

ORDINANCE No.: 18-05

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the City's Local Planning Agency, has been presented with the proposed revised planned development district regulations incorporated by reference in this Ordinance; and

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency, held a duly noticed and advertised public hearing on April 24, 2018; and

WHEREAS, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency, at the April 24, 2018, public hearing, found the revised regulations to be consistent with the City of Belle Isle

1 Comprehensive Plan and recommended that the City Council adopt the revised planned development district
2 regulations; and

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4 **WHEREAS**, the City Council held two (2) public hearings on May 1, 2018, and May 15, 2018, to receive public
5 comments, and considered the recommendation of the Planning and Zoning Board and the proposed planned
6 development district regulations; and

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8 **WHEREAS**, the Board has found and determined that the adoption of the proposed revised planned
9 development district regulations will foster and preserve the public health, safety and welfare and aid in the
10 harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

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12 **NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS,**

13 **Section 1. Recitals**

14 The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part
15 of this ordinance.

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17 **Section 2. Land Development Code Amendment**

18 Chapter 54, Article III of the City Land Development Code Section 54-77 is hereby amended, as follows:

19 **Sec. 54-77. - Planned development district PD.**

20 (a) *Intent and purpose of district.* The intent and purposes of the planned development district are
21 as follows:

22 (1) To provide for planned residential or commercial development communities, compatible with
23 surrounding areas, consistent with the density or intensity permitted under the comprehensive plan,
24 containing a variety of residential structures and diversity of building arrangements. Under no
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1 circumstances does this district permit ~~residential~~ densities or intensities greater than that available
2 under the land use classification for that property.

3 (2) To allow diversification of uses, structures and open spaces in a manner compatible with existing
4 and permitted uses on abutting properties.

5 (3) To reduce improvement costs through a more efficient use of land and smaller networks of
6 utilities and streets than is possible through application of conventional zoning districts.

7 (4) To ensure that development will occur according to limitations of use, design, density, coverage
8 and phasing as set forth on an approved final development plan.

9 (5) To preserve the natural amenities and environmental assets of the land by encouraging the
10 preservation and improvement of scenic and functional open areas.

11 (6) To encourage an increase in the amount of usability of open space areas by permitting a more
12 economical and concentrated use of building areas than would be possible through conventional
13 ~~subdivision~~ development practices.

14 (7) To provide maximum opportunity for application of innovative concepts of site planning in the
15 creation of aesthetically pleasing ~~living~~ environments on properties of adequate size, shape and
16 location.

17 (b) *Definitions.* For the purposes of the planned development district, the following definitions shall
18 apply:

19 (1) *Open space* means the gross acreage exclusive of buildings, vehicular accessways and parking
20 areas.

21 (2) *Recreation space* means any open space having a minimum size of 10,000 square feet, a
22 minimum average dimension of 100 feet and a minimum dimension of 50 feet, and improved for
23 recreational use. Improved trails and paths may also qualify as recreation space.

1 (c) *Uses permitted.* The following uses shall be permitted in the planned development district if
2 designated on an approved final development plan:

3 (1) Attached and detached single-family dwelling units.

4 (2) Attached multifamily dwelling units.

5 (3) Public areas ~~compatible to residential uses and limited to the use only, of the residences of the~~
6 ~~proposed district.~~

7 (4) Communication towers and antennas.

8 (5) Commercial uses consistent with the C-1 or C-2 zoning district.

9 (d) *Site development standards.* Site development standards in the planned development district
10 shall be as follows:

11 ~~(1) The criteria for establishing the densities and height of structures based upon land use~~
12 ~~classification are as follows:~~

| Maximum Units per Net Acre | | |
|-----------------------------|--------------------------|----------------------------|
| Net Density (units/acre) | Maximum Height (feet) | Land Use Classification |
| 3.5 or less | 35 | Low Density Residential |
| 3.6 to 5.5 | 35 | Low Density Residential |
| 5.6 to 10.0 | 30 | Medium Density Residential |
| 10.0 or more | 30 | High Density Residential |

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22 (2) The following site development standards shall apply, unless specifically waived by finding of the
23 board and the council that the unique characteristics of the development in question make
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1 unnecessary the application of one or more of these provisions in order to carry out the intent and
2 purposes of the planned development district:

3 a. The natural topography, soils and vegetation should be preserved and utilized, where possible,
4 through the careful location and design of circulation ways, buildings and structures, parking areas,
5 recreation areas, open space and drainage facilities. Removal of mature trees shall be compensated
6 through regulations in the tree section.

7 b. All planned development districts shall conform to chapter 50, article III, for landscaping, parking
8 and other development standards.

