



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall 1600 Nela Avenue Belle Isle FL 32809

Held the 1st and 3rd Tuesday of Every Month

Tuesday, August 04, 2026 * 6:30 PM

AGENDA

City Council

Mayor Jason Carson

Vice-Mayor – Comm Beth Lowell, District 5

District 1 Comm – Ed Gold | District 2 Comm – Holly Bobrowski | District 3 Comm – Karl Shuck

District 4 Comm – Bobby Lance | District 6 Commissioner – Christopher Oller

District 7 Commissioner – Jim Partin

Welcome to the City of Belle Isle City Council meeting. Please silence all technology during the session. Thank you for participating in your City Government.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** - Comm Bobby Lance, District 4
3. **Public Comments & Announcements** - *Persons desiring to address the Council must complete and provide the City Clerk a yellow "Request to Speak" form and are limited to three (3) minutes. When the Mayor recognizes you, state your name and address and direct all remarks to the Council as a body.*
4. **Presentations** - na
5. **Consent Items** - These items are considered routine, and one motion will adopt them unless a Council member requests before the vote on the motion that an item be removed from the consent agenda and considered separately.
 - a. Approval of the City Council Workshop Meeting Minutes - July 21, 2026
 - b. Approval of the City Council Meeting Minutes - July 21, 2026
6. **Unfinished Business**
 - a. **ORDINANCE NO. 26-03 - SECOND READING AND ADOPTION:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NON-CONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.
 - b. **ORDINANCE 26-05 SECOND READING AND ADOPTION:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS WITHIN THE CITY; AMENDING CHAPTER 12 OF THE BELLE ISLE CITY CODE OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION; RESERVING SECTIONS 12-2 THROUGH 12-10 OF ARTICLE I; CREATING A NEW ARTICLE II, ENTITLED "FIRE RESCUE ASSESSMENT"; PROVIDING DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DETERMINATIONS OF SPECIAL BENEFIT; AUTHORIZING THE IMPOSITION, LEVY, COLLECTION, AND ENFORCEMENT OF ANNUAL FIRE RESCUE SPECIAL ASSESSMENTS WITHIN THE CITY; ESTABLISHING PROCEDURES FOR THE ADOPTION OF ASSESSMENT RESOLUTIONS AND ROLLS, FOR NOTICE, AND FOR INTERIM ASSESSMENTS; PROVIDING THAT THE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY; PROVIDING METHODS OF COLLECTION; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
7. **New Business**
 - a. **ORDINANCE 26-04 FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, CITY OF BELLE ISLE CODE OF ORDINANCES; AMENDING SECTION 50-78 GOVERNING ARTIFICIAL TURF REQUIREMENTS; PROVIDING FOR DEFINITIONS; PROVIDING REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF IMPERVIOUS AND PERVIOUS ARTIFICIAL TURF; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.
 - b. **RESOLUTION 26-08** - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, EXEMPTING CITY FROM SECTION 50-102(A)(9) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 2

- 8. Attorney's Report**
- 9. City Manager's Report**
 - [a.](#) City Manager's Report and Work Plan
 - b. Chief's Report
 - c. Public Works Report
- 10. Mayor's Report**
- 11. Commissioners Report**
- 12. Adjournment**



CITY OF BELLE ISLE, FL CITY COUNCIL WORKSHOP

Tuesday, July 21, 2026 * 6:00 PM

MINUTES

Present:

Mayor – Jason Carson
District 2 Commissioner – Holly Bobrowski
District 4 Commissioner – Bobby Lance
District 5 Commissioner – Beth Lowell (conf call)
District 6 Commissioner – Christopher Oller
District 7 Commissioner – Jim Partin

Absent:

District 1 Commissioner – Ed Gold
District 3 Commissioner – Karl Shuck

1. Call to Order and Confirmation of Quorum

Mayor Carson called the meeting to order at 6:00 pm, and the Clerk confirmed quorum.

City Manager Rick Rudometkin, Chief Grimm, Deputy Chief Millis, Public Works Director Phil Price, Finance Director Tracey Richardson, and City Clerk Yolanda Quiceno were also present.

2. Review Draft Budget FY 2026/2027 Budget Highlights, Certified Taxable Value, Rollback Rate, Maximum Proposed Millage Rate and Key Budget Assumptions

City Manager Rudometkin (CM) gave a preliminary overview of the FY 2026–2027 draft budget in preparation for the budget workshops scheduled in August and the public hearings in September. He stated that the City's certified taxable value increased by approximately \$42 million, which is projected to generate approximately \$190,000 in additional revenue at the current millage rate. The draft budget proposes increasing the millage rate from 4.78 mills to 5.00 mills. The proposed increase is intended to help offset the continued increase in the City's cost for Orange County Fire Rescue services and is not being requested for general operations. The annual fire service cost has increased to approximately \$3.076 million. He noted that the Budget Committee unanimously recommended establishing the maximum millage rate at 5.00 mills.

CM Rudometkin discussed the potential impact of future property tax reform. If the proposed amendment is approved in November, staff will review non-critical budget items and identify opportunities to reduce expenditures and preserve funding for future years. The budget may be amended as necessary based on the outcome of the referendum and future revenue projections. Staff also noted that recent state legislation includes additional requirements related to millage rate approvals and the preparation of a hypothetical 10% reduced budget. These requirements will be reviewed further during the August budget workshops. He asked for the Council to discuss and set the proposed millage rate, which will represent the maximum rate that may be considered during the budget process. Council may adopt a lower rate during the public hearings but may not increase the rate above the maximum established. The maximum millage rate must be submitted by the required deadline.

Mayor Carson asked for discussion and noted that the Public Works budget reflects a 27% decrease, largely because the previous year included approximately \$600,000 in ARPA-funded curb and sidewalk projects. He expressed concern that showing the decrease without additional context could be misleading because the related ARPA funding and expenditures were both one-time items and had a net-zero impact. Mayor Carson requested that the budget include a note explaining the decrease and that increased expenditure in the current budget be attributed to the approved employee compensation adjustments. Staff noted that an explanatory note to the budget summary will be added. Mayor Carson added that the budget appeared sound overall and supported providing additional context to improve transparency.

The key highlights discussed were,

- Budget Committee recommended retaining \$50,000 in the professional services budget for a future annexation study rather than transferring the funds to the unrestricted fund balance.
- CM Rudometkin stated that the draft budget remains relatively flat, with overall increase attributed to salary adjustments resulting from the compensation study

- City received a \$350,000 legislative appropriation for the Police Department's marine program and vessel replacement, eliminating the need to include that expense in the Capital Improvement Plan.
- Add a note to the public works budget explanation clarifying that the apparent spending decrease is offset by ARPA-funded curb and sidewalk work and note that higher expenditures are largely due to compensation-study-related payroll increases.
- CM to bring forward the two recently passed laws to the August meeting and explain their impacts on millage voting rules and the hypothetical 10% budget reduction requirement.

3. **Adjournment**

There being no further business, Mayor Carson called for a motion to adjourn the meeting, which passed unanimously at 6:25 pm.



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, July 21, 2026 * 6:30 PM
MINUTES

b.

Present was:

Mayor – Jason Carson
District 1 Commissioner – Ed Gold
District 2 Commissioner – Holly Bobrowski
District 4 Commissioner – Bobby Lance
District 5 Commissioner – Beth Lowell
District 6 Commissioner – Christopher Oller
District 7 Commissioner – Jim Partin

Absent was:

District 3 Commissioner – Karl Shuck

1. **Call to Order and Confirmation of Quorum**

Mayor Carson called the Council Meeting to order at 6:30 p.m., and the City Clerk, Yolanda Quiceno, confirmed the presence of a quorum. City Manager (CM) Rudometkin, Chief Grimm, Attorney Langley, Public Works Director Phil Price, Finance Director Tracey Richardson, and City Clerk Yolanda Quiceno were also present.

2. **Invocation and Pledge to Flag** - Comm Holly Bobrowski, District 2, led the invocation and Pledge to the Flag.

Mayor Carson asked for a motion to excuse the absence of Comm Shuck.

Comm Bobrowski moved to excuse Comm Shuck from the meeting.

Comm Lance seconded the motion, which passed unanimously 6:0.

3. **Public Comments & Announcements**

Mayor Carson opened the floor for public comments and announcements.

- Caroline Vertoli, a Belle Isle resident, requested assistance from the City's state representatives regarding the City's efforts to obtain approximately \$1.2 million in FEMA reimbursement for Hurricane Ian expenses. She noted that the funds represent taxpayer money and are significant to the City's budget.

There being no comments, Mayor Carson closed the public comment section.

4. **Presentations**

Mayor Carson welcomed Representative Dr. Anna V. Escamani and Senator Carlos Guillermo Smith.

Representative Anna V. Eskamani and Senator Carlos Guillermo Smith presented the City with a \$350,000 State appropriation to support public safety initiatives, including the Belle Isle Police Department's marine patrol vessel and emergency response efforts on the Conway Chain of Lakes. They thanked City staff, the Police Chief, and those who supported the funding request, noting that the appropriation was secured through a bipartisan effort after several attempts. They expressed appreciation for the City's partnership and emphasized the importance of supporting public safety as the region continues to grow.

5. **Consent Items.**

- Approval of City Council Meeting Minutes – July 7, 2026
- Approval of the MetroPlan Orlando FY2026-2027 Funding Agreement
- June 2026 Monthly Reports: PD, Finance and OC Fire

Comm Bobrowski asked to pull item b for discussion.

Comm Bobrowski moved to approve consent items a and c as presented.

Comm Lance seconded the motion, which passed unanimously.

Comm Bobrowski discussed the value of maintaining a seat at the table for MetroPlan despite concerns about some regional studies and acknowledged that the membership fee is relatively nominal.

