

**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

**REGULAR SESSION
November 29, 2016
6:30 P.M.**

1. Call to Order, Confirmation of Quorum and Pledge to Flag
2. Topline Recreation presentation
3. Approval of Minutes
 - a. Approval of the November 14, 2016 minutes
4. Ordinance No. 16-09 (continuation) - The Board shall review a proposed ordinance for recommendation to Council as follows, AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT DOCK REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 48, ENVIRONMENTAL REGULATIONS, ARTICLE II, BOAT DOCKS; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING SECTION 54-1, RESTRICTIONS UPON LAND, BUILDING AND STRUCTURES; BY AMENDING SECTION 54-79, RETAIL COMMERCIAL DISTRICT C-1; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
5. Adjourn

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.

**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

REGULAR SESSION

November 29, 2016

6:30 P.M.

ITEM 3

Approval of Minutes

1. Approval of the November 14, 2016 minutes

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City of Belle Isle
Planning & Zoning Board Regular Session Minutes
November 14, 2016 – 6:30pm

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|--------------------------------------|---------------------------------------|-------------------------------|----------------------------|-----------------------------|---------------------------|---------------------------|--|
| Frank Kruppenbacher City Attorney | David Woods Chairman District 1 | Chris Shenefelt District 2 | Tom Leftwich District 3 | Gregg Templin District 4 | Rainey Lane District 5 | John McLeod District 6 | Nicholas Fouraker Vice Chairman District 7 |
|--------------------------------------|---------------------------------------|-------------------------------|----------------------------|-----------------------------|---------------------------|---------------------------|--|

On Monday, November 14, 2016 the Belle Isle Planning & Zoning Board met in a regular session at 6:30 pm in the Belle Isle City Hall Council Chambers. Present was Chairman Woods, Board member Shenefelt, Board member Leftwich, Board member Templin, Board member McLeod and Vice Chairman Fouraker.. City Clerk Yolanda Quiceno was also present.

CALL TO ORDER

Chairman Woods called the meeting to order at 6:30 pm and opened with the Pledge of Allegiance. Chairman Woods welcomed newly appointed Board member Rainey Lane.

Topline Recreation representative was not present. Clerk will place on the agenda for the following scheduled meeting.

APPROVAL OF MINUTES

- a. Approval of the August 23, 2016 minutes
- b. Approval of September 27, 2016 minutes
- c. October 25, 2016 – meeting cancelled and rescheduled

Board member Templin motioned to approve the minutes as presented.
Board member McLeod seconded the motion which passed unanimously.

PROPOSED WARREN PARK CANOE LAUNCH SITE

Case No. 2016-10-008 - Pursuant to Belle Isle Code Sec. 54-83 (f)(3), the Board shall review and take action on the proposed site plan, submitted by Orange County, for a canoe launch at 3406 Warren Park Road, Orlando, FL 32812 also known as Parcel #29-23-30-4389-05-010. The proposed canoe launch includes plans for a lakeside launch for low impact, non-motorized water craft such as canoes, kayaks and paddle boards.

Michael Statham, Program Development Supervisor and Landscape Architect for Orange County Parks and Recreation spoke on the zoning application for a low impact, non-motorized craft such as canoes, kayaks and paddle boars launch at Warren Park.

Mr. Statham provided a synopsis of submittal booklet and an overview of the project as follows,

- Low impact Launch for non motorized water craft only
- Extension of our Warren Park experience
- Reintroduce water borne recreation dimension
- Design that is Compliant to City of Belle Isle Code
- Square footage of design reflects this compliance
- Provide signage restricting use by motorized water craft

Mr. Statham further spoke of the existing conditions and the parking and safety element plan and stated that safety is their primary goal along with maintaining a high quality relationship with its neighbors.

Mr. Statham, read for the record, Orange County's responses to staff recommendations to be placed upon an approval of the proposed site plan:

