



city council agenda

Agenda
December 6, 2016 * 6:30 PM
City Council Regular Session
City Hall Chambers, 1600 Nela Avenue

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

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

Meeting Procedures

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag – Ed Gold, Commissioner District 1
3. Consent Items
 - a) Approval of City Council Regular Session minutes – November 15, 2016
4. RESOLUTION NO. 16-17
A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR A DONATION RECEIVED FOR THE POLICE DEPARTMENT BUILDING RENOVATION, REMODELING AND REHABILITATION; AND PROVIDING AN EFFECTIVE DATE.
5. RESOLUTION NO. 16-19
A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, PERTAINING TO ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE ON THE ACCEPTANCE, REVIEW, APPROVAL OR ISSUANCE OF ANY LAND DEVELOPMENT PERMITS AS THE TERM IS DEFINED IN FLORIDA STATUTES SECTION 163.3164(16), BUSINESS TAX RECEIPTS OR ANY OTHER LICENSE OR PERMIT FOR THE ESTABLISHMENT OR OPERATION OF DISPENSING FACILITIES WITHIN THE CITY ENGAGED IN THE ON-SITE DISTRIBUTION, SALE, DELIVERY OR RETAIL OF LOW-THC CANNABIS, MEDICAL CANNABIS OR CANNABIS DELIVERY DEVICES PURSUANT TO SECTIONS 381.986 AND 499.0295 OF THE FLORIDA STATUTES, IN ORDER TO PROVIDE THE CITY WITH AN OPPORTUNITY TO REVIEW AND ENACT REGULATIONS GOVERNING THE ESTABLISHMENT AND OPERATION OF DISPENSING FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.
6. ORDINANCE No.: 16-11
AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING TEMPORARY CONSTRUCTION DUMPSTERS; BY AMENDING CHAPTER 24, SOLID WASTE, ARTICLE II; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
7. Citizen's Comments
8. Attorney's Report

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

9. City Manager's Report
 - a. Purchasing policy
 - b. Personnel policy
 - c. Police Department renovations
 - d. Lake Conway Estates update
10. Mayor's Report
 - a) P&Z Meeting minutes
11. Chief's Report
12. Council Report
 - a. Comm Nielsen:
 - Discussion of Charter change
 - Discussion of special events
13. Adjournment

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



city council minutes

AGENDA November 15, 2016 * 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on November 15, 2016 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

Commissioner Mosse

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

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Comm Nielsen led the invocation and the pledge to the flag.

SWEARING IN OF OFFICER JESSICA GARCIA

Mayor Pisano swore in Officer Jessica Garcia. Chief Houston welcomed her to the agency.

PRESENTATION TO OFFICERS

- Officer Gargano was presented with the Award of Merit for demonstrating great courage, bravery and, tenacity during the Pulse Night Club incident resulting in the saving of the lives of many.
- Officer Cornwell was presented with the Award of Valor for entering the Pulse Night Club with clear and pleasant danger. This is the highest honor an officer can receive for demonstrating courage, bravery and selflessness resulting in the saving of the lives of many.

CONSENT ITEMS

- a) Approval of City Council Regular Session minutes – October 18, 2016
- b) Approval of City Council Regular Session minutes – November 1, 2016
- c) Proclamation: Alzheimer's Disease Awareness Month

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

RESOLUTION NO. 16-17

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

RESOLUTION NO. 16-18

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO TRANSFER FUNDS BETWEEN CAPITAL OUTLAY EXPENDITURE ACCOUNTS WITHIN THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

Resolution 16-17 and Resolution 16-18 have been pulled by the Interim City Manager from the agenda and will be revisited at the next scheduled meeting.

CITIZEN COMMENTS

Mayor Pisano opened for public comment.

- Phil Price residing at 7440 Daetwyler Drive, Belle Isle shared his concerns with the Warren Park Canoe Launch and reported that the application was denied by the P&Z Board. He asked if Orange County was still allowed to have canoes and kayaks launch from the park without the Boat Dock approval and if the City of Belle Isle Police Department will be able to patrol the park.

April Fisher said the City did take note of the concerns shared by the residents at the P&Z meeting on safety, signage and access to Warren Park. One of the items Orange County indicated was that in other City Parks there are similar issues with respect to jurisdiction. Ms. Fisher said the City will be working with the Orange County Sheriffs office to obtain a Memorandum of Understanding to avoid liability issues for the City.