Council discussed the City's annual MetroPlan Orlando membership fee and the benefits of continued participation. They discussed the value of the membership, the annual cost, and whether participation is mandatory. CM Rudometkin clarified that the City's annual contribution is approximately \$548 (based on a per-capita assessment) and that the item is routinely included on the consent agenda. Phil Price noted that he is on the Transportation Advisory Committee (TAC) and TSMO Boards and provided an overview of the benefits of MetroPlan participation. He explained that it offers regional transportation coordination, networking opportunities, early awareness of projects, and the ability to provide input on future regional infrastructure improvements. Examples included discussions on planned improvements to the SR 528/Florida Turnpike interchange and opportunities for the City to advocate for projects affecting Belle Isle residents.

Comm Bobrowski moved to approve consent item b as presented.

Comm Gold seconded the motion, which passed unanimously.

6. Unfinished Business - na

7. New Business

a. Proposed Maximum Millage Rate for FY 26/27 Discussion

CM Rudometkin presented the proposed maximum millage rate for FY 2026–2027 and explained that establishing a maximum rate preserves the Council's ability to adopt a lower final millage during the budget hearings. Council discussed the recommendation to set the maximum rate at 5.0000, citing increased fire service costs, while also considering tax impacts, annexation, reserve levels, and maintaining flexibility under new state requirements. Several commissioners supported setting a higher maximum to preserve future options and making an educated decision should things change after the election, while concerns were expressed about taxpayer perception and maintaining a competitive tax rate. Comm Gold and Bobrowski shared their concerns about raising the millage, taking away the attractiveness aspect for annexing in the future, and being fiscally responsible. Comm Gold noted that he would like to be a tax-friendly city. Council also discussed setting the maximum rate just below 5.0.

After further discussion, Comm Lance moved to set the proposed maximum millage rate at 4.9999 for FY 2026–2027. The motion was seconded by Commissioner Bobrowski and passed unanimously on roll call 6:0.

b. Discussion of Statutory Limitations Concerning Property Tax Ballot Questions

CM Rudometkin reminded Council of the legal guidelines regarding discussions of ballot measures and referenced information previously provided by the City Attorney concerning the November property tax reform amendment. The purpose of the discussion was to clarify the City's limitations on advocating for or against ballot measures while providing factual information. City Attorney Langley noted that elected officials retain their individual First Amendment rights to express personal opinions, provided City funds are not used to do so. **No action was taken.**

c. Approval of Harris Engineering Services Contract Extension

CM Rudometkin welcomed David Taylor from Harris Engineering and spoke briefly on consideration of continuing the contract. Council discussed the expiration of the City's engineering services contract with Harris Civil Engineers, the firm's proposed fee adjustment, and whether to extend the contract or issue a new solicitation. CM Rudometkin and staff recommended continuing with Harris, citing the firm's performance, familiarity with City projects, and ongoing MS4 permit compliance efforts. Council discussed contract timing, procurement requirements, contract length, and the value of maintaining continuity. They further discussed the termination provision within 30 days' right of practice.

Comm Bobrowski moved to extend the contract with Harris Civil Engineers for three years, with an option for a one-year extension, and to authorize the City Manager and City Attorney to update the contract language and fee schedule and execute the agreement.

The motion was seconded by Commissioner Gold and passed unanimously 6:0.

d. Approval and Acceptance of PD Confiscated Funds

Chief Grimm presented a request to deposit **\$20,754** in seized funds into the City's Law Enforcement Trust Fund following a narcotics investigation and negotiated forfeiture settlement. Chief Grimm explained that, pursuant to Florida law, funds deposited into the trust fund may only be used for authorized law enforcement purposes and that 25% of forfeiture proceeds over the statutory threshold must be donated to charitable organizations. Council discussed potential local charities for the required donation.

After discussion, Comm Partin moved to approve the written request and certification, authorized the deposit of \$20,754 into the Law Enforcement Trust Fund, and appropriate the funds for authorized law enforcement training and equipment pursuant to Section 932.7055, Florida Statutes. The motion was seconded by Comm Gold, approved unanimously 6:0.

e. ORD 26-03 Continuance to August 4, 2026 - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NON-CONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

CM Rudometkin read Ordinance 26-03 by Title.

Mayor Carson opened for Council discussion.

CM Rudometkin requested that Ordinance 26-03, concerning subdivisions, lot splits, definitions, and nonconforming uses, be continued to August 4, 2026, for second reading and final consideration.

Commissioner Bobrowski moved to continue Ordinance 26-03 to the August 4, 2026, City Council meeting and direct the City Clerk to post accordingly. The motion was seconded by Comm Partin and approved unanimously 6:0.

f. ORDINANCE 26-05 First Reading and Consideration - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS WITHIN THE CITY; AMENDING CHAPTER 12 OF THE BELLE ISLE CITY CODE OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION; RESERVING SECTIONS 12-2 THROUGH 12-10 OF ARTICLE I; CREATING A NEW ARTICLE II, ENTITLED "FIRE RESCUE ASSESSMENT"; PROVIDING DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DETERMINATIONS OF SPECIAL BENEFIT; AUTHORIZING THE IMPOSITION, LEVY, COLLECTION, AND ENFORCEMENT OF ANNUAL FIRE RESCUE SPECIAL ASSESSMENTS WITHIN THE CITY; ESTABLISHING PROCEDURES FOR THE ADOPTION OF ASSESSMENT RESOLUTIONS AND ROLLS, FOR NOTICE, AND FOR INTERIM ASSESSMENTS; PROVIDING THAT THE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY; PROVIDING METHODS OF COLLECTION; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

CM Rudometkin read Ordinance 26-05 by Title.

Mayor Carson opened for Council discussion.

CM Rudometkin presented the first reading of Ordinance 26-05, explaining that the ordinance establishes the framework for a potential future fire rescue assessment but does not impose an assessment. Council discussed the purpose of the ordinance, the required public process, transparency of fire service costs, potential exemptions, and the need for a future rate study before any assessment could be considered.

City Attorney Langley explained that adoption of the framework ordinance would not impose a fire rescue assessment but would preserve the City's option to consider one in the future. He outlined the required process, including a rate study, multiple public hearings, mailed notices to property owners, and adoption of initial and final assessment resolutions before any assessment could be placed on the tax roll. He also noted that any future assessment would be based on property use, would not recover 100% of the County's fire service costs, and would be limited by Florida law and applicable case law. Adoption of the ordinance would not obligate the City to implement an assessment but would allow the City to continue evaluating the option through the required public process.

Comm Bobrowski moved to approve the first reading of Ordinance 26-05 and advance it to second reading. The motion was seconded by Comm Gold, which passed unanimously 6:0.

g. RESOLUTION NO. 26-06

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING THE PURCHASING POLICY FOR THE CITY OF BELLE ISLE ADOPTED BY RESOLUTION NO. 20-08 AND AMENDED BY RESOLUTION NO. 25-02; ADOPTING AN UPDATED PURCHASING POLICY; PROVIDING FOR AN EFFECTIVE DATE.

CM Rudometkin read Resolution 26-06 by Title.
Mayor Carson opened for Council discussion.

CM Rudometkin presented the updated Purchasing Policy, explaining that staff and the City Attorneys revised the policy to update language, ensure compliance with current statutes, clarify purchasing procedures, and increase purchasing thresholds to reflect current costs. The proposed changes are intended to streamline purchasing, improve efficiency, and better align with industry practices while maintaining appropriate procurement requirements. Staff noted the policy is a living document that will be updated as needed and brought back to Council for future amendments.

Comm Partin moved to approve Resolution 26-06, a resolution of the City of Belle Isle, Florida, repealing the purchasing policy for the City of Belle Isle adopted by Resolution number 20-08, and amended by Resolution 25-02, adopting an updated purchasing policy, providing for an effective date.

Comm Lance seconded the motion, which passed unanimously 6:0.

h. Discussion on OC Ordinance Regarding Water Ways Update

Sgt Wasmund presented Orange County's proposed changes to waterway regulations affecting the Conway Chain of Lakes, including converting several existing no-wake zones to slow speed/minimum wake zones to comply with state requirements. Council discussed the proposed changes, potential impacts on boating safety, erosion, and enforcement, and expressed concerns regarding areas including the Nela Bridge, Daetwyler Lagoon, and the omission of the Venetian boat ramp. Staff advised that the proposal remains under public review and encouraged residents to participate in upcoming public meetings and submit comments. The meeting calendar will be posted to the City's agenda packet on the website.

8. **Attorney's Report** - na9. **City Manager's Report**a. City Manager's Report & Work Plan

CM Rudometkin reported on the following

1. CM Rudometkin reported that the City is still awaiting a decision on the \$3.6 million stormwater appropriation request for flood mitigation. The same request was previously approved but later vetoed. No updates have been received.
2. An RFP will be issued for upgrades to the Council Chambers audiovisual system.
3. The FY 2026-2027 draft budget has been provided to the Budget Committee for review. Budget discussions with the Council will continue in August.
4. Staff is closely monitoring proposed property tax reforms and recently enacted legislation affecting the budget process, including changes related to millage voting requirements and the requirement to prepare a hypothetical reduced-budget scenario. These topics will be discussed further at the July 21 budget workshop.
5. The proposed tax bill emphasizes protecting police, fire, and infrastructure funding. The City is evaluating potential impacts and future budget options. A budget pre-workshop will include discussion of increased fire service costs, which rose by more than \$100,000 this year, along with other budget-related items. He and the City Attorney are preparing an ordinance intended to provide the City with flexibility to respond to potential state actions related to property tax legislation. He stated that while future costs will remain a challenge, staff will work with the Council to determine the City's direction.
6. The City received a \$350,000 state appropriation for replacement of the City's marine unit boats and motors. The appropriation was not vetoed by the Governor.
7. Regarding the clock on Hoffner, staff met with the property management company and determined that improving the surrounding landscaping, including removing trees and shrubs that obstruct visibility, would be a better solution than raising the height of the clock. The property management company is willing to proceed with the landscaping improvements.

b. Chief's Report

Chief Grimm reviewed the monthly Police Department dashboard, highlighting calls for service, traffic citations, DUIs, fraud cases, and burglaries. He also reported that the Police Department completed two weeks of block training and reminded residents to take precautions during the extreme heat, particularly by checking on elderly neighbors. Council inquired about the timing of the monthly dashboard's publication, and the Chief stated staff would explore releasing it earlier.

c. Public Works Report

Phil Proce reported the completion of the Fairlane Avenue paving project near CCA, with pavement striping to follow after the required curing period. He also announced an upcoming paving project on McCoy Road between Daetwyler Drive and Via Flora to address recurring potholes. An update was provided on the Judge Road and Conway Road intersection closure for Orange County paving work, ongoing concrete and sidewalk improvements, citywide tree and canopy trimming, and hurricane season preparedness efforts. Council discussed installation of a bench outside City Hall and the challenges of coordinating canopy trimming along Hoffner Avenue due to traffic.

