

ORDINANCE 05-25

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 7, ARTICLE III, OF THE BELLE ISLE CODE OF ORDINANCES ADDING NEW SECTIONS FOR VARIANCE PROCEDURES RELATED TO PARKING OF RECREATIONAL UNITS IN RESIDENTIAL DISTRICTS; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Belle Isle, Florida, has determined that certain limitations and restrictions for the parking and storage of recreational vehicles, watercraft and utility trailers within the residential districts of the City are necessary to provide for public safety and general welfare;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Belle Isle, as follows:

SECTION 1. The Belle Isle City Code is hereby amended by adding a section to be numbered 7-80, which section reads as follows:

Sec. 7-80. Variance Criteria.

In the event a person wishes to park a recreational unit on a residential property in a manner inconsistent with Section 7-78, a variance must be applied for to the Planning and Zoning Board pursuant to the following provisions:

- (1) A written application setting forth a description of the recreational unit to be parked as to make, model, year, and exterior dimensions, and setting forth an explanation of the variance requested and the reasons therefore shall be filed with the City Clerk.
- (2) The City Clerk shall set the application for variance for a public hearing before the Planning and Zoning Board at the next scheduled regular session of the Planning and Zoning Board which is at least fourteen (14) days after the date the application is submitted.
- (3) At least 10 days prior to the public hearing, notice of the hearing shall be mailed to property owners within 300 feet of the property whereon the recreational unit will be parked.
- (4) A variance shall not be granted unless the Board, following the public hearing on the matter, makes the following findings:
 - a. Access to the rear or side yard of the property cannot be gained for parking of the subject recreational unit or the unusual configuration of the real property is such that literal compliance with the provisions of this chapter would be impossible or would create an unreasonable hardship on the applicant.

b. The granting of the variance is in harmony with the general purpose and intent of this division and would not be detrimental to the character of the neighborhood.

c. The variance is the minimum variance possible to overcome the hardship the applicant.

(6) If a variance is granted for parking in the front yard, the recreational unit shall be parked on a prepared surface meeting the criteria of Sec.7-78(c)(3).

(7) In granting any variance, the Board may prescribe other appropriate conditions and safeguards to insure the general purpose and intent of this division. A violation of the conditions or safeguards imposed by the Board in granting the variance shall be deemed a violation of this division and punishable in accordance herewith.

(8) At the discretion of the council, such variance may be revoked for violation of the conditions or safeguards imposed.

SECTION 2. SEVERABILITY. If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be invalid, void, or unconstitutional, the remainder of this Ordinance shall remain in effect.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective as of October 1, 2005.

Coding: ~~strikethrough~~ words are words to be deleted from current text; underlined words are words to be added.

FIRST READING: held this ____ day of _____, 2005

SECOND READING: held this ____ day of _____, 2005

	YES	NO	ABSENT
David L. Jacquot	_____	_____	_____
Trudy Prince	_____	_____	_____
Charles Scott	_____	_____	_____
Larry Ady	_____	_____	_____
Bill Ravenel	_____	_____	_____
Sarah G. Goodwin	_____	_____	_____

Eric Spaulding

ATTEST:

William G. Brooks, Mayor

Belinda Bateman, MMC, City Clerk

Approved as to form and legality
John F. Bennett, City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

I, BELINDA L. BATEMAN, CITY CLERK of the City of Belle Isle, Orange County, Florida do hereby affirm that the above and foregoing ordinance was duly and legally adopted by the Belle Isle City Council, in session assembled, on September 20, 2005, at which session a quorum of members were present.

Belinda L. Bateman, MMC
City Clerk