1. A restriction that no mooring be allowed on any portion of the proposed canoe launch and boardwalk areas;
OCPR Response: We agree to that restriction for motorized water craft. Permanent mooring of any water craft will also be restricted.
2. A restriction that no swimming is allowed;
OCPR Response: We agree with the restriction of no swimming. A "no swimming sign" is currently in place; erected as a safety precaution but only faces the park and is not facing the lake.
3. A prohibition on any private business or commercial enterprise running a business from the property such as, but not limited to, paddle board lessons or kayak/canoe tours;
OCPR Response: We do not agree with the condition because they reserve the right to have County approved vendors at this park.
4. An executed Memorandum of Understanding agreement between the local governments of Belle Isle and Orange County and all law enforcement parties (inclusive of the City of Belle Isle Police Department, Orange County Sheriff's Office, and the Florida Wildlife Commission) as to patrol and enforcement responsibilities and authorities within the park and surrounding the canoe launch, as well as in the lake waters.
OCPR Response: This agreement must be generated and mutually agreed to by the City of Belle Isle Chief of Police and the Orange County Sheriff's Office
5. A correction of Plan Sheets #C001 and #C002 to indicate a corrected parcel ID of 29-23-30-4389-04-010 and the address of 3206 Warren Park Road, which are correct for the lakefront parcel;
OCPR Response: We agree with this condition and will make the necessary corrections to the plans.
6. A correction on Plan Sheet #C002 to indicate the City of Belle Isle zoning district for the parcel as "Public Buildings District" (PUB);
OCPR Response: We agree with this condition and will make the necessary corrections to the Plans.

7. A correction on Plan Sheet #C402 Notes under General Notes for Gangway and Kayak/Canoe System under #2 for each. These need to state the exact sizes requested on the site plan application and not be identified as minimums.

OCPR Response: We agree with this condition and will make the necessary corrections to the plans.

8. A detailed sign plan is provided indicating location of all signs. Signage must incorporate language clearly stating “no swimming” and “no boat mooring” and identification of park hours and authorized use restrictions. Such signs shall also be additionally signs placed facing the water at the shoreline and on the terminal platform of the structure;

OCPR Response: We agree with this condition and will generate a sign plan that indicates the location of all signs listed that face the water at the shoreline and on the terminal platform of the structure.

9. A detailed parking/traffic plan be provided indicating how the applicant anticipates handling additional park traffic on Warren Park Road and canoe launch users accessing the park, whether there is any impact; and,

OCPR Response: We agree with this condition, however, park users are using the lakeshore as a launching area for paddle boarding, canoeing, and kayaking. We do not foresee any additional user impact as a result of this park addition.

10. A detailed safety element plan identifying where existing fencing and pedestrian gates are located, where they are proposed, and how such areas will be accessed by the public. This plan should also address how users of the canoe launch will access, including drop off of personal watercraft, the waterfront for use in the lake and how the area will be secured, monitored, and restricted during closed hours.

OCPR Response: We agree with this condition and have generated a plan exhibit to illustrate the existing fencing and gates and the existing crossing. There will be no watercraft drop off along Warren Park Road or Seminole Drive. All water craft drop off will take place within the existing Warren Park parking lot and the user shall utilize the existing gates and cross walks to access and egress from the Canoe Launch. All canoes, kayaks, and paddle boards shall be walked over to the launch area from this parking lot across the existing striped crossing.

Comm Pete Clarke spoke of the initial history of this concept and said he originally submitted a proposed plan about a year ago.

Matt Suedmeyer, Orange County Parks and Recreation Manager said he does not believe the proposed plan will significantly increase the amount of use of the area at Warren Park. Discussion ensued on enforcement of park rules, commercial use of the launch ramp, and law enforcement liability issues.

April Fisher, Interim City Manager, said two of the items the applicant does not agree with are two of the biggest items for the City; (1) the City code states that commercial usage is not allowed with this zoning district; and (2) the increase use of the park creates a public safety issue and the jurisdiction is within the Orange County Sheriff's Office to respond. The Belle Isle Police Department will not have the authority to respond which leaves the city with liability if they do respond. Without some type of agreement with law enforcement it will be a strong concern to have the proposed plan move forward. Ms. Fisher said the Board may approve the plan and restrict it from moving forward with permitting until the Memorandum of Understanding is in place.

In addition, Chairman Woods stated, as part of the condition, that the City be provided a key to all the gates in the park. Discussion ensued on maintenance personnel and additional signage.

Chairman Woods opened for public comment.