10. Mayor's Report

Mayor Carson thanked City staff, the Police Department, and Public Works for their continued service and efforts during budget season. Appreciation was expressed for the condition of City parks, the Police Department's monthly reports, and the presentation on the proposed lake regulation changes. Council encouraged residents to participate in the upcoming public meetings regarding the proposed waterway changes.

11. Commissioners' Report

Council thanked staff, the Police Department, and Public Works for their continued service. Appreciation was expressed to Ms. Vertoli for her public comments and community involvement, and support was voiced for continuing efforts to pursue FEMA reimbursement. Council also thanked Sergeant Wasmund for his presentation on the proposed lake regulation changes and encouraged continued public participation. Staff responded to a question regarding accident debris cleanup procedures and acknowledged a concern about visibility of a speed limit sign on McCoy Road.

12. Adjournment

There being no further business, Mayor Carson called for a motion to adjourn, which was unanimously approved at 8:40 pm.

**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: July 21, 2026

To: Honorable Mayor and City Council

From: Rick J. Rudometkin, City Manager

Subject:

2nd Reading: Lot Splits and Definitions Ordinance 26-03. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NONCONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Background:

The staff presented the 1st Reading for discussion at July 7, 2026, City Council session. The Council moved to advance the ordinance for second reading at a future Council Meeting. The proposed amendments to Chapters 50 and 54 are intended to align the City's Land Development Code with recent changes in Florida law governing lot splits while preserving City Council oversight where permitted. State law now requires qualifying lot splits to be approved administratively, limiting the City's discretion to deny compliant applications.

The ordinance clarifies the lot split process by distinguishing between administrative approvals and requests requiring a City Council waiver, such as the creation of new flag lots. While qualifying lot splits will be reviewed administratively, applications requesting a waiver will continue to be considered by the City Council, providing an opportunity for public input.

The revisions were also prompted by recent litigation involving the City's lot split regulations. The review identified opportunities to strengthen and clarify the code, eliminate ambiguities, and improve consistency without changing the City's underlying intent. Additional amendments remove the outdated "informal subdivision" classification to simplify the review process and establish a professional services reimbursement provision to ensure applicants, rather than the general public, bear the costs of surveys, legal review, and other application-specific professional services.

The proposed changes are intended to streamline the review process, improve clarity, maintain appropriate City Council oversight where authorized, and ensure compliance with state law.

Staff Recommendation:

2nd Reading and Adoption: Amending CH 50 & 54 Ordinance 26-03

Suggested Motion:

I move to adopt Ordinance 26-03: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NONCONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

Alternatives: Do not advance

Fiscal Impact: N/A at this time

Attachments:

Ordinance 26-03

ORDINANCE NO. 26-03

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NON-CONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under Section 2(b), Article VIII of the Florida Constitution, Section 166.021(1), Florida Statutes, and the City Charter to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City Council finds it necessary to amend the City Code to amend the lot split approval and non-conforming use provisions of the code as proposed herein; and

WHEREAS, the City Council of the City of Belle Isle finds that this Ordinance is in the interests of the public health, safety, and welfare and consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

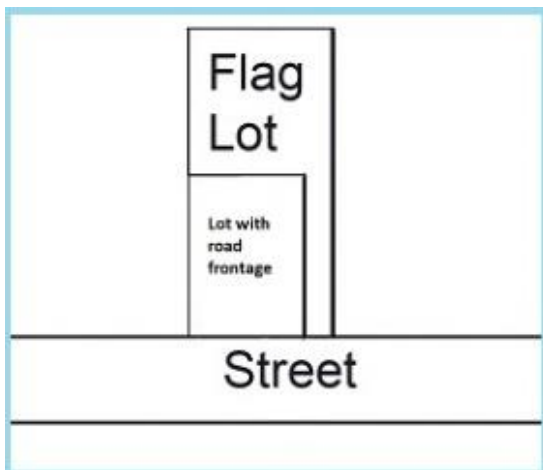
SECTION 2. City Code Amendment. Chapter 50, Article II, Sections 50-32 and 50-33 of the City Code of Ordinances are hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

Sec. 50-32. Definitions

The following terms, phrases, words, and their derivations shall have the meaning given in this section. Words used in the present tense include the future tense; words in the plural tense include the singular tense and vice versa. The word "shall" is considered mandatory, and the word "may" is considered permissive.

Director means a city employee designated by the city manager to process the preliminary application and plat reviews pursuant to the provision of this article.

Flag-shaped lot describes the shape of a certain type of lot, where the ingress and egress to and from the public right-of-way (or private road right-of-way) is provided along the long narrow "flag pole" portion of the lot with width less than the minimum lot width required in a zoning district and the remaining shape of the lot is generally rectangular in shape. A diagram showing an example of a flag-shaped lot is below:



1 *Gross residential acre* means an acre of land zoned and/or used for residential purposes, including, but
2 not limited to, land which provides access or contributes to the amenities of residents of the subdivision such
3 as streets, parks, and usable open spaces. Land devoted to nonresidential uses other than those listed above,
4 including, but not limited to, environmentally sensitive lands, shall not be included as part of gross residential
5 acreage.

6 *Lot depth* means the distance measured along a straight line drawn from the midpoint of the front
7 property line of the lot to the midpoint of the rear property line, or to the most distant point on the lot
8 located on any other lot line if there is no rear lot line. In the event that the rear property line, or if there is no
9 rear lot line then the most distant point on the lot located on any other line, is located fully or partially below
10 the normal high water line of an abutting body of water, then lot depth shall be measured along a straight line
11 drawn from the front property line and parallel to the side lot line(s) to the point on the normal high water
12 line located closest to the front property line.

13 *Lot split* means the division of a lot or parcel that is not located within the boundaries of a planned
14 unit development into no more than two parcels or lots and shall include any change in boundary lines
15 between two parcels or lots.

16 *Lot width* means the distance between the side lot lines, along a line drawn parallel to the front lot
17 boundary line abutting the public right-of-way measured at a distance from the front lot boundary line
18 abutting the public right-of-way equal to the greater of: (i) the minimum front yard setback required for the
19 applicable zoning district, and (ii) a front yard setback established with city council approval at a greater
20 distance than required by the applicable zoning district and that ensures a proper building setback from
21 development on adjacent lots pursuant to a deed restriction with terms acceptable to the city granted by the
22 property owner in favor of the city, which the city council has discretion to accept or reject.

Net residential acre means an acre of land zoned and/or used for residential purposes and which does not include areas such as streets, parks, environmentally sensitive lands, and usable open spaces. Land devoted to nonresidential uses shall not be included as part of net residential acreage.

Tract mean any land in a subdivision which is designated as, but not limited to, recreation areas, water detention facilities, landscape buffers or conservation areas, and not meant for use as a residential or commercial lot.

Sec. 50-33. Procedures.

The following procedures are for subdivision plan submittals:

(1) General.

a. *Amendments.* All amendments or changes to an approved preliminary plat shall be noted on the final plat and engineering plans. All amendments or changes to an approved final plat shall require the approval of the council after receiving the recommendation of the board.

b. *Vacating plats.* Plats or integrated portions of plats of lands heretofore or hereafter platted, which lie within the corporate limits of the city, may be vacated only upon the resolution of the council after a public hearing and only under following conditions:

1. The filing with the council of a petition requesting the vacation of the plat or portion of plat, duly signed, witnessed and acknowledged by all persons having an interest in all lots, blocks, tracts, pieces, and parcels of land, however designated, shown on the plat or portion of plat sought to be vacated. Sufficient evidence that all the persons having an interest in the lands have joined in such petition shall be furnished to the council. Any such petition shall be in a form or forms required by the city and shall be presented with the following minimum information:

- (i) A legal description of the property subject to the petition.

- 1 (ii) The plat or other instrument that identifies the title or interest, which is the subject of
2 the petition.
- 3 (iii) A recent boundary survey of the property subject to the petition.
- 4 (iv) Sketch and legal description of the area proposed to be vacated and abandoned.
- 5 (v) A listing of the names and addresses of record owners of all abutting properties.
- 6 (vi) A recent title opinion from a licensed attorney or property information report from a
7 title company showing ownership of and any easements, mortgages and other liens
8 and encumbrances on the property subject to the petition.
- 9 (vii) In the case of vacation and abandonment of city or publicly dedicated rights-of-way, a
10 certification by the applicant that the vacation and abandonment proposed will not
11 deprive other property owners of access to and from their property.
- 12 (viii) In the case of vacation and abandonment of city or publicly dedicated rights-of-way or
13 utility easements, written correspondence from public utility companies that they
14 have no objection to the proposed vacation and abandonment.
- 15 (ix) A statement of reasons why the petition should be granted.
- 16

- 17 2. If all the requirements of subsection (1)b.1 of this section have been complied with, and the
18 evidence presented to the council establishes by a preponderance of the evidence that the
19 vacating of such plat or portion of plat will not be contrary to the public interest, then the
20 council may adopt resolutions vacating the same; whereupon the plat or portion of plat shall
21 have no further force or effect. Provided however, the city council shall have complete
22 discretion on whether to vacate and abandon public rights-of-way and other public
23 dedications on plats. All resolutions that may be adopted vacating plats as herein provided
24 shall be recorded in the official records of the county; and the clerk of the circuit court shall be
25

requested to make a notation on the recorded plat appearing in the plat book to the effect that the same has been vacated by resolution of the council, which notation shall further show the book and page wherein the resolution is recorded.

