

**ORDINANCE NO 24-03**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE TEXT OF THE CITY OF BELLE ISLE COMPREHENSIVE PLAN TO AMEND THE FUTURE LAND USE ELEMENT, CAPITAL IMPROVEMENT ELEMENT, CONSERVATION ELEMENT, HOUSING ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, INFRASTRUCTURE ELEMENT, PUBLIC SCHOOLS FACILITIES ELEMENT, RECREATION AND OPEN SPACE ELEMENT, PRIVATE PROPERTY RIGHTS ELEMENT, AND TRANSPORTATION ELEMENT; AMENDING THE FUTURE LAND USE MAP OF THE CITY OF BELLE ISLE COMPREHENSIVE PLAN AND A SERIES OF MAPS WITHIN THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII, § 2, Constitution of the State of Florida, as revised in 1968, grants to municipalities those governmental, corporate and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and further authorizes such municipalities to exercise any power for municipal purposes, except as otherwise provided by law;

**WHEREAS**, Chapter 166, Fla. Stat., the Municipal Home Rule Powers Act, further affirms the authority and jurisdiction granted to municipalities by the Florida Constitution and establishes the home rule authority of such municipalities; and

**WHEREAS**, Chapter 163, Fla. Stat., Part II, known as the Community Planning Act (the “Act”), requires, authorizes, and empowers municipalities to prepare, adopt, amend and enforce Comprehensive Plans to guide development within the City and further authorizes the City Council of the City of Belle Isle to plan for the City’s future development and growth, to responsibly guide the future growth and development of the City, to implement adopted or amended Comprehensive Plans by the adoption of appropriate land development regulations, and to establish, support and maintain procedures to carry out the provisions and purposes of such Act; and

**WHEREAS**, the City finds it is in the City’s best interest to amend the text of certain goals, objectives and policies set forth in the Future Land Use Element, Capital Improvement Element, Conservation Element, Housing Element, Intergovernmental Coordination Element, Infrastructure Element, Public School Facilities Element, Recreation and Open Space Element, Private Property Rights Element and Transportation Element of the City of Belle Isle Comprehensive Plan, as fully described in Section 2 and Exhibit A (“Comprehensive Plan Amendments” or “Amendments”); and

**WHEREAS**, the Amendments adopted by this Ordinance are internally consistent with the City of Belle Isle Comprehensive Plan and its goals, objectives and policies and are in compliance with the Act; and

**WHEREAS**, this Ordinance is to be transmitted to the State of Florida Department of Commerce in accordance with general law; and

**WHEREAS**, the Planning and Zoning Board in its role as the City's local planning agency held the required public hearing for adoption of the proposed Comprehensive Plan Amendments to receive and consider comments related to the Amendments and to give its recommendation concerning the same to the City Council; and

**WHEREAS**, the City Council held the required public hearings for adoption of the proposed Comprehensive Plan Amendments to receive and consider comments related to the Amendments; and

**WHEREAS**, based on the matters of record received by the City Council at the required public hearings after proper notice and finding that the proposed Amendments meet the requirements of the Act, the City Council, in the exercise of its home rule and statutory authority, has determined it necessary and desirable, in order to protect the public health, safety and welfare, to adopt these Amendments to the City's Comprehensive Plan.

**IT IS HEREBY ORDAINED BY THE CITY OF BELLE ISLE AS FOLLOWS:**

**SECTION 1. RECITALS.** The above recitals are true and correct and incorporated herein as legislative findings of the City Council.

**SECTION 2. TEXT AMENDMENT ADOPTION.** The City of Belle Isle hereby amends the text of the Future Land Use Element, Capital Improvement Element, Conservation Element, Housing Element, Intergovernmental Coordination Element, Infrastructure Element, Public School Facilities Element, Recreation and Open Space Element, Private Property Rights Element and Transportation Element of the City of Belle Isle Comprehensive Plan as set forth in **Exhibit "A"** attached hereto and incorporated herein by this reference (words that are stricken out are deletions; words that are underlined are additions; provisions not included are not being amended).

**SECTION 3. MAP AMENDMENT.** The City of Belle Isle hereby amends the Future Land Use Map of the City of Belle Isle Comprehensive Plan and a series of maps within the Comprehensive Plan as set forth in **Exhibit "B"** attached hereto and incorporated herein by this reference.

**SECTION 4. EFFECTIVE DATE.** The effective date of the Comprehensive Plan Amendments, if the amendments are not timely challenged, shall be 31 days after the State Land Planning Agency notifies the City that the Comprehensive Plan Amendments package is complete. If timely challenged, an amendment does not become effective until the State Land Planning

Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

**SECTION 5. CONFLICTS.** In the event of a conflict or conflicts between this Ordinance and any other ordinances or part thereof, this Ordinance controls to the extent of the conflict.

**SECTION 6. SEVERABILITY.** If any part of this Ordinance is found to be invalid, preempted, or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such invalid, preempted, or superseded part.

FIRST READING/PUBLIC HEARING was held on September 17, 2024.

SECOND READING/PUBLIC HEARING AND ADOPTED at a regular meeting of the City Council of the City of Belle Isle, Florida, held in City Hall, Belle Isle, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

	YES	NO	ABSENT
Frank Vertolli	_____	_____	_____
Holly Bobrowski	_____	_____	_____
Danny Otterbacher	_____	_____	_____
Jason Caron	_____	_____	_____
Beth Lowell	_____	_____	_____
Stanley Smith	_____	_____	_____
Jim Partin	_____	_____	_____

CITY OF BELLE ISLE

ATTEST:

\_\_\_\_\_  
Yolanda Quiceno, City Clerk

\_\_\_\_\_  
Nicholas Fouraker, Mayor

Approved as to form and legality  
For use and reliance by

\_\_\_\_\_  
Daniel W. Langley, City Attorney