- Heather Stevenson residing at 7224 Seminole Drive, Belle Isle spoke in opposition to the proposed plan due to safety issues. With a show of hands, there were approximately 10 individuals who shared the same concern.
- Jennifer Brown residing at 7020 Seminole Drive, Belle Isle, representing the paddle board community, spoke in favor of the proposed plan.
- Debra Donham residing at 6904 Seminole Drive, Belle Isle said she is strongly opposed to the proposed plan. She shared her concern with the enforcement of the rules during evening hours and upkeep of the park. She provided for the record, eleven (11) petition sheets of other residents who are opposed to the proposed plan.
- Linda Suggs residing at 6922 Seminole Drive, Belle Isle spoke in opposition of the proposed plan. She witness individuals leaving with cans of alcohol into the water and return with none. She further added that the posted signs currently do not work.
- Phil Price residing at 7440 Daetwyler Drive, Belle Isle shared his concern with the impact from the jet skis pulling up to the proposed boat dock. He further asked why the length of the dock can't go out 15 feet instead of the proposed 60 feet.
- Drew Neil residing at 7204 Seminole Drive, Belle Isle spoke in opposition of the proposed plan. The biggest problems are going to be the jurisdiction of law enforcement and the safety issue on the east side of the lake.
- Burt Hammond residing at 7410 Daetwyler Drive, Belle Isle spoke in opposition of the proposed plan. He shared his concern with the safety issue and said he believes it will create an unsafe environment same as the sand bar.
- Joel Anderson residing in the southeast condominiums off of Daetwyler spoke in opposition of the proposed plan and said it will create a safety hazard for paddle boarders.

- Ann McGee residing at 3109 Indian Drive, Belle Isle spoke in opposition and said she does not understand why they would want to embellish what is already there. She anticipates the traffic will increase and the area does not have room for additional vehicles.
- Randy Holihan residing at 2513 Trentwood, Belle Isle spoke in opposition to the proposed plan. He shared his concern with the safety issue and the danger it may cause to paddle boarders in the access area for jet skiers.

Steve Fusilier residing 7210 Seminole Drive, Belle Isle spoke in opposition of the proposed plan. He said there are approximately 130 signatures of other residents who are opposed to this proposed plan and ultimately someone is going to get hurt. The Comp Plan, zoning and parking area does not promote the support for this application or commercial use of the property. He further spoke of other hazards and noted that there are a few other docks and boat ramps for use along the Chain of Lakes that many can go and utilize. Discussion ensued.

There being no further comments, Chairman Woods closed public comment and opened for Board discussion.

Chairman Woods said it appears to be substantial public opposition and compelling issues, one is the maintenance of the existing park is conceivable inadequate; and illegal parking, noise, trash and theft. He feels the whole concept may make the situation worst.

Board member McLeod asked if there is a large demand for this proposed facility. Comm Pete Clarke said no, however he believes that other residents who do not live off the lake should have the same amenities as those who live on the lake front.

Vice Chairman Fouraker said there is a large dislocation and expectation from the County's perspective to what the constituents feel equitable and it does not seem that the applicant has met the burden of proof to move forward.

After Board discussion, Vice Chairman Fouraker moved, the criteria of Chapter 48, Article II, Section 42-33 having not been met, to approve this request for the proposed site plan pursuant to code Sec 54-83(f)(3) on the property described as 3406 Warren Park Road, Belle Isle, FL also described as Parcel I.D. #29-23-30-4389-05-010, Orange County, FL.

Board member McLeod seconded the motion which passed unanimously.

Chairman Woods advised the applicant that they do have the option to appeal to Council.

PROPOSED REDEVELOPMENT SITE PLAN

Case No. 2016-10-030 - Pursuant to Belle Isle Code Sec. 54-79 (f)(4), the Board shall review and take action on the proposed site plan, submitted by Hoffner Fruit, LLC c/o Brandon Structures, for a proposed commercial development at 4400 Hoffner Avenue, Orlando FL 32812 also known as Parcel #20-23-30-0000-00-012.

Randy Fitzgerald, Attorney with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. with offices at 215 North Eola Drive, Orlando FL representing the applicant introduced Randy Holihan-Project Site Developer, Brian Duke-Wawa, Muhamad Abdala-Traffic Engineer and Jeff Summit-Civil Engineer. She said the applicant would like to obtain approval of a site plan which candidly the applicant thought was already approved.

Attorney Fitzgerald gave a background overview of the project and conceptual site plan which was started in July 2015. She said, back in July 2015, the City imposed a moratorium on Gas Stations and Convenience Stores based on environmental issues. After the moratorium ended on October 5, 2015, the applicant was able to move forward with their application for approval of the site plan. On February 23, 2016, the applicant presented, for recommendation, a lot split to the Planning & Zoning Board and approved by City Council subject to the City Attorney and City Manager review of access. On September 2015, the applicant presented to City Council and it was understood that the site plan was approved.