9 c. In residential planned developments, a A minimum of 25 percent of the gross area of the project
10 shall be designated for recreation and open space. Recreation areas shall include, by way of example
11 not by way of limitation, swimming pools, tennis courts, playgrounds and fitness courses. Open space
12 shall include, by way of example not by way of limitation, lakes, wetlands, fields, and picnic areas.
13 Open space shall not include areas required to meet setbacks, retention ponds and parking areas. All
14 recreation and open space areas used to meet the 25 percent shall be located in areas retained in
15 common ownership. Adequate provisions shall be made to eliminate problems of noise and lights to
16 adjacent property.

17 d. The proposed lighting, access points or activities resulting in high noise levels, and location or
18 arrangement of structures should not be detrimental to existing or future adjacent land uses or to the
19 existing or future development of the neighborhood.

20 e. Streets to be dedicated to the public shall be designed and built in accordance with the
21 appropriate sections of the subdivision regulations. Streets and driveways shall be constructed in
22 accordance with adopted road construction specifications and designed to provide for the free
23 movement and safety of vehicular traffic, and to provide safe, efficient and convenient access to land
24 uses within the development and to roadways adjacent to the development. The local, collector and
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1 arterial street system must provide adequate access to the development, and properly accommodate
2 traffic generated by the development. Local streets shall provide access within the planned
3 development district in a manner that will discourage through traffic and provide for convenient
4 accessibility to parking areas serving each group of units.

5 f. Wherever practicable, vehicular and pedestrian passageways shall be separated. A system of
6 walkways and bicycle paths between buildings, common open spaces, recreation areas, community
7 facilities and parking areas shall be distinctively designed and adequately lighted where appropriate
8 for nighttime use.

9 g. Central water, sewage, and stormwater management systems, and utility lines and/or easements
10 shall be provided in accordance with the appropriate sections of the subdivision regulations.

11 h. All land shown on the final development plan as common open space, private parks and
12 recreation facilities shall be subject to deed restrictions which ensure the payment of future taxes and
13 the maintenance of areas and facilities for a safe, healthful and attractive living environment.

14 i. In order to protect the lakes and canals from destructive activities, no roadways, buildings or other
15 permanent structures shall be permitted within 50 feet of the normal high-water elevation (~~86.9~~) of
16 the lakes or canals. Nature walkways, benches and tables are not considered permanent for these
17 purposes.

18 (e) *Approval procedure.* The review and approval procedure for a planned development district shall
19 be as follows:

20 (1) *Preapplication conference.* The applicant shall confer with a panel of appropriate city
21 departments prior to submitting an application for a zoning change to the PD district. The conference
22 is intended to give the applicant an opportunity to discuss the proposed development and to benefit
23 from comment by city officials before undertaking the required work program. The panel shall include
24 the following: planning and development, city manager, mayor and administrative services personnel.

1 The city engineer and city attorney shall also be included on the panel. Other local governments
2 and/or state agencies may also be asked to serve on the panel on an as-needed basis. The planning
3 and development department shall coordinate the conference, and ensure all other departments and
4 the applicant are notified of the time and place of the conference.

5 (2) *Preliminary concept plan.* Applications for PD districts shall be accompanied by a preliminary
6 concept plan and supporting documents that properly present necessary basic data:

- 7 a. Location and size of entire proposed development.
- 8 b. Existing topographic character of the land.
- 9 c. Existing and proposed land use classifications.
- 10 d. Table showing existing and proposed use by type, density and building sizes.
- 11 e. Location of existing and proposed streets and roadways.
- 12 f. Identification of areas to be dedicated to the public.
- 13 g. Identification of areas for recreation and open space.
- 14 h. Typical examples of each building type proposed.
- 15 i. Location of proposed buildings.
- 16 j. Surrounding zoning.
- 17 k. Other information from the preapplication conference.

18 The applicant shall also identify the present ownership of all land included in the development, the
19 expected sequence of development, and define the objectives and intent of the PD district. The
20 concept plan should provide enough detail to enable all reviewers to understand the way in which the
21 proposed development will function.

22 Since the review of the concept plan is conducted in a similar manner as proposed subdivision plats,
23 the concept plan may serve as the preliminary plat when platting is required, so the review can be
24 done simultaneously.

1 (3) *Approval of preliminary concept plan and PD district.* The board and the council shall review the
2 PD district concept plan the same as a rezoning. Specifically, the notice requirement for a concept plan
3 shall adhere to the same public hearing requirements as a zoning change. If a PD district concept plan
4 is approved by the council, the city manager shall change the zoning map to designate the property as
5 PD district, and indicate the date of approval.

6 (4) *Development plan.* Within nine months after preliminary concept plan approval, the applicant
7 shall submit a development plan and supporting documents. The review is conducted in the same
8 manner as proposed subdivision plats. If platting is required, the final plat shall be submitted
9 simultaneously with the development plan. Development plans shall include the following
10 information:

11 a. Provisions for necessary improvements such as water, sewer, and drainage facilities as well as
12 systems for firefighting and street lighting.

