

ORDINANCE NO. 21-XX

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 34 , ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW SECTION 34-38 TO ESTABLISH SPECIAL BOATING RESTRICTED AREA FOR THE PURPOSE OF ESTABLISHING A CANOE TRAIL; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Belle Isle desires to provide for the health, safety, and welfare of its citizens, residents and visitors; and

WHEREAS, pursuant to the requirements of Chapter 163, Part II, Florida Statutes (F.S.) and Chapter 9j-5, Florida Administrative Code (F.A.C), the City of Belle Isle adopted its original Comprehensive Plan in June of 1991 the plan was updated through the preparation and adoption of an Evaluation and Appraiser Report (EAR) required by Section 163.3191, F.S., and

WHEREAS, under Goal 2, Objective 2.1 of the City's original Comprehensive Plan and subsequent EARs have called for establishment of a Canoe Trail along the shore of the center and south lobes of the Conway Chain of Lakes, and

WHEREAS, WHEREAS, Florida Statutes § 327.46(1)(c) authorizes the City Council of City of Belle Isle to establish a canoe trail or other vessels under oars or under sail ; and

WHEREAS, WHEREAS, the City wishes to establish a Canoe Trail along the shore of the center and south lobes of the Conway Chain of Lakes as stated in the Comprehensive Plan provided that the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the ordinance and determined by substantial competent evidence that the ordinance is necessary to protect public safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE 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.

SECTION 2. City Code Amendment. Section 34-38 of the City Code is hereby established to read as follows:

Section 34-38 - Establishment of Special Boating Restricted Area.

The following described waterways or portions of waterways are hereby established as Special Boating Restricted Areas:

The area extending along the shoreline on the Conway Chain of Lakes, constituting one, continuous zone with no gaps, that begins at Venetian Boat Ramp (28.48156013,-81.3521391), continuing, with no gaps, incorporating the Canoe/Kayak Trail to the Warren Park Ramp

(28.46175653,-81.34170848) to Perkins Ramp (28.45856914,-81.35330564) to Swann Beach (28.46017067,-81.35494271) to Delia Beach (28.46854215,-81.36023079) to La Belle Beach (28.47387299,-81.35906624) to Peninsular Beach (28.47078844,-81.35555146) and back to Venetian Ramp, located within the City of Belle, all as depicted in the attached Exhibit "A".

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

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

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

SECTION 6. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption by the City Council of the City of Belle Isle, or approval of the Ordinance by the Florida Fish and Wildlife Conservation Commission, whichever occurs latest.

FIRST READING: _____, 2021

SECOND READING: _____, 2021

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

CITY COUNCIL

CITY OF BELLE ISLE

Nick Fouraker, Mayor

ATTEST:

Yolanda Quiceno, City Clerk