3. Nothing contained herein shall be deemed to prevent a replatting of platted lands and the recording of a new plat thereof, if done in accordance with this Land Development Code.

c. *Subdivision determination.*

1. *Review.* The applicant shall submit to the director a survey of the property showing the proposed lots and a letter requesting a subdivision determination. The director shall have five business days to determine if the proposed division of land constitutes a formal subdivision, ~~informal subdivision~~ or lot split. The applicant will then follow the procedures set forth in this Land Development Code for the appropriate subdivision.

2. *Appeal.* The applicant may appeal the director's determination to the city manager. The appeal must be submitted in writing within 15 days from the date of the decision. The applicant shall submit to the city manager a scaled drawing of the proposed property division indicating existing public streets and the proposed means of ingress and egress, a legal description of the property, the current zoning of the property and any other pertinent information either at the applicant's initiative or upon the mayor's request. The city manager will have ten working days to decide whether to uphold or reverse the determination of the director. The applicant will then follow the procedures set forth in this Land Development Code for the appropriate subdivision.

d. *Public hearing.* All public hearings held in relation to this article shall be subject to the following regulations:

1. A notice stating the time, place, and date of the hearing shall be duly published once in a newspaper of general circulation in the city at least seven days before the hearing. However,

1 in the case of plat vacations (including public right-of-way and public easement vacations) the
 2 newspaper advertisement must be published in at least two weekly issues of the newspaper
 3 prior to the hearing.

4 2. A notice stating the time, place, and date of the hearing shall be given to the abutting
 5 property owners within 300 feet of the subject property at their last known address by
 6 United States mail, postage prepaid, at least seven days before the hearing.

7 3. The testimony of witnesses in support of or in opposition to the proposed plan shall be
 8 heard, and the council may receive and consider other evidence. The mayor, or in his
 9 absence the vice-mayor, may administer oaths and compel the attendance of witnesses.

10 4. Substantial compliance with the requirements for notice in this section shall be sufficient.

11 5. The public hearing conducted constitutes a quasi-judicial hearing and the final decision
 12 made by the city may only be challenged by a petition for writ of certiorari filed with the
 13 circuit court within 30 days of written rendition of the decision on the application.

14 (2) ~~Informal subdivision.~~

15 ~~a. Submission requirements. The applicant shall submit a completed application form, payment as set~~
 16 ~~forth in this Land Development Code, and five copies of the proposed informal subdivision plat to the city~~
 17 ~~planning and development department. The plat shall be prepared in accordance with section 50-34(a). If the~~
 18 ~~application or plat is incomplete, the director shall notify the applicant of the incompleteness. The applicant~~
 19 ~~shall provide the city with the required information. The director shall not process any application until all~~
 20 ~~requirements are met.~~

21 ~~b. Review procedure. The director shall distribute copies of the proposed plat to the city manager, the~~
 22 ~~city engineer and the city attorney for review and comment. The plat may also be distributed to county,~~
 23 ~~regional or state agencies as necessary or appropriate in the director's discretion. The applicant shall be~~

1 notified in writing within 14 days whether the proposed plat is satisfactory or needs revisions or that further
2 review is necessary.

3 c. ~~Nonconforming plans.~~ When a proposed plat does not conform to all applicable regulations, the
4 director shall forward a composite report of the findings to the applicant. The composite report shall
5 reference the specific sections of the applicable regulations to which the proposed plat does not conform. The
6 applicant may revise the proposed plat and resubmit or withdraw the proposed plat. The applicant will have
7 up to 180 days from the date of the original submittal to resubmit a revised plat. After 180 days the proposed
8 plat shall be deemed to be withdrawn.

9 d. ~~Approval and plat recording.~~ If the proposed plat is found to conform with the above requirements
10 the applicant shall be required to submit 16 copies of the proposed plat to the city. Then the proposed plat
11 shall be placed on the agenda for review by the board for compliance with this article. The board shall
12 recommend to the council the approval, approval with conditions or denial of the proposed plat. The council
13 shall uphold, uphold with conditions or reverse the recommendation of the board at a public hearing. The
14 public hearing shall conform to the requirements set forth in subsection (1)d of this section. All approved plats
15 shall be recorded with the county in accordance with subsection (4) of this section. If the approved plat is not
16 recorded within one year of the date of approval, the approved plat shall become null and void. In denying any
17 plat the council or the board shall provide reasons for such action making reference to specific sections in
18 these regulations.

19 ~~(3)~~ *Formal subdivision.*

20 a. *Preliminary plat application.*

21 1. *Submission requirements.* The applicant shall submit a completed application form, payment as set
22 forth in this Land Development Code, and an electronic copy and ten copies of the preliminary plat to the city
23 planning and development department. The plat shall be prepared in accordance with section 50-34(b)(1). If
24 the application or plat is incomplete, the director shall notify the applicant of the incompleteness. The
25

1 applicant shall provide the city with the required information. The director shall not process any application
2 until all requirements are met. The preliminary plat shall be submitted no later than the third Monday of the
3 month prior to the planning and zoning board meeting.

4 2. *Review procedure.* The director shall distribute copies of the preliminary plat to the city reviewing
5 surveyor, city manager, the city engineer and the city attorney for review and comment. The plat shall also be
6 distributed to county, regional or state agencies as necessary or appropriate in the director's discretion. The
7 applicant shall be notified in writing within 21 days whether the preliminary plat is satisfactory or needs
8 revisions or whether further review is necessary.

9 3. *Nonconforming plans.* When a preliminary plat does not conform to all applicable regulations, the
10 director shall forward a composite report of the findings to the applicant. The composite report shall
11 reference the specific sections of the applicable regulations to which the preliminary plat does not conform.
12 The applicant may revise the preliminary plat and resubmit or withdraw the preliminary plat. The applicant
13 will have up to 180 days from the date of the original submittal to resubmit a revised plat. After 180 days the
14 preliminary plat shall be deemed to be withdrawn.

15 4. *Approval of preliminary plat.* If the preliminary plat is found to conform to the above requirements,
16 the applicant shall be required to submit an electronic copy and 16 copies of the preliminary plat to the city.
17 Then the preliminary plat shall be placed on the agenda for review by the board for compliance with this
18 article. The board shall recommend to the council the approval, approval with conditions, or denial of the
19 preliminary plat. The council shall uphold, uphold with conditions, or reverse the recommendation of the
20 board at a public hearing. The public hearing shall conform to the requirements set forth in subsection (1)d of
21 this section. In denying any preliminary plat, the council or the board shall provide reasons for such action
22 making reference to specific sections in these regulations.

23 5. *Authority granted by approval.* Approval of the preliminary plat shall be construed as authority for
24 submitting the final plat. Approval of the preliminary plat shall not be construed as authority for the transfer
25

of title of lots in reference to said preliminary plat, nor as authority for obtaining building permits, nor for the recording of a plat with the county.

6. *Time limit.* Preliminary plat approval by the council shall be automatically voided if (i) the final plat is not submitted for approval to the city within one year after the date of the council's action on the preliminary plat, or if site improvement construction in conformance with the preliminary plat has not commenced within nine months of council approval of the preliminary plat. The council or its designee may grant a time extension upon written request by the applicant to the city manager.

7. *Professional service fees.* In addition to any application fee, the applicant for a preliminary plat shall be required to reimburse the city for contracted professional services of the city surveyor, city engineer, city planner, and city attorney fees incurred by the city related to the review and comment on the preliminary plat and related documents, which the city may require payment (or an estimate thereof) prior to approval of the preliminary plat by the city council.

8. *Waiver.* The city manager may waive the requirement for a preliminary plat for a subdivision of land containing five or fewer lots that does not any common or shared utility, access or stormwater infrastructure improvements and with all proposed lots having frontage on and access to a public right-of-way. A final plat is still required in the event of the waiver of the preliminary plat requirement.

b. *Final plat application.*

1. *Compliance with the preliminary plat.* The final plat shall conform substantially to the preliminary plat as approved, may constitute only that phase of the approved preliminary plat and other necessary improvements which the subdivider proposed to record and develop. The final plat shall also conform to all requirements of F.S. chapter 177, and this Land Development Code and other adopted city regulations.

2. *Submission requirements.* The applicant shall submit: (i) an electronic copy and five full sized hard copies of the proposed final plat and all supporting documents to the director, (ii) a recent title opinion from a licensed attorney or property information report from a title company showing the ownership, easement,

mortgage, and other lien and encumbrance information for the property being subdivided and with the legal description matching the legal description on the proposed plat, (iii) an original "Statement of Lien Settlement - Requirement For Current Year Of Payable Taxes, Tax Sale, and Capital Improvements" from the Orange County Property Appraiser's Office [or the equivalent replacement form] showing that all due taxes have been paid in full and all tax certificates, if any, against the land have been redeemed; (iv) joinder and consent of mortgagees to the plat and to the declaration of restrictive covenants, if applicable (v) proposed declaration of restrictive covenants for subdivisions with common or shared infrastructure improvements such as stormwater system or access improvements; (vi) boundary survey showing all improvements and easements matching the legal description used on the proposed plat; (vii) performance bond or letter of credit and guarantee agreement with terms acceptable to the city guaranteeing completion of the subdivision infrastructure improvements if such improvements are not completed at the time of intended final plat approval. The director shall distribute the proposed final plat and supporting documents to the city reviewing surveyor, city engineer, the city attorney and the city manager. The director shall not find the proposed final plat satisfactory until the engineering plans and specifications, which satisfactorily comply with these regulations, are approved by the city engineer. The director shall notify the applicant within 14 days whether or not the proposed final plat is satisfactory. ~~The proposed final plat shall be submitted no later than the third Monday of the month prior to the planning and zoning board meeting.~~

3. *Nonconforming plans.* When the proposed final plat does not conform to all applicable regulations or to the approved preliminary plat, the director shall forward a composite report of the findings to the applicant. The composite report shall reference the specific sections of the applicable regulations or the portions of the approved preliminary plat to which the proposed final plat does not conform. The applicant may revise the proposed plat and resubmit or withdraw the proposed plat. The applicant will have up to 180 days from the date of the original submittal to resubmit a revised proposed final plat. After 180 days the proposed final plat shall be deemed to be withdrawn, and if the one year from approval date of the

preliminary plat has lapsed, the approved preliminary plat shall become null and void. If one year has not lapsed, the preliminary plat shall be valid until the year has lapsed, after which time it shall be null and void.