It is permitted if someone wants to launch from the lake shore, however the safety rules and signage is still in force. Orange County does not have an approval to make any modifications to the park at this time.

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

ATTORNEY’S REPORT

- Attorney Kruppenbacher provided a draft of the Resident Guide Rules of Procedure handout that will be made available to all residents. He said any substantive changes should be addressed to him for correcting.
- Given the transition from the current archiving of emails he will be asking for an opinion from the Attorney General before moving forward with the new Google application.

MAYOR’S REPORT

Mayor Pisano asked Council if there was consensus to cancel the Dec 20 meeting due to the holidays.

Comm Lance moved to cancel the December 20th, 2016 City Council meeting.

Comm Gold seconded the motion which was passed unanimously.

Mayor Pisano announced and confirmed the following holiday events,

- Toy Drive November 23-December 23, 2016
- Tree Lighting and Snow Day December 7, 2016
- Santa Ride December 22, 2016

CITY MANAGER'S REPORT

April Fisher reported on the following items,

- Ms. Fisher announced the staff closings as far as the holidays for City Hall. City Hall will be closed on Friday, December 23rd and Mon, December 26th for Christmas. Also, Monday, Jan 2 for New Year's Day. Staff has agreed to have the floating holiday as Good Friday, April 14, 2017.
- Ms. Fisher handed out a draft Belle Isle Project Priority List for review and ask for comment or changes before the next meeting.

COUNCIL REPORTS

District 4

- Comm Lance thanked staff for taking care of the hanging branches on Daetwyler. He further reported another tree covering the sidewalk south of Daetwyler that require trimming.
- He reported the concerns of some residents regarding the mischief and upkeep of Warren Park. He asked for clarification, most importantly, on the police department jurisdiction of law enforcement.
Chief Houston stated that the jurisdiction belongs to the Orange County Sheriff's Office and she is working on the possibility of obtaining a MOU.
- He reported on the continued problem with the sunken sidewalk on Daetwyler. Chief Houston said that the sidewalk belongs to the County and they have been notified.

District 5

- Vice Mayor Readey reported that the City Manager has reviewed his concern on the use of solid waste roll off bins. He stated that Ms. Fisher has sent a letter confirming action and code amendment where necessary.
- He addressed the work order process for Council to use to report sidewalks, etc in an orderly manner to the City Manager

District 2

- Comm Carugno asked if the City can look into making the City sidewalks wider for safety reasons specifically on Hoffner and Conway Landings. He further added that he has received complaints on the upkeep of the Belle Isle signs throughout the City.
- He asked if there was a grant available for placing a buffer alongside the residents of the Venetian boat ramp.
- Comm Carugno shared his concern with the communication between Council and the events of a Planning & Zoning meeting. Attorney Kruppenbacher noted that Council sits in a quasi judicial role and attending a P&Z meeting may create an appellate lawsuit. Due to that fact, Attorney Kruppenbacher legally advised Council not to attend a P&Z Board meeting. Discussion ensued.

District 1

- Comm Gold reported that he has repaired the audio system wires and asked if Council was happy with the audio system setup.

**Vice Mayor Readey motioned to not pursue an outside company to look at the audio system.
Comm Lance seconded the motion for discussion.**

Comm Nielsen said she feels it is a good idea to pursue to see how much it will take to bring the current system to modern day standards. Comm Gold asked Vice Mayor Readey to withdraw his motion for a few weeks to see how well the repair works. Vice Mayor Readey withdrew his motion.

Council consensus was to give it several more meetings before pursuing further options.

- Comm Gold asked for consideration to place on the next agenda discussion to have a voluntary HOA handle the opening and closing of the boat ramp gate.

Debra Donham residing at 6904 Seminole Drive asked if she will need to call Orange County on the lighting and the crime at Warren Park. Mayor Pisano said yes.

