

1 RESOLUTION NO. 17-04

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA
3 RELATING TO BOAT DOCK REGULATIONS; EXTENDING THE CURRENT PERIOD OF
4 ZONING IN PROGRESS INITIATED BY RESOLUTION 16-06 FOR AN ADDITIONAL
5 PERIOD OF 90 DAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN
6 EFFECTIVE DATE.

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

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

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

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

19 WHEREAS, City Staff requests time to prepare draft regulatory revisions
20 regarding boat docks and bring proposed revisions before the Planning and
21 Zoning Board for recommendation and the City Council for action and adoption
22 in the form of one or more proposed ordinances; and

23 WHEREAS, it is the intent of the City Council to invoke the legal
24 doctrine in Florida known as "Zoning in Progress" for an additional period of
25 ninety (90) days from the effective date of this resolution;

1 NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE CITY OF BELLE ISLE:

2 SECTION 1. Incorporation of Recitals. The foregoing recitals are incorporated
3 herein and found by the City Council to be true and correct statements of
4 fact.

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6 SECTION 2. Zoning in Progress. The City of Belle Isle invokes, declares and
7 extends a "Zoning in Progress" for an additional period of ninety (90) days
8 from the date of expiration of the first extension of the original "Zoning in
9 Progress" time articulated in said Resolution, on the same terms and same
10 conditions and for the same purposes.

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12 SECTION 3. Local Planning Agency Assigned to Examine Regulations. Pursuant to
13 Chapter 22, Article II, Sec. 22-31 of the Land Development Code of the City
14 of Belle Isle, the Planning and Zoning Board, in its capacity as Local
15 Planning Agency of the City of Belle Isle, is hereby directed to examine,
16 study, make recommendation for revision and submittal of proposed boat dock
17 regulations to the City Council for action and adoption, in the form of one
18 or more recommended ordinances, before the expiration of the Zoning in
19 Progress period.

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21 SECTION 4. Public Notice of Zoning in Progress and Required Compliance. This
22 Zoning in Progress Resolution shall serve as public notice that the City
23 intends to adopt new land development regulations governing boat docks. No
24 application for a boat dock permit that would require a variance will be
25 received by the City during the Zoning in Progress period. All parcels of

1 land within the municipal limits of the City of Belle Isle shall be required
2 to comply with all new boat dock regulations adopted during the Zoning in
3 Progress period, unless otherwise previously exempted by City Council, or in
4 permit review prior to adoption of the new regulations. The City Clerk is
5 directed to post a copy of this Resolution at City Hall during the Zoning in
6 Progress period, and to cause this Resolution to be published, in full, at
7 least once in a newspaper of general circulation within the City.

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9 SECTION 5. Severability. If any section, subsection, sentence, clause or
10 phrase of this Resolution is, for any reason held to be unconstitutional,
11 such decision shall not affect the validity of the remaining portions of this
12 Resolution. The City of Belle Isle, Florida hereby declares that it would
13 have passed this Resolution, and each section, subsection, clause or phrase
14 thereof, irrespective of the fact that any one or more sections, subsections,
15 sentences, clauses and phrases be declared unconstitutional.

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17 SECTION 6. Effective Date. This Resolution shall take effect immediately
18 upon its adoption.

19
20 PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE THIS 11th
21 DAY OF January, 2017.

22
23 ATTEST: _____

24 Yolanda Quiceno, City Clerk

Lydia Pisano, Mayor

25
(CITY SEAL)

1 Approved as to correctness and form:

2 Frank Kruppenbacher, City Attorney

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7 STATE OF FLORIDA

8 COUNTY OF ORANGE

9 I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do

10 hereby certify that the above and foregoing Resolution No. _____ was duly

11 and legally passed and adopted by the Belle Isle City Council in session

12 assembled, at which session a quorum of its members were present on the

13 _____ day of January, 2017.

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16 Yolanda Quiceno, City Clerk

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