

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADDING SECTION 50-78 ARTIFICIAL TURF REQUIREMENTS TO ARTICLE III OF CHAPTER 50 OF THE CITY'S LAND DEVELOPMENT CODE; CREATING AN ARTIFICIAL TURF PERMITTING PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Belle Isle Land Development Code currently limits the amount of impervious surface that may be utilized in residential and commercial development; and

WHEREAS, the City wishes to clarify that artificial turf, which is a dense and continuous surface of synthetic fibers mounted on either a permeable or impermeable backing and of sufficient density and green color to replicate the appearance of healthy natural grass, can constitute an impervious surface subject to the relevant City regulations; and

WHEREAS, the City further wishes to clarify and enact regulations governing the installation of artificial turf; and

WHEREAS, the City finds that this Ordinance advances the interests of public health, safety, and welfare.

NOW THEREFORE, BE IT 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 as legislative findings.

Section 2. City Code Amendment. A new Section 50-78 is hereby created in Chapter 50, Article III of the City Code of Ordinances, all as follows (words that are stricken out are deletions; words that are underlined are additions; stars * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

ARTICLE III. – DEVELOPMENT STANDARDS

Sec. 50-78. – Artificial Turf Requirements

The use of artificial turf is permitted subject to obtaining a permit and compliance with the provisions of this Section. Any such permit or permission granted by the City (including such granted prior to the adoption of this Section) shall be a revocable license and does not create any vested rights, property rights, or privileges. All artificial turf shall, at a

minimum, be installed according to the manufacturer's specifications and may be subject to further City stormwater requirements.

(a) Definitions. The following terms, phrases, words, and their derivations shall have the meaning given in this Section. Words used in the present tense include the future tense; words in the plural tense include the singular tense and vice versa. The word "shall" is considered mandatory, and the word "may" is considered permissive.

(1) *Artificial Turf* means a dense and continuous surface of synthetic fibers mounted on either a permeable or impermeable backing and of sufficient density and green color to replicate the appearance of healthy natural grass

(2) *Impervious Artificial Turf* means artificial turf that prevents or severely restricts the natural percolation of water from the surface of the ground to the water table.

(3) *Pervious Artificial Turf* means artificial turf specifically designed to allow the natural percolation of water from the surface of the ground to the water table with a proper porous, permeable underlying material such as, but not limited to, gravel.

(b) Location. The installation of artificial turf is permitted on residential, private parks and schools, and commercial sites, and is limited to play areas of public parks and institutions, subject to the requirements of this Section. Installation of artificial turf within public and private rights-of-way is prohibited. Artificial turf may not be installed within 50 feet of any artificial or natural water body. Artificial turf is prohibited within drainage features (e.g., retention ponds, swales, etc.).

(c) Impervious Artificial Turf.

(1) Unless impervious artificial turf is installed over existing impervious surfaces, a permit to establish the impervious surface ratio shall be required to install impervious artificial turf.

(2) Impervious artificial turf shall be considered an impervious surface for ISR calculations. Total impervious area calculations shall be submitted with any impervious artificial turf application. The quantity of impervious artificial turf to be incorporated into the landscaping of a property shall be limited to the amount that would bring the site to the minimum or base impervious surface ratio for the subject property within the applicable zoning district and location requirements.

(3) Impervious artificial turf installation in front yards over pervious surfaces shall require a variance, which may require specific materials, installation techniques, maintenance techniques, and area requirements.

(4) Impervious artificial turf must be installed outside of the drip line of any tree.

(d) Pervious Artificial Turf.

(1) A building permit shall be required to install pervious artificial turf.

a. Permit Requirements. All permits for pervious artificial turf required under this subsection shall include, at a minimum, the following information:

- i. A complete landscape plan showing the area of artificial turf, area of living plant material, impervious surface area calculataion, and method of separation between these areas;
- ii. Details regarding existing or proposed irrigation proximate to the synthetic turf;
- iii. Brand and type of synthetic turf, including all manufacturer specifications and warranties
- iv. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill;
- v. A survey of the property, signed and sealed by a licensed surveyor, depicting all existing easements located on the property; and
- vi. A form signed by any holder of an easement on the property consenting to the installation of the synthetic turf within the easement, with an accompanying acknowledgment by the property owner that in the event the easement holder performs work in the easement that it is the property owner's responsibility to repair and replace the synthetic turf disturbed as a result of the work in the easement.