ADJOURNMENT

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

Yolanda Quiceno
CMC-City Clerk

ORDINANCE No. : 16-11

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

WHEREAS, it is the desire of the City Council that the City of Belle Isle Code of Ordinance be constitutionally sound and internally consistent; and

WHEREAS Chapter 166.041 of the Florida Statutes allows for emergency ordinance procedures upon a two-thirds vote by the governing body; and

WHEREAS, the City of Belle Isle has determined that a provision of the Code is nonapplicable and unenforceable and therefore needs to be revised; and

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

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

Sec. 24-41. - Temporary construction dumpsters.

- a) No person shall place or service a dumpster or roll-off container on residential property for the collection and removal of demolition, construction, or remodeling refuse within the city unless ~~granted the authority and exclusive franchise by the city~~ meeting the provisions in (b) below.
- b) The property owner-selected dumpster or roll-off container vendor franchise shall be subject to the following operating requirements:

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- ~~1.~~ No temporary construction dumpster or roll-off container shall be placed on a residential property unless the property owner has first obtained a building permit and the dumpster shall remain on the property only so long as the building permit is current.

- ~~2.~~ The franchise vendor shall be responsible for promptly responding to any and all all complaints which involve actions that create a nuisance or have the potential to create a nuisance.

- ~~3.~~ The franchise vendor shall handle all collection and removal of debris and refuse from dumpsters and roll-off containers with reasonable care and shall clean up all materials that are spilled during its collection operations.

- ~~4.~~ The franchise vendor shall place the dumpster or roll-off container so as not to obstruct any right-of-way, and shall be set back a minimum of five feet from any property line.

- ~~5.~~ The franchise vendor shall provide only dumpsters and roll-off containers that are in good repair so as to prevent leakage of materials and shall remove the collected debris and refuse as necessary to prevent overflow of material from the dumpster or roll-off container.

- ~~6.~~ ~~The franchise shall provide to the city, each month, all locations where it has placed or is servicing any dumpsters within the city and the name of the property owner.~~

1 ~~7. The franchise shall have sole responsibility for the billing and collection of service fees and~~
2 ~~shall, on a quarterly basis, pay to the city a franchise fee in an amount to be determined~~
3 ~~by the franchise agreement.~~

4
5 ~~8. Failure by the franchise to comply with any of these operating requirements may result in~~
6 ~~the rescission of the franchise by the city.~~

7 (Ord. No. 03-40, § 2(6-42), 10-21-2003)

8
9 First Reading held this 6th day of December 2016.

10 Advertised for second reading on _____ day of _____ 201____.

11 Second Reading held this _____ day of _____, 201____

	ABSENT	YES	NO
13			
14 Ed Gold	_____	_____	_____
15 Anthony Carguno	_____	_____	_____
16 Jeremy Weinsier	_____	_____	_____
17 Robert Lance	_____	_____	_____
18 Harvey Readey	_____	_____	_____
19 Lenny Mosse	_____	_____	_____
20 Sue Nielsen	_____	_____	_____

21
22 **ADOPTED** by the City Council of the City of Belle Isle, FL on the _____ day of
23 _____, 2016.

1 By: _____ ATTEST By: _____

2 Lydia Pisano Yolanda Quiceno
3 Mayor City Clerk

4
5 _____

6 Approved as to form and legality
7 Frank Kruppenbacher, City Attorney

8
9 STATE OF FLORIDA
10 COUNTY OF ORANGE

11 I, YOLANDA QUICENO, City Clerk, of the City of Belle Isle do hereby certify
12 that the above and foregoing document ORDINANCE 16-11 was duly and legally
13 passed by the Belle Isle City Council, in session assembled on the ___ day of
14 _____, _____, at which session a quorum of its members were present.

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16 _____

17 Yolanda Quiceno, CMC-City Clerk

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1 **RESOLUTION NO. 16-17**

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3 A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR
4 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR A DONATION RECEIVED FOR THE POLICE
5 DEPARTMENT BUILDING RENOVATION, REMODELING AND REHABILITATION; AND PROVIDING
6 AN EFFECTIVE DATE.

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

10 WHEREAS, the City of Belle Isle desires to amend the budget to account
11 for a donation received for the Police Department building renovation,
12 remodeling and rehabilitation received on October 5, 2016 from Christopher
13 Comins; and

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

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

18 Section 1. The City Council hereby authorizes a budget amendment to
19 record the revenue and expenditure as follows:

Revenue	Expense
001-366-100 \$120,660.00	001-521-00-6210 \$120,660.00

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

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24 Adopted by the City Council on this 6th day of December, 2016.
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LYDIA PISANO, MAYOR

Attest: _____

Yolanda Quiceno, City Clerk

Approved as to form and legality

Frank Kruppenbacher, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 16-17 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the _____ day of November, 2016.