4. *Approval of final plat.* If the proposed plat is found to conform to the above requirements, the applicant shall be required to submit an executed recordable mylar of 16 copies of the proposed final plat to the city. In accordance with F.S. sec. 177.071 a final plat is subject to administrative approval by the city manager. ~~The proposed final plat shall then be reviewed by the board for compliance with this article. The board shall recommend to the council the approval, approval with conditions, or denial of the proposed final plat. The council shall uphold or reverse the recommendation of the board. In denying any proposed final plat, the council or the board shall provide reasons for such action, making reference to specific sections in these regulations.~~

5. Professional Service Fees. In addition to any application fee, the applicant for a final plat shall be required to reimburse the city for contracted professional services of the city surveyor, city engineer, city planner, and city attorney fees incurred by the city related to the review and comment on the final plat and related documents, which the city may require payment (or an estimate thereof) prior to execution of the final plat by the city manager. ~~Time limit. Approved preliminary and final plats shall be automatically voided if a construction conference has not commenced within one year from the date of final plat approval. The council may grant a time extension of up to one year upon a written request from the applicant.~~

(43) *Recording of final plat.* The applicant shall have the approved final plat recorded with the county comptroller. The applicant shall provide the director with a copy of the recorded plat and any recorded instruments (such as declaration of restrictive covenants and mortgagee joinders and consents) to be recorded with the plat. No plat in the city subject to these regulations shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the council. In addition, all fees related to the recording of the plat shall be paid by the applicant.

(54) *Fees.* All fees associated with the review of a proposed subdivision shall be due at the time of application and are payable to the city. Said fees shall be in accordance with chapter 54, article IV, division 4.

(65) *Lot split.*

a. *Submission requirements.* The applicant shall submit (i) a boundary survey (showing all improvements and easements) and legal description both certified by a registered state surveyor of the property as it is to be divided, (ii) payment as set forth in this Land Development Code or as otherwise prescribed by the city council or city manager, (iii) proof of payment of all outstanding ad valorem taxes, and (iv) a recent title opinion from a licensed attorney or property information report from a title company showing the ownership, easement, mortgage, and other lien and encumbrance information for the existing lot or parcel ~~proof of ownership acceptable to the city.~~

b. *Requirements.* With the prior approval of the city council after conducting a quasi-judicial public hearing, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels and the proposed development of the resultant lots would comply with the Land Development Code and Comprehensive Plan. No lot or parcel nor any portion of any lot or parcel which has been created by a lot split shall be further divided by lot split. The creation of new flag-shaped lots is prohibited unless allowed by waiver approved by city council subject to (i) the creation of a recorded deed restriction, with terms acceptable to and enforceable by the city, establishing a front yard setback along the public right-of-way at a greater distance than required by the applicable zoning district, (ii) a determination that no traffic safety or vehicle access issues are being created, (iii) a determination of compatibility of the proposed development on the resultant lots with the surrounding neighborhood, and (iv) a determination that no non-conforming uses will exist on the resultant lots after the lot split approval. No lot or parcel that has a non-conforming use is eligible for a lot split unless the non-conforming use is eliminated as condition of the lot

1 split. No variance will be given for any lot split that results in a lot or parcel that does not conform in every
2 respect to the Land Development Code's requirement for newly created lots or parcels and in development of
3 the resultant lots that is not fully compliant with the Land Development Code and Comprehensive Plan. For
4 example, no variance will be given for any lot split that results in a substandard lot.

5 c. *Notice*. A notice of no further lot split shall be fully executed by the owner of the property submitted
6 for lot split which notice must be approved by the city and such notice shall be recorded in the public records
7 of the county prior to the issuance of any building permit for lots or parcels created by lot split. The form of
8 the notice shall be in recordable form and in substance substantially in accordance be with the following: "The
9 property described on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida,
10 and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split
11 procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be
12 allowed."

13 d. Professional Service Fees. In addition to any application fee, the applicant for a lot split shall be
14 required to reimburse the city for contracted professional services of the city surveyor, city engineer, city
15 planner, and city attorney fees incurred by the city related to the review and comment on the lot split
16 application and related documents, which the city may require payment (or an estimate thereof) prior to
17 approval of the lot split by the city council.

18
19 **SECTION 3. City Code Amendment**. Chapter 54, Article I, Section 54-3 of the City Code of Ordinances is
20 hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions;
21 provisions not included are not being amended):
22
23
24
25

1 Sec. 54-3. Nonconforming uses.

2 (a) *Intent.* It is the intent of this article that the lawful use of any building, structure or land existing at the
3 time of adoption of this Land Development Code may be continued although such use does not conform with
4 the provisions of this Land Development Code, provided the conditions of this section are met.

5 (b) *Unsafe structures or buildings.* Any structure or building or portion thereof declared unsafe must be
6 restored to a safe condition or demolished. Reconstruction to begin within 180 days after being declared
7 unsafe.

8 (c) *Construction approved prior to code.* Nothing herein shall require any change in plans, construction or
9 designated use of a building or structure for which a building permit has been issued and the construction of
10 which shall have been diligently carried on within six months of the date of such permit.

11 (d) *Alteration.* A nonconforming building may be maintained and repairs and alterations may be made
12 that do not increase its nonconformity, except that in a building which is nonconforming as to use regulations,
13 no structural alterations shall be made except those required by law. Repairs such as plumbing, electrical
14 systems, ~~or the changing of partitions or other interior alterations are permitted,~~ provided that no such repair
15 shall have the effect of increasing the nonconformity, or expanding a nonconforming use, nor shall the floor
16 area of such building or any accessory structure be increased within the area of nonconformity, except in
17 accordance with the requirements of this chapter.

18 (e) *Extension.* Buildings or structures or uses of land which are nonconforming shall not be extended or
19 enlarged. Any use may be extended if such conforms with current regulations for the district in which it is
20 located. The intensity of a non-conforming use shall not be increased.

21 (f) *Abandonment.* When a nonconforming use of land or buildings has been discontinued for 180 days or
22 more, its future use shall be in compliance with a use permitted in the district in which said land is located. If
23 there is doubt concerning the discontinuance of a nonconforming use, the city planner or city manager shall
24 request a determination by the planning and zoning board at a public hearing wherein the legal owner must
25

1 provide competent substantial evidence to support a finding that such use has not been discontinued for a
2 continuous period of 180 days.

3 (g) *Change to another use.* A nonconforming use now existing may be changed to another nonconforming
4 use of equal or lesser intensity and improved character when approved by the council, upon recommendation
5 of the planning and zoning board. The city council may condition the approval of such change of use, including
6 requiring the amortization of the non-conforming uses over a period of time and conditions mitigating the
7 impacts of the use on the surrounding area.

8 (h) *Restoration.* A nonconforming building or structure which is hereafter damaged or destroyed to the
9 extent of 75 percent or more of its assessed value by flood, fire, explosion, earthquake, war, reconstruction,
10 riot, or act of God may not be reconstructed or restored for use except in compliance with the regulations of
11 this Land Development Code.

12
13 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this
14 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
15 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate,
16 distinct and independent provision, and such holding shall not affect the validity of the remaining portions of
17 this Ordinance.

18 **SECTION 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance
19 or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

20 **SECTION 6. Codification.** Section 2 and Section 3 of this Ordinance shall be incorporated into the Belle Isle
21 City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or
22 modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may
23 be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this
24 ordinance or City Code may be freely made.

SECTION 7. Effective date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: July 7, 2026

SECOND READING: August 4, 2026

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Holly Bobrowski	_____	_____	_____
Karl Shuck	_____	_____	_____
Bobby Lance	_____	_____	_____
Beth Lowell	_____	_____	_____
Christopher Oller	_____	_____	_____
Jim Partin	_____	_____	_____

ADOPTED this ____ day of _____, 2026, by the City Council of the City of Belle Isle, Florida.

CITY OF BELLE ISLE, FLORIDA

Jason Carson, Mayor

ATTEST: _____

Yolanda Quiceno, City Clerk

Approved as to form and legality

Dan Langley, City Attorney

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document
4 ORDINANCE 26-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____
5 day of _____, 20____, at which session a quorum of its members were present.

6 _____

7 Yolanda Quiceno, CMC-City Clerk

8
9 S:\DL\Clients\Belle Isle, City of\General B900-29001\Ordinance - Flag-Shaped Lots\Belle Isle Lot Splits and Non Conforming Use
10 Ordinance 6-5-2026.docx

**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

b.

Meeting Date: August 4, 2026

To: Honorable Mayor and City Council

From: Rick J. Rudometkin, City Manager

Subject: **2nd Reading and Adoption** of Fire Rescue Assessment Ordinance
26-05

Background:

The Legislature has approved a proposed Constitutional Amendment ballot measure that would reduce property taxes for homestead properties for the upcoming election in November 2026. This measure would reduce property taxes based on raising the homestead exemption for homeowners. This would decrease ad-valorem revenue to the city.

The city contracts fire rescue services with Orange County and the city pays Orange County for such services using ad valorem revenue. Orange County currently charges unincorporated County residents a Municipal Service Taxing Unit (MSTU) for fire rescue services. Orange County has expressed that it is unwilling to directly charge Belle Isle residents for a MSTU for fire rescue services performed by Orange County and requires that the city continue to pay Orange County directly for such services.

The staff along with our attorney would like the City Council to consider adopting this ordinance to give the city a legislative framework for creating a non-ad valorem fire rescue assessment should this need to be done in the future to offset ad valorem tax revenue losses. Non-ad valorem assessments are not impacted by homestead exemptions.

Keep in mind, the ordinance, by itself, does not create a non-ad valorem fire rescue assessment. There are many more steps that have to be taken in addition to adopting a fire rescue assessment ordinance, including multiple public hearings and public notices that are required.