After speaking with the Interim City Manager, it was clarified that there was no formal approval by the P&Z Board for the site plan per City Code. The applicant is asking for formal approval of the site plan approved previously by City Council. Attorney Fitzgerald said for the Board's consideration, she made other comments to the staff report following considerations as conditions and compliance with code requirements to be placed upon an approval of the proposed site plan:

1. Q: Cross-access agreements and covenants/ restrictions shall be submitted to the City Manager and City Attorney for review and approval prior to issuance of a building permit, as identified in the minutes from the March 1, 2016 City Council meeting regarding a lot split on the property. **Wawa Response:** *There are already covenants and restrictions on the property and will be reviewed by the City Attorney before development.*
2. Q: The site plan shall identify the "right-in only" on the plan for access from Hoffner Avenue so that no left turn is possible. **Wawa Response** *This has been remedied with the final site plan submitted.*
3. Q: It appears that a new access/curb cut to the Wawa portion of the property is being proposed on the North side adjacent to Hoffner Avenue. This appears to be in conflict with the Planning and Zoning Board recommendation from the February 23, 2016 meeting to approve a lot split, stipulating no additional access be created from Hoffner Avenue and Conway Road, which was upheld at the March 1, 2016 City Council meeting. It also may conflict with the results of the site circulation discussion from the September 30, 2015 City Council workshop minutes where the transportation impact consultant identified this as a conflict with fuel canopy circulating traffic. If approved, the site plan shall include signage and traffic control design to minimize conflict. **Wawa Response:** *The curb cut was in discussion and approved by Council on September 30, 2015. There was confusion with the progression of the meetings and has been identified.*

4. Q: The site plan shall identify that the exit to Conway Road is strictly a south exit and identify that a directional light will be provided. **Wawa Response: In the September 30, 2015 meeting, it was determined that there was no need for an additional light because the construction of the access is such that traffic cannot flow any other way.**
5. Q: Phase 2 and 3 identified on the site plan shall require a separate site plan application as uses and square-footages are not identified, therefore parking calculations cannot be determined with this site plan application for those phases. **Wawa Response: Phase 1 and Phase 2 where on the site plan, just labeled incorrectly. Subsequently there will be a site plan for Phase 3.**
6. Q: The parking calculations for the Wawa site should be based on the Sec. 50-72 code category of "Retail Establishments, Including Convenience Stores" instead of "General Business". The site plan shall be revised to reflect one space per 100 square feet, which would be 72 spaces and an increase in the required handicapped spaces to 3. **Wawa Response: This has been completed with the site plan presented 11/14/2016.**

Attorney Fitzgerald said the applicant has satisfied the requirements as noted by the City to document that the site plan is appropriate to move forward. She further noted that the lot split has never been completely finalized. However, the intent was to always have three parcels that would be sold separately.

Chairman Woods said it seems difficult to approve a site plan without approved lots. From a technical standpoint, Ms. Fitzgerald said the lot split was not formally approved by the Property Appraiser's office, however; they are to the point where they know exactly what they are going to do and the proposed site plan presented tonight will supersede anything that would have been presented before.

April Fisher said the lot split is not being presented today for approval. She agrees with Ms. Fitzgerald about the lot split process. The City Clerk confirmed that the first one was not finalized. If the plan changes from what was considered previously the lot split will have to be presented again to the Board as a separate item for approval. However, it does not preclude this Board from considering approval the site plan. Discussion ensued.

April Fisher clarified that the staff report included items 7-12 that need to be part of the application process that are very specific and objective requirements to the code with this type of development. The items 7-12 will be handled during the building permit process before the project is approved.

Discussion ensued on directional signs out of the plaza and landscaping between the two driveways

Chairman Woods opened for public comment.

- Bill Bergman residing at 5327 Hawford Circle, Belle Isle shared his concern with the lighting and noise abatement that will be used 24-hours a day.
Randy Holihan, Project Developer said the new lighting meets all current codes and is designed to be non-intrusive. There will be less traffic overall and the landscape buffers will create the required noise abatement.

April Fisher said the staff report does require for the applicant to provide an 8-foot high masonry wall with a 15-foot wide transitional buffer is required adjacent to residentially zoned properties. The buffer must include the following plant material per 100 linear feet: 3 canopy trees; 4 understory trees; and, 15 shrubs. The owner must execute a recordable document which requires construction and maintenance of the wall in good repair.

Randy Fitzgerald said it is not the intent to build a wall next to the subdivision wall and does not have the authority to have the HOA enter into an agreement. The applicant is willing to open discussion on the maintenance requirement of the existing wall with the HOA, if necessary.

