



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

**Meeting Date:** February 20, 2018

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Open Space Zoning District

**Background:** The City is in the process of rezoning the Wallace Street Property to public open space. The only Zoning Classification in the BIMC for this is Public buildings district PUB. The City Council directed the city staff to develop an ordinance to add an Open Space Classification to the BIMC. This classification would provide for open space and be more stringent in protecting those areas that the City will want to preserve strictly for open space initiatives.

At the November 7 Council meeting, the Council directed revisions to the draft OS Classification. Those changes have been made to clarify the definition of Passive Recreation, add a definition of Open Space; and to limit what development can take place on OS parcels.

At the November 21 Meeting, Council accepted the changes and directed the ordinance be put in final form for 1<sup>st</sup> Reading.

**Staff Recommendation:** Read Ordinance 18-01 for the first time

**Suggested Motion:** I move we read Ordinance 18-01 for the first time

**Alternatives:** Do not approve the classification and pass Ordinance 17-12 for the second time to rezone the Wallace field as PUB.

**Fiscal Impact:** None to add new classification to the BIMC

**Attachments:** Ordinance 18-01 Open Space



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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.

**Section 2. Purpose of Open Space Land Use Classifications**

The open space district is primarily intended to help protect environmentally sensitive natural systems, preserve major open spaces, and provide for passive recreational needs of the city. Permitted uses are restricted to those with low-intensity characteristics, designed to protect open tracts of land that are owned by municipal, state, or federal governments.

**Section 3. Land Development Code Amendment**

Chapter 54, Article III of the City Land Development Code is hereby amended to add a new Section 54-84, as follows:

Sec. 54-84. - Open Space District.

a) Intent and purpose of district. The open space district is primarily intended to help protect environmentally sensitive natural systems, preserve major open spaces, and provide for passive recreational needs of the city. Permitted uses are restricted to those with low-intensity characteristics, designed to protect open tracts of land that are owned by municipal, state, or federal governments.

1            b) Definitions: The following definitions apply to the open space  
2            district:

3            1) Active Recreation: Active recreation is generally any recreational  
4            activity that requires significant infrastructure for the purposes of  
5            active sports or organized events. It is about engaging in adventure  
6            sports or outdoor games. An active park refers to structured  
7            recreational activities which require specialized parkland  
8            development and management which may restrict general use of the  
9            parkland or facility. Examples of active recreation include, but are  
10           not limited to, sports fields, ball fields, playgrounds, skateparks,  
11           swimming pools, gymnasiums, and outdoor theaters.

12           2) Passive Recreation: Passive recreation area is generally an  
13           undeveloped space or environmentally sensitive area that requires  
14           minimal development. Emphasis is placed on preservation of wildlife  
15           and the environment. Passive park use refers to less structured  
16           recreational activities which require little or no specialized  
17           parkland development and management, and therefore can be provided at  
18           a low cost to communities. It involves casual activities and pursuit  
19           of hobbies, with no adverse impact to the natural habitat. Examples  
20           of passive recreation include, but are not limited to, walking and  
21           jogging, hiking and nature walks, community gardens, painting,  
22           photography, kite flying, picnicking, Frisbee, fishing, and outdoor  
23           theaters.

24           c) Uses permitted. The following uses are permitted in the open space  
25           district:

1) Passive recreational uses;

1           2) Noncommercial agriculture or horticulture such as community  
2           gardens; and,

3           3) Customary accessory uses in support of the primary uses listed in  
4           1 and 2 above.

5           d) *Special exceptions.* The following uses shall be permitted in the  
6           open space district through the special exception process:

7                   1) Active recreational uses; and,

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9                   2) Public municipal government buildings, without repair facilities  
10                  or outdoor storage yards.

11           e) *Uses prohibited.* The following uses are prohibited in the open  
12           space district:

13                   1) Any use that is not owned by a municipal, state, or federal  
14                  governmental agency;

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16                   2) Any use that is owned by a municipal, state, or federal  
17                  governmental agency, but not identified in subsection (b), (c) or  
18                  (d) of this section; and

19                   3) Parking that is not associated with the recreational use of the  
20                  property.