A chart of the non-ad valorem assessment process is attached for reference. If the ordinance is adopted, the next step will involve the city retaining a consultant to prepare a fire rescue assessment study and to generate proposed assessment rates for the different types of properties within the city. The earliest that a non-ad valorem fire rescue assessment could be put in place is October 1, 2027.

Staff Recommendation:

2nd reading and adopt Fire Rescue Assessment Ordinance 26-05

Suggested Motion:

I move to adopt Ordinance 26-05 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS WITHIN THE CITY; AMENDING CHAPTER 12 OF THE BELLE ISLE CITY CODE OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION; RESERVING SECTIONS 12-2 THROUGH 12-10 OF ARTICLE I; CREATING A NEW ARTICLE II, ENTITLED “FIRE RESCUE ASSESSMENT”; PROVIDING DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DETERMINATIONS OF SPECIAL BENEFIT; AUTHORIZING THE IMPOSITION, LEVY, COLLECTION, AND ENFORCEMENT OF ANNUAL FIRE RESCUE SPECIAL ASSESSMENTS WITHIN THE CITY; ESTABLISHING PROCEDURES FOR THE ADOPTION OF ASSESSMENT RESOLUTIONS AND ROLLS, FOR NOTICE, AND FOR INTERIM ASSESSMENTS; PROVIDING THAT THE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY; PROVIDING METHODS OF COLLECTION; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Alternatives: Do not adopt

Fiscal Impact: N/A at this time

Attachments:

Ordinance 26-05

Flow Chart

ORDINANCE 26-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS WITHIN THE CITY; AMENDING CHAPTER 12 OF THE BELLE ISLE CITY CODE OF ORDINANCES RELATING TO FIRE PREVENTION AND PROTECTION; RESERVING SECTIONS 12-2 THROUGH 12-10 OF ARTICLE I; CREATING A NEW ARTICLE II, ENTITLED “FIRE RESCUE ASSESSMENT”; PROVIDING DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DETERMINATIONS OF SPECIAL BENEFIT; AUTHORIZING THE IMPOSITION, LEVY, COLLECTION, AND ENFORCEMENT OF ANNUAL FIRE RESCUE SPECIAL ASSESSMENTS WITHIN THE CITY; ESTABLISHING PROCEDURES FOR THE ADOPTION OF ASSESSMENT RESOLUTIONS AND ROLLS, FOR NOTICE, AND FOR INTERIM ASSESSMENTS; PROVIDING THAT THE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY; PROVIDING METHODS OF COLLECTION; AUTHORIZING EXEMPTIONS AND HARDSHIP ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, grant the City of Belle Isle (the “City”) broad home rule powers to perform municipal functions and provide municipal services in a manner not inconsistent with law, including the authority to impose special assessments; and

WHEREAS, there is a substantial body of case law in Florida upholding the authority of local governments to impose special assessments for fire rescue services. See, for example, *Fire Dist. No. 1 of Polk County v. Jenkins*, 221 So.2d 740 (Fla. 1969); *Lake County v. Water Oak Management Corp.*, 695 So. 2d 667 (Fla. 1997), *City of North Lauderdale v. SMM Properties, Inc.*, 825 So.2d 343 (Fla. 2002), *Desiderio Corp. v. City of Boynton Beach*, 39 So.3d 487 (4th DCA 2010), *Morris vs. City of Cape Coral*, 163 So.3d 1174 (Fla. 2015); and

WHEREAS, the City provides fire rescue services, first response emergency medical services (basic life support services), facilities, and programs for the benefit of property within the City, including services contracted with and performed by Orange County, Florida; and

WHEREAS, the City Council desires to establish procedures and standards for the imposition, levy, collection, and enforcement of annual fire rescue special assessments to fund all or any portion of the cost of providing fire rescue services, first response emergency medical services (basic life support services), facilities, and programs that specially benefit assessed property within the City; and

WHEREAS, the City Council finds and determines that fire rescue services, first response emergency medical services, facilities, and programs bear a logical relationship to the use and enjoyment of improved property by, among other things, protecting the value and integrity of improvements, structures, and land; protecting the life and safety of intended occupants; reducing the cost of fire insurance; and containing the spread of fire; and

WHEREAS, the City Council further finds and determines that fire rescue services, facilities, and programs provide a special benefit to assessed property within the City; and

WHEREAS, the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes, authorizes the collection of non-ad valorem assessments on the same bill as ad valorem taxes; and

WHEREAS, the City Council finds and determines that adoption of this Ordinance serves a valid public purpose and is in the best interests of the public health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Authority. The City of Belle Isle has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 3. Code Amendment; Creation of Article II. Chapter 12 of the Belle Isle Code of Ordinances is hereby amended to reserve Sections 12-2 through 12-10 of Article I and to create a new Article II titled “Fire Rescue Assessment,” to read as follows:

CHAPTER 12

Article I, Sec. 12-2 through 12-10 Reserved.

ARTICLE II – FIRE RESCUE ASSESSMENT

DIVISION 1. INTRODUCTION

Sec. 12-11. Definitions.

As used in this article, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Annual rate resolution means the resolution described in section 12-22 hereof, establishing the rate at which a fire rescue assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a fire rescue assessment is imposed or reimposed.

Assessed property means all parcels of land within the city included on the assessment roll that receive a special benefit from the delivery of the fire rescue services, programs or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.

Assessment roll means the special assessment roll relating to a fire rescue assessment approved by a final assessment resolution pursuant to section 12-20 hereof or an annual rate resolution pursuant to section 12-22 hereof.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

Building permit means the written certification issued by the city permitting the construction or siting of a building. For the purposes of this article, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a building permit.

Certificate of occupancy means the written certification issued by the city that a building is ready for occupancy for its intended use. For the purposes of this article, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.

City means the City of Belle Isle, Florida.

City clerk means the clerk of the city council.

City council means the City Council of the City of Belle Isle, Florida.

City manager means the chief administrative officer of the city, designated by the city council to be responsible for coordinating fire rescue assessments or such person's designee.

County means Orange County, Florida.

Final assessment resolution means the resolution described in section 12-22 hereof which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of fire rescue assessments.

Fire rescue assessment means a special assessment lawfully imposed by the city council against assessed property to fund all or any portion of the cost of the provision of fire rescue services.

facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Fire rescue assessed cost means the amount determined by the city council to be assessed in any fiscal year to fund all or any portion of the cost of the provision of fire rescue services, first response emergency medical services (basic life support services), facilities, or programs, including services contracted with and performed by Orange County, which provide a special benefit to assessed property, and shall include, but not be limited to, the following components:

- (A) the cost of physical construction, reconstruction or completion of any required facility or improvement;
- (B) the costs incurred in any required acquisition or purchase;
- (C) the cost of all labor, materials, machinery, and equipment;
- (D) the cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (E) the cost of computer services, data processing, and communications;
- (F) the cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;
- (G) the cost of any indemnity or surety bonds and premiums for insurance;
- (H) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (I) the cost of uniforms, training, travel, and per diem;
- (J) the cost of construction plans and specifications, surveys and estimates of costs;
- (K) the cost of engineering, financial, legal, and other professional services;
- (L) the costs of compliance with any contracts or agreements entered into by the City to provide fire rescue services;
- (M) all costs associated with the structure, implementation, collection, and enforcement of the fire rescue assessments, including any service charges of the tax collector, or property appraiser and amounts necessary to off-set discounts received for early payment of fire rescue assessments pursuant to the Uniform Assessment Collection Act or for early payment of fire rescue assessments collected;
- (N) all other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire rescue services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the city council by subsequent resolution;

(O) a reasonable amount for contingency and anticipated delinquencies and uncollectible fire rescue assessments; and

(P) reimbursement to the city or any other person for any moneys advanced for any costs incurred by the city or such person in connection with any of the foregoing components of fire rescue assessed cost.

In the event the city also imposes an impact fee upon new growth or development for fire rescue related capital improvements, the fire rescue assessed cost shall not include costs attributable to capital improvements necessitated by new growth or development that will be paid by such impact fees. The fire rescue assessed cost shall also not include costs for the provision of Advanced Life Support services by the city.

Fiscal year means that period commencing October 1st of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the city.

Government property means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

Initial assessment resolution means the resolution described in section 12-17 hereof which shall be the initial proceeding for the identification of the fire rescue assessed cost for which an assessment is to be made and for the imposition of a fire rescue assessment.

Maximum assessment rate means the highest rate of a fire rescue assessment established by the city council in an initial assessment resolution or preliminary rate resolution and confirmed by the city council in the final assessment resolution or annual rate resolution.

Ordinance means this fire rescue assessment ordinance.

Owner shall mean the person reflected as the owner of assessed property on the tax roll.

Person means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Preliminary rate resolution means the resolution described in section 12-22 hereof initiating the annual process for updating the assessment roll and directing the reimposition of fire rescue assessments pursuant to an annual rate resolution.

Property appraiser means the Orange County Property Appraiser.

Tax collector means the Orange County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Sec. 12-12. Interpretation.

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

Sec. 12-13. General findings.

It is hereby ascertained, determined, and declared that:

- (a) Pursuant to Article VIII, section 2(b), Florida Constitution, F.S. §§ 166.021 and 166.041, and the City Charter of the City of Belle Isle, Florida, the city council has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of city ordinances.
- (b) The city council may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the city council may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in F.S. § 166.021(3)(a), (b), (c), and (d). The subject matter of paragraphs F.S. 166.021(3)(a), (b), (c), and (d), are not relevant to the imposition of assessments related to fire rescue services, facilities or programs of the city.
- (c) The purpose of this article is to (1) provide procedures and standards for the imposition of citywide fire rescue assessments under the general home rule powers of a municipality to impose special assessments; (2) authorize a procedure for the funding of fire rescue services, facilities, or programs providing special benefits to property within the city; (3) legislatively determine the special benefit provided to assessed property from the provision of the city's fire rescue services; and (4) legislatively determine the special benefit provided to assessed property from the provision of combined fire control and first response emergency medical services by the city under its consolidated fire protection program.
- (d) The annual fire rescue assessments, to be imposed using the procedures provided in this article, shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.
- (e) The fire rescue assessments to be imposed using the procedures provided in this article are imposed by the city council, not the Orange County Board of County Commissioners, the property appraiser or the tax collector. The duties of the

property appraiser and tax collector under the provisions of this article and the Uniform Assessment Collection Act are ministerial.