13 b. The location and dimensions of all rights-of-way or easements for streets, pedestrian ways,
14 utilities, watercourses, and greenways, as well as proposed subdivision of land.

15 c. The relationship of building locations, arrangements, uses and heights to open areas, streets,
16 pedestrian ways, landscaping, property lines and adjacent uses.

17 d. Areas proposed to be conveyed, dedicated, or reserved for recreation and open space, and/or
18 public uses.

19 e. Covenants/restrictions, conditions, agreements, and grants which govern the use, maintenance,
20 and continued protection of the PD district and common areas.

21 f. Specified design standards applicable to various portions of the PD district as approved by the
22 council.

23 If the applicant fails to obtain approval of the development plan within one year after approval of the
24 concept plan, the zoning classification shall revert to its previous zoning classification. However, if the
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1 previous zoning classification is not compatible with the existing and/or future land use classification
2 for that property, the city shall administratively rezone the property to an appropriate zoning
3 classification. The applicant may apply to the council once for an extension of this deadline for a time
4 period not to exceed one year.

5 (5) *Approval of the development plan.* The council shall review the development plan for substantial
6 compliance with the concept plan and other designated requirements. Upon approval by the council
7 at a public hearing, the city manager shall designate said approval and date on the official zoning map
8 for the PD district included in the approved development plan. After the effective date of such
9 approval, the use of land and the construction, modifications, or alterations of any buildings,
10 structures or other improvements within the planned development will be governed by the approved
11 development plan rather than other standards.

12 (6) *Amendments to concept or development plans.* Substantial proposed changes in requested uses,
13 densities, development sequences or other specifications of the concept or development plan may be
14 allowed only after a public hearing and an approval from the council based upon a recommendation of
15 the board. Any changes shall be noted on the official zoning map. Minor proposed changes,
16 alterations, or modifications that do not change the requested uses, densities, or development
17 sequences shall be reviewed and approved by the mayor based upon a recommendation of the
18 director of planning and development.

19 (7) *Construction requirements.* Approved development plans shall remain in full force and effect for
20 as long as the applicant carries on substantial, continuous development. The term "substantial" shall
21 mean that physical improvements are visible and continuous shall mean that the developer
22 commences construction in accordance with approved plans within 12 months of approval, and does
23 not cease development for a period longer than 60 days. The council shall have the authority to grant
24 an extension of this time period for up to 12 months, provided a written request is filed with the
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1 mayor at least 30 days prior to the expiration of the time period. If the applicant either fails to carry on
2 substantial, continuous development or obtain an extension from the council within one year after
3 approval of the development plan, the zoning classification shall revert to its previous zoning
4 classification. If the previous zoning classification is not compatible with the existing and/or future
5 land use classification for that property, the department shall administratively rezone the property to
6 an appropriate zoning classification.

7 (8) *Breach of agreement.* An unapproved deviation from the accepted development plan shall in
8 addition to all other violations under the Land Development Code and Code of Ordinances constitute a
9 breach of agreement between the applicant and the city. Such deviation may cause the city to
10 suspend construction until such time as the deviations are corrected or the development plan is
11 appropriately modified by the applicant and approved by the council. Failure to correct unauthorized
12 deviations shall be cause for the development plans to be revoked. Construction shall cease and no
13 certificate of occupancy shall be issued until a modified development plan is approved or the
14 deviation is corrected.

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16 **SECTION 3. Severability**

17 If any section, subsection, sentence, clause, phrase, word, provision or portion of this Ordinance is held by a
18 court of competent jurisdiction to be invalid, unlawful or unconstitutional, such shall not invalidate or impair
19 the validity, force or effect of any other section or portion of a section or subsection of this Ordinance.

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21 **SECTION 4. Conflicts**

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

24 **SECTION 5. Codification**
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1 This Ordinance shall be incorporated into the Land Development Code of the City of Belle Isle, Florida. Any
2 section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate
3 the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions,
4 alterations, and omissions not affecting the construction or meaning of this ordinance or the Land
5 Development Code may be freely made.

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7 **SECTION 6. Effective date**

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

10
11 First Reading held this _____ day of _____, 2018

12 Second Reading held this _____ day of _____, 2019

13 Advertised for Second Reading on the _____ day of _____ 2019.

| | YES | NO | ABSENT |
|--------------------|------------|-----------|---------------|
| 16 Ed Gold | _____ | _____ | _____ |
| 17 Anthony Carugno | _____ | _____ | _____ |
| 18 Jeremy Weinsier | _____ | _____ | _____ |
| 19 Mike Sims | _____ | _____ | _____ |
| 20 Harvey Readey | _____ | _____ | _____ |
| 21 Jim Partin | _____ | _____ | _____ |
| 22 Sue Nielsen | _____ | _____ | _____ |

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LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

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 18-05 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