

ORDINANCE 18-01

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE TO ADD A NEW SECTION 54-84 CREATING AN OPEN SPACE LAND USE AND ZONING CLASSIFICATION; PROVIDING FOR THE INTENT AND PURPOSE OF THE CLASSIFICATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTED USES, SPECIAL EXCEPTIONS, PROHIBITED USES, DEVELOPMENT STANDARDS, AND GENERAL REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND EFFECTIVE DATE.

WHEREAS, the City of Belle Land Development Code provides for land use classifications; and

WHEREAS, the Land Development Code does not specifically have a land use classification for open space; and

WHEREAS, the City Council of the City of Belle Isle, Florida has determined that there is a need for a new land use classification called Open Space for the protection of environmentally sensitive natural systems, to preserve major open spaces, and to provide for passive and active recreational needs of the city; and

WHEREAS, the City Council of the City of Belle Isle Florida has determined it to be in the best interest of the citizens of Belle Isle to create an Open Space Classification as provided in this Ordinance.

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2 NOW, THEREFORE BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,  
3 FLORIDA, AS FOLLOWS,  
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5 **Section 1. Recitals**

6 The foregoing recitals are hereby ratified and confirmed as being true and correct  
7 and are hereby made a part of this ordinance.  
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9 **Section 2. Purpose of Open Space Land Use Classifications**

10 The open space district is primarily intended to help protect environmentally  
11 sensitive natural systems, preserve major open spaces, and provide for  
12 passive recreational needs of the city. Permitted uses are restricted to  
13 those with low-intensity characteristics, designed to protect open tracts of  
14 land that are owned by municipal, state, or federal governments.  
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16 **Section 3. Land Development Code Amendment**

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

19 Sec. 54-84. - Open Space District.

20 a) Intent and purpose of district. The open space district is  
21 primarily intended to help protect environmentally sensitive natural  
22 systems, preserve major open spaces, and provide for passive  
23 recreational needs of the city. Permitted uses are restricted to those  
24 with low-intensity characteristics, designed to protect open tracts of  
25 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,

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

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

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

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

17               3) Parking that is not associated with the recreational use of the  
18               property.

19               f) Development standards. The following development standards apply  
20               to the open space district:

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

7  
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.  
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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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Section 7. Effective Date

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

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

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

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsier	_____	_____	_____
Bobby Lance	_____	_____	_____
Harvey Readey	_____	_____	_____
Alexa Dowlen	_____	_____	_____
Sue Nielsen	_____	_____	_____

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

Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

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 18-01 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