Sec. 12-14. Legislative determinations of special benefit.

(1) It is hereby ascertained and declared that the fire rescue services, facilities, and programs provide a special benefit to property because fire rescue services possess a logical relationship to the use and enjoyment of improved property by:

(a) protecting the value and integrity of the improvements, structures, and land through the provision of available fire rescue services;

(b) protecting the life and safety of intended occupants in the use and enjoyment of property;

(c) lowering the cost of fire insurance by the presence of a professional and comprehensive fire rescue program within the city; and

(d) containing the spread of fire incidents occurring on vacant property with the potential to spread and endanger the structures and occupants of improved property.

(2) It is hereby ascertained and declared that the combined fire suppression and first response emergency medical services (basic life support) of the city under its existing consolidated fire protection program (including as contracted with Orange County) enhance and strengthen the relationship of such services to the use and enjoyment of buildings within improved parcels of property within the areas served by the city.

(3) It is hereby ascertained and declared that the combined fire control and first response emergency medical services (basic life support) of the city under its existing consolidated fire protection program (including as contracted with Orange County) enhance the value of business and commercial property that is improved by the existence or construction of a building; this enhanced value can be anticipated to be reflected in the rental charge or value of such business or commercial property.

DIVISION 2. ANNUAL FIRE RESCUE ASSESSMENTS

Sec. 12-15. General authority.

(a) The city council is hereby authorized to impose an annual fire rescue assessment to fund all or any portion of the fire rescue assessed cost (including costs for contracted services with Orange County) upon benefitted property at a rate of assessment based on the special benefit accruing to such property from the city's provision of fire rescue services, facilities, or programs. All fire rescue assessments shall be imposed in conformity with the procedures set forth in this division II.

- (b) The amount of the fire rescue assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the fire rescue assessed cost among properties on a basis reasonably related to the special benefit provided by fire rescue services, facilities, or programs funded with assessment proceeds.
- (c) Nothing contained in this article shall be construed to require the imposition of fire rescue assessments against government property.

Sec. 12-16. Initial proceedings.

The initial proceeding for the imposition of a fire rescue assessment shall be the adoption of an initial assessment resolution by the city council, (1) containing a brief and general description of the fire rescue services, facilities, or programs to be provided, (2) determining the fire rescue assessed cost to be assessed, (3) describing the method of apportioning the fire rescue assessed cost and the computation of the fire rescue assessment for specific properties, (4) establishing an estimated assessment rate for the applicable fiscal year, (5) establishing a maximum assessment rate, if desired by the city council, and (6) directing the city manager to (a) prepare the initial assessment roll, as required by section 12-17 hereof, (b) publish the notice required by section 12-18 hereof, and (c) mail the notice required by section 12-19 hereof using information then available from the tax roll.

Sec. 12-17. Initial assessment roll.

- (a) The city manager shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:
 - (1) A summary description of all assessed property conforming to the description contained on the tax roll.
 - (2) The name of the owner of the assessed property.
 - (3) The amount of the fire rescue assessment to be imposed against each such parcel of assessed property.
- (b) The initial assessment roll shall be retained by the city manager and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the fire rescue assessment for each parcel of property can be determined by use of a computer terminal available to the public.

Sec. 12-18. Notice by publication.

- (a) Upon completion of the initial assessment roll, the city clerk shall publish, or direct the publication of, once in a newspaper of general circulation within the city a notice stating that

at a meeting of the city council on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the city council will hear objections of all interested persons to the final assessment resolution which shall establish the rate of assessment and approve the aforementioned initial assessment roll.

(b) The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:

- (1) a geographic depiction of the property subject to the fire rescue assessment;
- (2) a brief and general description of the fire rescue services, facilities, or programs to be provided;
- (3) the rate of assessment including a maximum assessment rate in the event one was adopted;
- (4) the procedure for objecting provided in section 12-20 hereof;
- (5) the method by which the fire rescue assessment will be collected; and
- (6) a statement that the initial assessment roll is available for inspection at the office of the city clerk and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the city clerk.

Sec. 12-19. Notice by mail.

(a) In addition to the published notice required by section 12-18, the city manager shall provide notice, or direct the provision of notice, of the proposed fire rescue assessment by first class mail to the owner of each parcel of property subject to the fire rescue assessment.

(b) Such notice shall include:

- (1) the purpose of the fire rescue assessment;
- (2) the rate of assessment to be levied against each parcel of property, including a maximum assessment rate in the event one was adopted;
- (3) the unit of measurement applied to determine the fire rescue assessment;
- (4) the number of such units contained in each parcel of property;
- (5) the total revenue to be collected by the city from the fire rescue assessment;
- (6) a statement that failure to pay the fire rescue assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;
- (7) a statement that all affected owners have a right to appear at the hearing and to file written objections with the city council within 20 days of the notice; and

(8) the date, time, and place of the hearing.

(c) The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The city manager may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a fire rescue assessment imposed by the city council pursuant to this article.

Sec. 12-20. Adoption of final assessment resolution.

(a) At the public hearing as noticed pursuant to sections 12-18 and 12-19 hereof, or to which an adjournment or continuance may be taken by the city council, the city council shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the city council adopt the final assessment resolution which shall:

(1) confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the city council;

(2) establish the rate of assessment to be imposed in the upcoming fiscal year;

(3) establish a maximum assessment rate that may be imposed in the event such rate was adopted;

(4) approve the initial assessment roll, with such amendments as it deems just and right; and

(5) determine the method of collection.

(b) The adoption of the final assessment resolution by the city council shall constitute a legislative determination that all parcels assessed derive a special benefit from the fire rescue services, facilities, or programs to be provided or constructed and a legislative determination that the fire rescue assessments are fairly and reasonably apportioned among the properties that receive the special benefit.

(c) All written objections to the final assessment resolution shall be filed with the city manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which fire rescue assessments are imposed or reimposed hereunder.

Sec. 12-21. Effect of final assessment resolution.

The fire rescue assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property; the method of apportionment and

assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien of the fire rescue assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the city council action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in section 12-30 hereof is used to collect the fire rescue assessments, such other official as the city council by resolution shall designate.

Sec. 12-22. Annual implementation procedure

(a) Annually, during the budget adoption process, the city council shall determine whether to impose the fire rescue assessment for the upcoming fiscal year. If the city council elects to reimpose the fire rescue assessment, the procedures in this section shall be followed.

(b) The initial proceedings for the reimposition of an annual fire rescue assessment shall be the adoption of a preliminary rate resolution by the city council:

(1) containing a brief and general description of the fire rescue services, facilities, or programs to be provided;

(2) determining the fire rescue assessed cost to be assessed for the upcoming fiscal year;

(3) establishing the estimated assessment rate for the upcoming fiscal year;

(4) establishing or increasing a maximum assessment rate, if desired by the city council;

(5) authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and

(6) directing the city manager to" (A) update the assessment roll, (B) provide notice by publication and first class mail to affected owners in the event circumstances described in subsection (f) of this section so require, and (C) directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the city.

(c) At the public hearing established in the preliminary rate resolution or to which an adjournment or continuance may be taken by the city council, the city council shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the city council, adopt the annual rate resolution, which shall: (1) establish the rate of assessment to be imposed in the upcoming fiscal year and (2) approve the assessment roll for the upcoming fiscal year with such adjustments as the city council deems just and right. The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.

(d) Nothing herein shall preclude the city council from providing annual notification to all owners of assessed property in the manner provided in sections 12-18 and 12-19 hereof or any other method as provided by law.

(e) The city council may establish or increase a maximum assessment rate in an initial assessment resolution or preliminary rate resolution and confirm such maximum assessment rate in the annual rate resolution in the event notice of such maximum rate assessment has been included in the notices required by section 12-18 and 12-19 hereof.

(f) In the event (1) the proposed fire rescue assessment for any fiscal year exceeds the rates of assessment adopted by the city council including a maximum assessment rate, if any, that were listed in the notices previously provided to the owners of assessed property pursuant to sections 12-18 and 12-19 hereof, (2) the purpose for which the fire rescue assessment is imposed or the use of the revenue from the fire rescue assessment is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 12-18 and 12-19 hereof, (3) assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased fire rescue assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 12-18 and 12-19 hereof, or (4) an assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year, notice shall be provided by publication and first class mail to the owners of such assessed property as provided by law. Such notice shall substantially conform with the notice requirements set forth in sections 12-18 and 12-19 hereof and inform the owner of the date, time, and place for the adoption of the annual rate resolution. The failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a fire rescue assessment imposed by the city council pursuant to this article.

(g) As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a maximum assessment rate, the assessment roll, and the levy and lien of the fire rescue assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the city council action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any fire rescue assessment not challenged within the required 20-day period for those fire rescue assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.

(h) The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act, or if the alternative method described in section 12-30 hereof is used to collect the fire rescue assessments, such other official as the city council by resolution shall designate. If the fire rescue assessment against

any property shall be sustained, reduced, or abated by the court, an adjustment shall be made on the assessment roll.

Sec. 12-23. Lien of fire rescue assessments.

Upon the adoption of the assessment roll, all fire rescue assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a fire rescue assessment shall be deemed perfected upon the city council's adoption of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for a fire rescue assessment collected under the uniform assessment collection act shall attach to the property included on the assessment roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a fire rescue assessment collected under the alternative method of collection provided in section 12-30 shall be deemed perfected upon the city council's adoption of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

Sec. 12-24. Revisions to fire rescue assessments.

