

ORDINANCE NO. -2021-XX

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY AMENDING CHAPTER 41 “GENERAL PROVISIONS”, AMENDING SECTION 41-4 “DEFINITIONS AND RULES OF CONSTRUCTION”; AMENDING CHAPTER 54 “ZONING DISTRICTS AND REGULATIONS”, ARTICLE IV “SUPPLEMENTARY REGULATIONS, DIVISION 2 “ZONING USES”, BY ENACTING SECTION 54-139 “ARTIFICIAL TURF/SYNTHETIC GRASS” TO PROVIDE FOR REGULATIONS REGARDING ARTIFICIAL TURF/SYNTHETIC GRASS; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Council of the City of Belle Isle ("City Council") finds it is periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in order to update regulations and procedures for maintain consistency with state law and to implement municipal goals and objectives; and

WHEREAS, the City Council finds that, due to concerns about water consumption by turf grass, and due to the availability of improved synthetic turf products which simulate the appearance of natural turf while providing for water permeability, the use of synthetic turf has become more common throughout the State of Florida and property owners now wish to install artificial turf; and; and

WHEREAS, the City Council wishes to amend Section 50-76 and enact Section 50-77 of the City Code to permit synthetic turf on all properties located within the City, provided that it shall not be counted towards the minimum required landscaped areas, buffers, foundation plantings or landscape islands; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the City, held meetings to discuss the use of synthetic turf and at its meeting held on the proposed amendment on [REDACTED] with due public notice and input; and

WHEREAS, the City Council held its first public hearing on [REDACTED], and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements of the Florida Statutes; and

WHEREAS, the City Council has conducted a second duly noticed public hearing on these regulations as required by law on [REDACTED] and further finds the proposed changes to the Code necessary and in the best interest of the community.

WHEREAS, the City Council wishes to provide for regulations regarding artificial turf/synthetic grass; and

WHEREAS, the City Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS:

SECTION 1 – Findings of Fact: The **WHEREAS** clauses set forth above are adopted herein as findings of fact.

SECTION 2 – Amendment: Chapter 41 “General Provisions”, Section -41-4 “Definitions and rules of construction”, is amended to add the following terms:

Sec. 50-)41-4 (c) Terms. -

Landscaping means all materials such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and other material such as rocks, pebbles, artificial turf/synthetic grass, walls or fences, and decorative paving materials, all of which are approved by the administrative official.

Pervious areas mean any portion of the ground unobstructed by a non-landscape planting surface or synthetic turf which prevents or slows down the natural seepage of water into the ground.

Synthetic Turf (Artificial Turf) means a dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass.

SECTION 3 – Amendment: Chapter -54 “-Zoning Districts and Regulations”, Article IV “Supplementary Regulations”, Division 2 “ Zoning Uses”, by enacting Section 54-139 “Artificial turf/synthetic grass” to read as follows:

Sec. 54-139. – Artificial turf/synthetic grass.

(a) Minimum material standards. All artificial turf, also referred to as synthetic grass, shall comply with the following minimum standards:

- (1) Artificial turf shall consist of green lifelike individual blades of grass that simulate the appearance of live turf, organic turf, grass, sod or lawn, as approved by the City Zoning Official.
 - (2) Artificial turf shall be of a type known as cut pile infill with pile fibers of a minimum height of 1.75 inches and a maximum height of 2.5 inches, and shall have a minimum tufted weight of fifty-six (56) ounces per square yard.
 - (3) Artificial turf installations shall have a minimum permeability of 30 inches per hour per square yard.
 - (4) All artificial turf shall have a minimum eight-year manufacturer's warranty that protects against color fading and a decrease in pile height.
 - (5) Artificial turf shall be lead free and flame retardant.
 - (6) All materials must include test documentation which declares that the artificial turf yarn and backing materials are disposable under normal conditions, at any US landfill station (Total Content Leach Protocol (TCLP) test).
 - (7) The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.
 - (8) Be manufactured from polyethylene monofilament, dual yarn system, and manufactured in the United States.
- (b) *Installation, maintenance and repair.*
- (1) All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.
 - (2) All artificial turf shall be installed by a Florida-licensed general contractor in a manner prescribed by the manufacturer
 - (2) All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.
 - (3) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
 - (4) If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
 - (5) Artificial turf shall be installed over a subgrade prepared to provide positive drainage and an evenly graded, porous crushed rock aggregate material that is a minimum of three inches in depth. (Alt Language: Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water. Artificial turf shall be visually level, with the grain pointing in a single direction.)
 - (6) An appropriate barrier device (e.g., concrete mow strip, bender board, brick pavers, river rock, landscaping) is required to separate artificial turf from soil and live vegetation.
 - (7) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised.

- (8) All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level 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.
- (9) All artificial turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and/or repairs shall be done with like for like materials from the same manufacturer, if possible, and done so in a manner that results in a repair that blends in with the existing artificial turf.
- (10) An owner or applicant shall obtain a duly-authorized permit from the City's Zoning Officer prior to the installation of any artificial turf.
- (11) The City or other public entity or utility company may remove artificial turf at any time and for any reason, including but not limited to, in order to provide underground access for utility work. The property owner shall bear and pay any and all costs to replace or reinstall the artificial turf.

(c) The following uses are prohibited:

- (1). Synthetic turf in the public rights-of-way or swales.
- (2) Synthetic turf shall not be used as a screening material where screening is required by the code.

(d) *Locations allowed.* Artificial turf/synthetic grass shall be allowed in rear and side yards, but not to exceed 25% of the total lot area (this area is defined as the total parcel area defined as a side or rear yard minus the area of the primary structure) of the rear and side yards. Artificial turf/synthetic grass shall not be allowed in any front yard areas or in any area visible from the public right-of-way (regardless of whether it is in the rear or side yard), unless it is placed in between paver blocks or similar items in a manner where the area for the artificial turf does not exceed four (4) inches in width, provided that the synthetic turf area does not exceed 50% of the total area using the paver blocks. Screening, as approved by the building official, may be used in order to comply with the visibility requirement, further any turf/synthetic grass placed in between paver blocks shall not count toward the 25% maximum amount allowed. No artificial turf shall be installed in the public right-of-way.

(e) *Existing artificial turf.* For those properties where artificial turf is currently installed that is not in compliance with this section, when the existing artificial turf is replaced or repaired, in an amount exceeding 50%, then compliance with this section shall be required. Further, all existing artificial turf, not in compliance with this section, must be replaced within ten (10) years of the adoption of this ordinance.

(f) *Pervious area.* Artificial turf shall be considered as 100% pervious area.

(g) All uses of synthetic turf shall require a building permit. The building permit application shall include, at a minimum, all of the following information:

- (1) A complete landscape plan showing the area of synthetic turf, area of living plant material, and area and method of separation between these areas. Minimum landscape requirements shall be required.

- (2) Details regarding existing or proposed irrigation proximate to the synthetic turf.
- (3) Brand and type of synthetic turf, including all manufacturer specifications and warranties.
- (4) 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.
- (5) A survey of the property with a signed affidavit from the property owner that no changes have occurred since the date of the survey.

SECTION 4 - Codification: The ordinance shall be codified in the Code of Ordinances of the City of Belle Isle, Florida.

SECTION 5 - Repeal of Conflicting Ordinances: All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 6 - Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 8 - Effective Date: This Ordinance shall become effective immediately upon adoption.

FIRST READING this day of , 2021.

SECOND AND FINAL READING this _day of , 2020.