(2) Pervious artificial turf shall be installed by a Florida licensed general contractor or bonded and insured landscape contractor certified by the manufacturer for installation of the turf.

(3) Pervious artificial turf shall have a backing of a uniform (every square inch) woven material, which precludes the use of a solid-backed material with periodic holes.

- (4) The required minimum rate of permeability shall be two and a half (2.5) inches per hour and shall not be installed over a surface with a permeability of less than two and a half (2.5) inches per hour.
- (5) Underlying material (gravel, drainfield rock, sand setting, fabric, etc.) shall be included in the design per the manufacturer's specifications to meet the minimum rate of permeability.
- (6) The specifications of allowable impervious artificial turf shall: simulate the appearance and function (except biologic) of live turf, organic turf, grass, sod, or lawn, as determined by the City; have a minimum "no fade" warranty of at least eight (8) years; be lead-free; and be flame retardant.
- (7) Prior to installation of artificial turf, the property owner shall enter into an agreement, with and in a form acceptable to the City, providing for the property owner's and its successors' and assigns' scheduled maintenance activities and annual reports thereof to the City. At the option of the City, such agreement may be recorded in the public records of Orange County, Florida, at the property owner's expense, and be binding on the property and the property owner's successors and assigns.

Among other things, such agreement may provide for: (i) property owner's requirement to remove and/or replace the artificial turf in the future if the artificial turf ceases to function as designed and permitted, is not properly maintained and/or if the expiration of the artificial turf's life expectancy occurs; (ii) the City's remedies in the event property owner fails to comply with its maintenance, repair, and replacement obligations; and (iii) property owner's indemnification and hold harmless of the City and its officials and employees with respect to the artificial turf installation, maintenance, and repair, including any drainage problem that may arise therefrom.

- (8) Installations in the front yard of residential or on any commercial land shall contain areas of living plant material equal to or greater than ten percent (10%) of the pervious artificial turf. Living plant material for purposes of this Subsection shall include a combination of two or more shrubs, vines, trees, or ground cover in planter areas and/or tree wells separate from the pervious artificial turf. Pervious artificial turf shall be separated from planter areas by a concrete mow strip, non-biodegradable bender board, or other barrier with a minimum thickness of three-eighths (3/8) inch and minimum depth of four (4) inches, which barrier shall not extend to the bottom of the engineered base for the pervious artificial turf.
- (9) Pervious artificial turf shall be considered natural turf for purposes of calculating permeability.

(10) Pervious artificial turf shall not be considered environmental or green space.

(11) Existing or new irrigation serving the pervious artificial turf shall be on a least one separate zone from natural turf irrigation on site.

(e) Appearance. Artificial turf shall consist of materials that appear natural in appearance and color from any public or private rights-of-way, neighboring properties, or natural features (wetlands, lakes, parks, common areas, etc.). The use of indoor/outdoor plastic or nylon carpeting as an installation of artificial turf is prohibited.

(f) Maintenance. All artificial turf shall be maintained in a fadeless condition and shall be kept free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to: cleaning, brushing, and debris removal; repairing of depressions and ruts to maintain a visually-uniform surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.

All artificial turf must be replaced if it falls into disrepair with fading, holes, or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

Section 3. Codification. Section 2 of this Ordinance will 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 and 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 governs and controls to the extent of any such conflict.

Section 6. Directions to City Staff. City Staff, under the direction of the City Manager, are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance.

Section 7. Effective Dates. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Belle Isle, Florida (the “Effective Date”) and shall apply to all applications for permits received on or after the Effective Date.

First Reading held on _____.

Second Reading held on _____.

ADOPTED at a regular meeting of the City Commission of the City of Belle Isle, Florida, held in City Hall, Belle Isle, on this _____ day of _____, 2023.

Mayor Nick Fouraker

ATTEST:

Yolanda Quiceno, City Clerk