Yolanda Quiceno, City Clerk

1 RESOLUTION NO. 16-19

2

3 A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, PERTAINING TO ESTABLISHING A

4 TEMPORARY MORATORIUM FOR A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF THIS

5 ORDINANCE ON THE ACCEPTANCE, REVIEW, APPROVAL OR ISSUANCE OF ANY LAND

6 DEVELOPMENT PERMITS AS THE TERM IS DEFINED IN FLORIDA STATUTES SECTION

7 163.3164(16), BUSINESS TAX RECEIPTS OR ANY OTHER LICENSE OR PERMIT FOR THE

8 ESTABLISHMENT OR OPERATION OF DISPENSING FACILITIES WITHIN THE CITY ENGAGED

9 IN THE ON-SITE DISTRIBUTION, SALE, DELIVERY OR RETAIL OF LOW-THC CANNABIS,

10 MEDICAL CANNABIS OR CANNABIS DELIVERY DEVICES PURSUANT TO SECTIONS 381.986

11 AND 499.0295 OF THE FLORIDA STATUTES, IN ORDER TO PROVIDE THE CITY WITH AN

12 OPPORTUNITY TO REVIEW AND ENACT REGULATIONS GOVERNING THE ESTABLISHMENT AND

13 OPERATION OF DISPENSING FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR

14 SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

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16 WHEREAS, pursuant to the Compassionate Medical Cannabis Act of 2014, the

17 Florida Legislature authorized a very limited number of large nurseries to

18 cultivate, process, and dispense non-euphoric, low THC cannabis and operate

19 dispensing organizations, as of January 1, 2015; and

20

21 WHEREAS, in 2016, the Florida Legislature amended Section 381.986 of the

22 Florida Statutes to include medical cannabis, revise the requirements for

23 physicians ordering low-THC cannabis, medical cannabis, or cannabis delivery

24 devices, amend the requirements for the cultivation, processing,

25 transportation, and dispensing of low-THC cannabis or medical cannabis,

1 revise the Florida Department of Health's authority and responsibility and
2 provide for penalties; and

3
4 WHEREAS, pursuant to Section 381.986(8) of the Florida Statutes, a
5 municipality may determine by ordinance the criteria for the number and
6 location of, and other permitting requirements that do not conflict with
7 state law for dispensing facilities of dispensing organizations located
8 within its municipal boundaries; and

9
10 WHEREAS, due to the historical prohibition of cannabis, the City of Belle
11 Isle does not currently have any land development regulations governing the
12 use of real property for the purpose of on- site distribution, sale, delivery
13 or retail of low-THC cannabis, medical cannabis or cannabis delivery devices
14 as provided by Florida Statutes Sections 381.986 and 499.0295; and

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16 WHEREAS, in order to promote the effective regulation of such activities, the
17 City Council wishes to preserve the status quo while researching, studying,
18 and analyzing the potential impact of dispensing facilities within the City's
19 boundaries upon adjacent uses and the surrounding areas, including its effect
20 on traffic, congestion, surrounding property values, demand for City services
21 including inspections and increase police monitoring, and other aspects of
22 the operation of dispensing facilities impacting the general welfare of the
23 community; and

1 WHEREAS, the City Council finds that a one hundred and eighty (180) days
2 temporary moratorium on the issuance of business tax receipts and the
3 acceptance, processing and approval of any building or zoning permits for the
4 establishment and operation of dispensing facilities within the corporate
5 limits of the City of Belle Isle is a reasonable period of time; and

6
7 WHEREAS, the City Council finds that a one hundred and eighty (180) days
8 temporary moratorium will allow the City sufficient time to determine what
9 zoning districts are best-suited for this particular use, and how best to
10 formulate land development and licensing regulations that will appropriately
11 govern the use of real property for the purpose of on-site distribution,
12 sale, delivery or retail of low-THC cannabis, medical cannabis or cannabis
13 delivery devices; and

14
15 WHEREAS, the City Council finds it is in the best interest of the citizens of
16 the City to minimize and control the adverse effects of dispensing facilities
17 by adopting appropriate land development and licensing regulations; and