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22           f) *Development standards.* The following development standards apply  
23           to the open space district:

24                   1) No parking shall be located within 25 feet of any residentially  
25                  zoned property nor within 15 feet of any right-of-way line;

1           2) No building, or structure, except fences or walls, shall be  
2           located within 50 feet of any residentially zoned property line or  
3           right-of-way line; and,

4           3) Impervious surfaces shall not cover more than 35% of the lot area;  
5           and,

6           4) Maximum building height is restricted to 35 feet.

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8           g) General requirements. General requirements in the open space  
9           district shall be as follows:

10           1) The first one inch of rainfall from each storm shall be retained  
11           and either percolated into the ground or collected and evaporated.  
12           All drainage systems shall include special engineering design  
13           features to minimize pollution from oil, suspended solids and other  
14           objectionable material in stormwater runoff within limits set by the  
15           SJRWMD rules. Treatment facilities shall be designed by a state-  
16           registered engineer to adequately treat the stormwater runoff  
17           resulting from rainstorms of the maximum intensity predicted for the  
18           Belle Isle area at 25-year intervals for major drainageways and ten-  
19           year intervals for all other drainageways and shall be subject to  
20           approval by the council prior to construction. The SJRWMD shall  
21           determine which drainageways shall be classified as major.

22           2) Each application for a building permit shall be accompanied with a  
23           site plan incorporating the regulations established herein. Said  
24           site plan shall be submitted to the board for review and approval.

1           The board shall approve the site plan prior to the granting of a  
2           building permit. Upon such approval, said site plan becomes a part  
3           of the building permit and may be amended only by the board.  
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5   **Section 4.    Severability**

6   If any section, subsection, sentence, clause, phrase, word, provision, or portion  
7   of this Ordinance is held by a court of competent jurisdiction to be invalid,  
8   unlawful, or unconstitutional, such shall not invalidate or impair the validity,  
9   force or effect of any other section or portion of a section or subsection or part  
10  of this Ordinance.  
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12   **Section 5.    Conflicts**

13   In the event of a conflict or conflicts between this Ordinance and any other  
14   ordinance or provision of law, this Ordinance controls to the extent of the  
15   conflict, as allowable under the law.  
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17   **Section 6.    Codification**

18   This Ordinance shall be incorporated into the Land Development Code of the City of  
19   Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may  
20   be changed or modified as necessary to effectuate the foregoing. Grammatical,  
21   typographical and similar or like errors may be corrected, and additions,  
22   alterations, and omissions not affecting the construction or meaning of this  
23   ordinance or the Land Development Code may be freely made.  
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1 **Section 7. Effective Date**

2 This Ordinance shall take effect immediately upon its final passage and adoption  
3 by the City Council of the City of Belle Isle, Florida.

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5 First reading on \_\_\_\_\_, 2018.

6 Second Reading and Adoption this \_\_\_ day of \_\_\_\_\_, 2018.

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|                    | YES   | NO    | ABSENT |
|--------------------|-------|-------|--------|
| 9 Ed Gold          | _____ | _____ | _____  |
| 10 Anthony Carugno | _____ | _____ | _____  |
| 11 Jeremy Weinsier | _____ | _____ | _____  |
| 12 Bobby Lance     | _____ | _____ | _____  |
| 13 Harvey Readey   | _____ | _____ | _____  |
| 14 Alexa Dowlen    | _____ | _____ | _____  |
| 15 Sue Nielsen     | _____ | _____ | _____  |

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17 ATTEST: \_\_\_\_\_

18 Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

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21 Approved as to form and legality

22 Kurt Ardaman, City Attorney

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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 ORDINANCE 18-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, at which session a quorum of its members were present.

\_\_\_\_\_  
Yolanda Quiceno, CMC-City Clerk