- Joel Anderson residing at 5309 Hawford Circle, Belle Isle shared is concern with the maintenance of the property and excess trash.
- George Rohen residing at 3531 Edlingham Court, Belle Isle shared his concern with the use of the PA system and asked if the applicant will be willing to regulate the volume during after hours.

There being no further public comment, Chairman Woods closed for Board discussion.

Board member Templin moved the criteria of Chapter 48, Article II, Section 42-33 of the Belle Isle Land Development Code having been met to approve this request for the proposed site plan pursuant to code Sec 54-79(f)(4) on the property described as 4400 Hoffner Avenue, Belle Isle, FL also described as Parcel I.D. #29-23-30-0000-00-012, Orange County, FL with the following conditions,

- 1- Cross-access agreements and covenants/ restrictions shall be submitted to the City Manager and City Attorney for review and approval prior to issuance of a building permit, as identified in the minutes from the March 1, 2016 City Council meeting regarding a lot split on the property.**
- 2- Phase 3 identified on the site plan shall require a separate site plan application**
- 3- A dumpster permit shall be required as part of the building permit application process.**
- 4- A lighting plan with foot-candle information shall be required as part of the building permit application process to ensure no light pollution occurs onto adjacent residential properties.**
- 5- Pursuant to Sec. 50-73 (d)(1) and Sec. 50-76 (3) b.1, an 8-foot high masonry wall with a 15-foot wide transitional buffer is required adjacent to residentially zoned properties. However, there is an existing wall which may count for the required 8-foot masonry wall with maintenance issues to be worked out at a future date. The buffer must include the following plant material per 100 linear feet: 3 canopy trees; 4 understory trees; and, 15 shrubs. The owner must execute a recordable document which requires construction and maintenance of the wall in good repair to be discussed before this Board at a future date, as worked out per the code.**
- 6- Storm water management plans consistent with the requirements of Sec. 50-74 and Sec. 54-79 (f)(2) shall be provided for review with the building permit application.**
- 7- A landscaping plan consistent with Sec. 50-76 shall be provided for review with the building permit application.**
- 8- A separate sign permit application is required based on the commitment by the applicant, unless opposed by applicant.**

9- To mitigate the hours of the PA system used for food pick up during certain hours, if necessary.

Board member McLeod seconded the motion which passed unanimously.

ORDINANCE NO. 16-09

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

The Board agreed, due to the late hour and the public component, to continue the code discussion to Tuesday, November 29, 2016.

Board member Templin motioned to continue discussion and review of the proposed code change to November 29, 2016.

Board member Shenefelt seconded the motion which passed unanimously.

ADJOURN

There being no further business Chairman Woods called for a motion to adjourn, unanimously approved at 9:30pm.

Yolanda Quiceno
CMC-City Clerk

**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

REGULAR SESSION

November 29, 2016

6:30 P.M.

ITEM 4

Ordinance No. 16-09 - continuation

The Board shall review a proposed ordinance for recommendation to Council,

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

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ORDINANCE No. : 16-

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

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

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

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

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

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

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

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency, at the September 27, 2016, public hearing, found the revised regulations to be consistent with the City of Belle Isle Comprehensive Plan and recommended that the City Council adopt the revised boat dock regulations; and

WHEREAS, the City Council held two (2) public hearings on October 4, 2016, and October 18, 2016, to receive public comments, and considered the recommendation of the Planning and Zoning Board and the proposed revised boat dock regulations; and

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

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

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ARTICLE II. - BOAT DOCKS

Sec. 48-3X. - Definitions

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

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

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

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

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

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

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

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

Normal high water elevation (NHWE) means the water surface elevation as defined by Orange County Code, elevation 85.85 (NAVD-88).

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

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

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

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

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

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

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

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

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

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

Sec. 48-31. - Application process.

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

(1) City's administrative review fees. ~~An administrative review fee of \$165.00 shall be paid at the time the application is submitted.~~ Application fees shall be in accordance with the city fee schedule. The administrative review fee does not include the City of Belle Isle building permit's processing fee.

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

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

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

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

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

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

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

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

h. The NHWE shoreline, as established herein; and

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

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

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

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

Sec. 48-32. - Design criteria.

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

(1) Setbacks. Private Boat-dock docks shall have a minimum side setback of five feet from the projected property lines of all abutting shoreline properties. Public and Semi-

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private docks shall have a minimum side setback of twenty-five feet from the projected property lines of all abutting shoreline properties. For purposes of setback, the terminal platform includes any moored boats.