18
19 WHEREAS, a court should not set aside the determination of public officers in
20 land use matters unless it is clear that their action has no foundation in
21 reason, and is a mere arbitrary or irrational exercise of power having no
22 substantial relation to the public health, the public morals, the public
23 safety of the public welfare in its proper sense. *Id.*; and *Smithfield*
24 *Concerned Citizens for Fair Zoning v. Town of Smithfield*, 907 F.2d 239, 243
25 (1st Cir. 1990); and

1 WHEREAS, the first step in ensuring a proper moratorium, is to ensure that
2 the City's legislative has a rational basis and legitimate governmental
3 purpose for the imposition of a moratorium; and
4

5 WHEREAS, the second step is for the Mayor and City Council to establish a
6 record that the moratorium would further the governmental purpose of
7 creating, finalizing, and adopting regulations relating to medical cannabis;
8 and
9

10 WHEREAS, it is well-settled that permissible bases for land use restrictions
11 include concern about the effect of the proposed use on traffic, on
12 congestion, on surrounding property values, on demand for City services, and
13 on other aspects of the general welfare. WCI Communities, Inc., 885 So.2d at
14 915 and Corn v. City of Lauderdale Lakes, 997 F.2d 1369, 1375 (11th Cir.
15 1993); and
16

17 WHEREAS, the City is not interfering with a vested right obtained as a result
18 of a final order from the City Planning and Zoning Board, or permit already
19 obtained under the Florida Building Code; and
20

21 WHEREAS, the City Council finds that imposing a temporary moratorium until
22 adequate regulations have been developed, considered and adopted is in the
23 best interest of the health, safety and general welfare of the community and
24 the residents of the City; and
25

1 WHEREAS, the Mayor and City Council desire to adopt a 180-day moratorium.

2
3 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,
4 FLORIDA:

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6 SECTION 1. Recitals. The foregoing recitals are incorporated by this
7 reference as if fully set forth in the text of this Resolution. The recitals
8 evidence the concern, motivations and reasons for imposition of this
9 Resolution.

10
11 SECTION 2. Moratorium Imposed. The City of Belle Isle, Florida hereby
12 declares a temporary building and zoning moratorium on the establishment and
13 operation of dispensing facilities within the corporate limits of the City of
14 Belle Isle. The City shall not accept, process or approve any application for
15 business tax receipts, building permits, land use changes, zoning variances
16 or permits, or any other development permits for any property, entity, or
17 individual concerning or related to dispensing facilities engaged in
18 permitted uses under Florida law, specifically Florida Statutes Sections
19 381.986 and 499.0295, whether as a principal or accessory use, so long as
20 this resolution is in effect. No person, corporation, partnership or other
21 entity shall establish or operate a dispensing facility engaged in permitted
22 uses under Florida law, specifically Florida Statutes Sections 381.986 and
23 499.0295.

1 SECTION 3: Duration of Moratorium. The temporary moratorium shall take effect
2 immediately upon adoption of this resolution and shall terminate one hundred
3 and eighty (180) days from the adoption of this resolution, unless the City
4 Council rescinds or extends the moratorium by a subsequent ordinance.

5
6 SECTION 4. Severability. That if any clause, section or other part of this
7 Resolution shall be held invalid or unconstitutional by any court of
8 competent jurisdiction, the remainder of this Resolution shall not be
9 affected thereby, but shall remain in full force and effect.

10
11 SECTION 5. Effective Date. This Resolution shall take effect upon execution.

12
13 PASSED and ADOPTED this _____ day of _____ 2016.

14
15 CITY OF BELLE ISLE:

16 ATTEST:

17 _____
18 Lydia Pisano, Mayor

19 _____
20 Yolanda Quiceno, City Clerk

21 (CITY SEAL)

22 Approved as to correctness and form:

23 _____
24 Frank Kruppenbacher, City Attorney
25

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do
4 hereby certify that the above and foregoing Resolution No. 16-19 was duly and
5 legally passed and adopted by the Belle Isle City Council in session
6 assembled, at which session a quorum of its members were present on the
7 _____ day of _____, 2016.

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9 _____

10 Yolanda Quiceno, CMC-City Clerk

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