. Contractor and City agreed on 60 day extension. New completion date is December 1, 2021. Contractor is shop testing the program and its peripherals the week of November 29th. The next phase after updates and testing will be installing the complete system. City Clerk and Contractor working on a delivery date.
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	Discussion at PCHS. CM contacted State Historic Office on house and homestead and getting it registered on National Registry. Council directed PCHS to 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 applied to County for variances to relocate the house.	Moving estimates came in at 20% higher than 8 months ago. Fumigation completed. Commissioner Uribe cannot use funds for moving the house. Pioneer Days Committee may want to lease the house if it could stay where it is. Staff recommending demolition.

Belle Isle Issues Log
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New City Zip Code	Council directed that the City Manager research the possibility of applying to the USPS for a new zip code. Realtors state that property values may increase if the City has its own zip code and possibility insurance rates may also change.	3/16/2021	CM and Comm. Shuck	CM and Comm. Reviewed USPS information necessary for changing zip code. CM reached out to OCPA to see if Belle Isle could substitute for Orlando on property page which may lessen confusion.	Develop "pro/con" list for Council review. Check with service providers to see if utility taxes are being sent to Orlando for homes in BI. Item tabled indefinitely.
Traffic Calming Requests/Projects	With the completion of the TMP as well as other traffic requests, the staff will track them here for Council information.	4/6/2021	CM, CE, PW, BIPD	Speed Humps Requested: Seminole, Cullen Lake Shore Drive, Oak Island Road, LCS, Daetwyler Shores. Speed Limit Reduction: Judge Rd, Daetwyler Shores All-Way Stop on Via Flora. Seminole in data gathering (temp. speed humps in place). Indian Drive and Barby Lane demand on Seminole decision. Daetwyler Shores scheduled for next budget year; CLSD and OIR were sent application packets. Speed reduction on Judge started (35 MPH). All-Way stop at Via Flora and Flowertree completed. Last traffic count on Seminole started. Seminole data complete and justifies installation of speed humps. OCFD has no issues with speed humps. Discussion with BIPD on active enforcement for next 4 months on Seminole. If placed on Seminole, then speed humps should be placed on	City to start planning for RRFB on Hoffner and Pleasure Island and Hoffner and Peninsular. City to start discussion with OC on TSP projects developed by Traffic Consultant. Projects placed on City CIP. City Manager to meet with Orange County Engineering and Commissioner Uribe to discuss Hoffner Avenue Projects for support with projects on Hoffner. Still waiting for meeting with Commissioner Uribe. No update on Hoffner meeting. Staff looking at other projects. Contacted Orlando Traffic to determine interest for crosswalk on Judge Road. Meeting with Commissioner Uribe scheduled for 3 PM on November 29, 2021. City Manager to report at December 7 meeting.
ARPA Funding	American Recovery Plan Act (ARPA) funds to be received from State for funding eligible projects. FLC estimates City will receive \$3.6 million in funding over 2 years	7/20/2021	CM/DoF	City sent all required information to FLC. FLC is the coordinating agency for NEU cities in Florida. DFEM is developing agreement for NEU cities.	Waiting on FLC to provide additional information once it's received from the state. Funding agreement with FDEM approved. FDEM contacted the City that all documents are in order for first payment of \$1,826,090 for first year payment. Total amount is \$3,626,180 (distributed over two years in equal amounts). City received its first payment. Staff reviewing additional information as it becomes available. Initial reporting period extended for three months. Continuing to move forward with
Redistricting	Every ten years, with the decennial census, the City is to review its districts to determine if the boundaries need to be redrawn to get an even number as possible for each district. The city council appointed eight (8) city electors, determined from the registration for the last statewide general election, who shall comprise the districting commission. Electors chosen shall not be employed by the city in any other capacity. The Committee has 120 days to complete its work and present it to the Council.	7/20/2021	CM/Clerk	Committee met on 7/28/21 to organize. Chair, Vice-Chair, and Secretary were chosen. City Manager went over the duties of the Committee and spoke about Sunshine Laws.	Next meeting is August 11. Materials will be passed out along with instructions. State to certify census numbers on August 12. Committee will meeting on September 8 to look at total numbers and try to come up with District map. Redistricting Committee came up with a new districting map. Counts are being verified. Meeting on October 20 to verify the new boundaries and finalize report to the Council. Ordinance 21-14 adopted. Article in City Newsletter. Flyer to be sent to residents.
Palm Square Condos	The City was alerted to building problems at Palm Square Condos.	7/18/2021	CM/UES/CE	City Inspectors found multiple issues with the building. Building Inspector inspected the area and found multiple violations. Fire Marshall inspected the building and found multiple violations. Department of Health inspected a sewage overflow and is taking action. City Engineer and Structural Engineer inspected the building. Staff reviewing the report. City contacted the property manager with a report. Property Manager will hire an engineer to review deficiencies in the building.	Staff will set up a meeting with the property manager to discuss solutions to correcting the deficiencies. City received preliminary engineer report on deficiencies. City sent the report to the property manager. Property manager will send their report to the City when received. Then City and Property Manager will meet to determine path to get the deficiencies corrected. Some deficiencies are fixed per code.