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

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

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

1. where the lake bottom has an elevation of 79.5 (NAVD 88) or
2. 15 feet lakeward of the point where the lake bottom has an elevation of 80 (NAVD 88) or
3. 40' from the NHWE shoreline

b) No dock shall be allowed to extend greater than 50 feet lakeward of a proportional shoreline offset between the longest existing docks within 300' on either side of the proposed dock.

c) For comparison, each dock length will be measured from the NHWE shoreline to the most waterward point on the dock. A distance from a fixed object or structure on each lot shall be referenced on the dock permit application plans.

(3) Total area. A boat slip, platform and any other portion of the dock, covered or uncovered, and including any floating vessel platform(s), collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet. The linear shoreline frontage shall be measured in a straight line between the two outermost property corners at the 86.9 normal high water elevation of Lake Conway. In no case shall the length of the terminal platform side parallel to the shoreline be more than fifty percent (50%) in length than the property's linear shoreline frontage.

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

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

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

(6) Number and location of boat docks.

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

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

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

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

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

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

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(7) Boathouse lots on canals.

The boathouse lots which exist along the canals interconnecting with Lake Conway within the city were platted and accepted by the city under the premise that these lots would serve as lake access for the residents of that subdivision. As such, the purpose and intention of these boathouse lots is to serve as accessory lots to the main residential properties within that subdivision. The buildability and use of all canal boathouse lots,

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which are determined to be accessory lots, shall be restricted to the owners of real property within the subdivision in which these accessory boathouse lots were platted.

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

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

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

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

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

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

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

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

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

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

3. Storage lockers shall not exceed 20 inches in height above the deck, 36 inches in width nor nine feet in length.

Sec. 48-32. - Fishing piers, observation decks or kayak/canoe structures.

Fishing piers, observation decks or kayak/canoe structures may be permitted as recreational facilities on publicly owned property zoned public building district where water depth is insufficient for watercraft mooring. Kayak/canoe structures are for use with non-motorized watercraft. Fishing piers, observation decks and kayak/canoe structures must meet the following criteria.

(1) Design. The design and construction must:

a. Prohibit watercraft mooring;

b. Provide fixed handrails, including intermediate rails, installed around the perimeter of the structure, except for the terminal end of a kayak/canoe structure;

c. Include "no boat mooring" and "no swimming" signs placed facing the water at the shoreline and on the terminal platform of the structure; and

d. Shall have a minimum side-setback of ten (10) feet from the projected property line.

(2) Dimensions. The design and construction must:

a. Provide access walkways that do not exceed a total of five feet in width.

b. Not extend waterward more than 70 feet from the Normal High Water Elevation line.

c. Not exceed 280 square feet for the terminal platform for fishing piers or observation decks; and

d. Not exceed 160 square feet for the terminal platform for kayak/canoe structures.

(3) Use. Fishing piers, observation decks or kayak/canoe structures shall only be used for non-commercial recreational purposes. (Ord. No. 09-16, § 1, 3-2-2010)

Sec. 48-33. - Variances.

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

(1) The boat dock shall not create conditions hazardous to navigation nor any safety hazards;

(2) The location and placement of the boat dock shall be compatible with other docks in the area, and the shoreline contour of the lake;

(3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance; and

(4) The requirements of subsection 42-64(1) except for subsection 42-64(1)d.

(Ord. No. 09-16, § 1, 3-2-2010)

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

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(a) Dock maintenance and repair, generally responsibility of property owner. The owner of property on which a dock is located is responsible for maintaining a dock in safe and useable condition. Every boat dock and associated platforms shall remain adequately supported, not create debris or obstructions, and shall be maintained in sound condition and good repair, so as to assure there will be no possible negative impact on adjacent properties or waterway use and recreation.

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

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

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

(f) Minor modifications to permitted docks. Minor modifications to all existing docks must be approved by the city. The applicant must submit a request for the proposed deviation change or modification to the original site plan to the city manager for consideration. Additional information may be requested from the applicant in order to complete the review. Minor modifications must comply with the provisions of this article. Any modification that may require a variance or waiver of any provision of this article shall not be considered a minor modification. Any modification that increases the size of the terminal platform shall not be considered a minor modification. The city manager may require notification of abutting shoreline property owners of the application for minor modification.

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

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

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

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

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

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

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

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

(Ord. No. 09-16, § 1, 3-2-2010)

Secs. 48-35—48-60. - Reserved.

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

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

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

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

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

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**CITY OF BELLE ISLE
PLANNING AND ZONING BOARD**

**REGULAR SESSION
November 29, 2016
6:30 P.M.**

**ITEM 5
ADJOURN**

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.