If any fire rescue assessment made under the provisions of this article is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the city council is satisfied that any such fire rescue assessment is so irregular or defective that the same cannot be enforced or collected, or if the city council has failed to include or omitted any property on the assessment roll, which property should have been so included, the city council may take all necessary steps to impose a new fire rescue assessment against any property benefited by the fire rescue assessed costs, following as nearly as may be practicable, the provisions of this ordinance and in case such second fire rescue assessment is annulled, vacated, or set aside, the city council may obtain and impose other fire rescue assessments until a valid fire rescue assessment is imposed.

Sec. 12-25. Procedural irregularities.

Any informality or irregularity in the proceedings in connection with the levy of any fire rescue assessment under the provisions of this article shall not affect the validity of the same after the approval thereof, and any fire rescue assessment as finally approved shall be competent and sufficient evidence that such fire rescue assessment was duly levied, that the fire rescue assessment was duly made and adopted, and that all other proceedings adequate to such fire rescue assessment were duly had, taken, and performed as required by this article; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Sec. 12-26. Correction of errors and omissions.

- (a) No act of error or omission on the part of the property appraiser, tax collector, city manager, city council, or their deputies or employees, shall operate to release or discharge any

obligation for payment of a fire rescue assessment imposed by the city council under the provision of this article.

(b) When it shall appear that any fire rescue assessment should have been imposed under this ordinance against a parcel of property specially benefited by the provision of fire rescue services, facilities, or programs, but that such property was omitted from the assessment roll; or such property was erroneously assessed; or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the city council may, upon provision of a notice by mail provided to the owner of the omitted or erroneously assessed parcel in the manner and form provided in section 12-19, impose the applicable fire rescue assessment for the fiscal year in which such error or omission is discovered, in addition to the applicable fire rescue assessment due for the prior two fiscal years. Such fire rescue assessment shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in article III hereof, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

(c) Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the city manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to a fire rescue assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the fire rescue assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the fire rescue assessment imposed under the provisions of this article. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the city manager and not the property appraiser or tax collector.

(d) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the city manager.

Sec. 12-27. Interim assessments.

(a) An interim fire rescue assessment shall be imposed against all property for which a certificate of occupancy (or building permit, as determined by the city council) is issued after the adoption of the annual rate resolution. The amount of the interim fire rescue assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year for which the interim fire rescue assessment is being imposed. Such monthly

rate shall be imposed for each full calendar month remaining in the fiscal year. A credit shall be granted against the interim fire rescue assessment for any fire rescue assessment paid for the same property for the same time period. In addition to the monthly rate, the interim fire rescue assessment shall also include an estimate of the subsequent fiscal year's fire rescue assessment. Issuance of the certificate of occupancy (or building permit, as determined by the city council) by mistake or inadvertence, and without the payment in full of the interim fire rescue assessment shall not relieve the owner of such property of the obligation of full payment. Any interim fire rescue assessment not collected prior to the issuance of the certificate of occupancy (or building permit, as determined by the city council) may be collected pursuant to the Uniform Assessment Collection Act as provided in section 12-29 of this article, under the alternative collection method provided in section 12-30 or by any other method authorized by law. Any interim fire rescue assessment shall be deemed due and payable on the date the certificate of occupancy (or building permit, as determined by the city council) was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy (or building permit, as determined by the city council).

(b) In the event the city council chooses to collect the interim fire rescue assessment at the time a building permit is issued, the following procedure shall apply:

(1) In the event a building permit expires prior to completion of the Building for which it was issued, and the applicant paid the interim fire rescue assessment at the time the building permit was issued, the applicant may within 90 days of the expiration of the building permit apply for a refund of the interim fire rescue assessment. Failure to timely apply for a refund of the interim fire rescue assessment shall waive any right to a refund.

(2) The application for refund shall be filed with the city manager and contain the following:

- a. The name and address of the applicant;
- b. The location of the property and the tax parcel identification number for the property which was the subject of the building permit;
- c. The date the interim fire rescue assessment was paid;
- d. A copy of the receipt of payment for the fire rescue assessment; and
- e. The date the building permit was issued and the date of expiration.

(3) After verifying that the building permit has expired and that the building has not been completed, the city manager shall refund the interim fire rescue assessment paid for such building.

(4) A building permit which is subsequently issued for a building on the same property which was the subject of a refund shall pay the interim fire rescue assessment as required by this section.

Sec. 12-28. Authorization for exemptions and hardship assistance.

- (a) The city council, in its sole discretion, shall determine on an annual basis whether to provide exemptions from payment of the fire rescue assessment for government property or institutional property whose use is exempt from ad valorem taxation under Florida law. Provided, however, property owned by the City and Orange County (City's contract provider of fire rescue services) is declared exempt from the fire rescue assessment.
- (b) The city council, in its sole discretion, shall determine on an annual basis whether to provide a program of hardship assistance to city residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of the fire rescue assessments.
- (c) On an annual basis, the city council shall designate the funds available to provide any exemptions or hardship assistance. The provision of an exemption or hardship assistance in any one year shall in no way establish a right or entitlement to such exemption or assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the city council. Any funds designated for exemptions or hardship assistance shall be paid by the city from funds other than those generated by the fire rescue assessment.
- (d) Any shortfall in the expected fire rescue assessment proceeds due to any hardship assistance or exemption from payment of the fire rescue assessments required by law or authorized by the city council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the fire rescue assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the city council is improper or otherwise adversely affects the validity of the fire rescue assessment imposed for any fiscal year, the sole and exclusive remedy shall be the imposition of a fire rescue assessment upon each affected tax parcel in the amount of the fire rescue assessment that would have been otherwise imposed save for such reduction or exemption afforded to such tax parcel by the city council.

DIVISION 3. COLLECTION AND USE OF FIRE RESCUE ASSESSMENTS

Secs. 12-29. Method of collection.

- (a) Unless otherwise directed by the city council, the fire rescue assessments shall be collected pursuant to the uniform method provided in the uniform assessment collection act, and the city shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this article may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.

(b) The amount of a fire rescue assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefitted property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided, (1) the collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act, (2) notice is provided to the owner as required under the Uniform Assessment Collection Act, and (3) any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such fire rescue assessment upon certification of a non-ad valorem roll to the tax collector by the city.

Sec. 12-30. Alternative method of collection.

In lieu of using the Uniform Assessment Collection Act, the city council may elect to collect the fire rescue assessments by any other method which is authorized by law or under the alternative collection method provided by this section:

(a) The city council shall provide fire rescue assessment bills by first class mail to the owner of each affected parcel of property that is subject to the fire rescue assessment. The bill or accompanying explanatory material shall include

(1) a brief explanation of the fire rescue assessment,

(2) a description of the unit of measurement used to determine the amount of the fire rescue assessment,

(3) the number of units contained within the parcel,

(4) the total amount of the fire rescue assessment imposed against the parcel for the appropriate period,

(5) the location at which payment will be accepted,

(6) the date on which the fire rescue assessment is due, and

(7) a statement that the fire rescue assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(b) A general notice of the lien resulting from imposition of the fire rescue assessments shall be recorded in the official records of the city. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.

(c) The city council shall have the right to foreclose and collect all delinquent fire rescue assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A fire rescue assessment shall become delinquent if it is not paid within 30 days from the date payment was due, as identified in accordance with paragraph (a)(6) of this section. The city council or its agent shall notify any property owner who is delinquent

in payment of his or her fire rescue assessment within 60 days from the date such assessment was due.

Such notice shall state in effect that the city council or its agent will either

(1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent fire rescue assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or

(2) cause an amount equivalent to the delinquent fire rescue assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.

(d) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the city may be the purchaser to the same extent as any person. The city council or its agent may join in one foreclosure action the collection of fire rescue assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city council and its agents, including reasonable attorney fees, in collection of such delinquent fire rescue assessments and any other costs incurred by the city council as a result of such delinquent fire rescue assessments and the same shall be collectible as a part of or in addition to, the costs of the action.

(e) In lieu of foreclosure, any delinquent fire rescue assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent fire rescue assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.

(f) Notwithstanding the city council's use of an alternative method of collection, the city manager shall have the same power and authority to correct errors and omissions as provided to him or other city officials in section 12-26 hereof.

(g) Any city council action required in the collection of fire rescue assessments may be by resolution.

DIVISION 4. GENERAL PROVISIONS

Sec. 12-31. Applicability.

This article and the city council's authority to impose assessments pursuant hereto shall be applicable throughout the city.

Sec. 12-32. Alternative method.

- (a) This article shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This article, being necessary for the welfare of the inhabitants of the city, shall be liberally construed to effect the purposes hereof.
- (b) Nothing herein shall preclude the city council from directing and authorizing, by resolution, the combination with each other of (1) any supplemental or additional notice deemed proper, necessary, or convenient by the city, (2) any notice required by this article, or (3) any notice required by law, including the Uniform Assessment Collection Act.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as permitted by law.

SECTION 5. Codification. Section 3 of this Ordinance shall be incorporated into the Belle Isle City Code of Ordinances. Any section, paragraph, subsection, letter, heading, or other internal reference may be renumbered, re-lettered, or revised as necessary to carry out the intent of this Ordinance. The term “ordinance” may also be changed to “section,” “article,” or another appropriate term as necessary. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or City Code may be freely made. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener’s error.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon final passage and adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____.

SECOND READING: _____.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Holly Bobrowski	_____	_____	_____
Karl Shuck	_____	_____	_____
Bobby Lance	_____	_____	_____

Beth Lowell	_____	_____	_____
Christopher Oller	_____	_____	_____
Jim Partin	_____	_____	_____

ADOPTED this ____ day of _____, 2026, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA

Mayor Jason Carson

ATTEST:

Yolanda Quiceno, City Clerk

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 26-_____ was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 20____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

CITY OF BELLE SLE, FLORIDA

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: August 4, 2026

To: Honorable Mayor and City Council Members

From: Rick J. Rudometkin, City Manager

Subject: **1st Reading** of Ordinance 26-04 - Artificial Turf

Background:

The Legislature passed a new statute (included below - Sec. 125.572) last year to preempt cities and counties on the regulation of artificial turf installations. The preemption was effectively delayed until FDEP adopted a rule on the requirements for installation of artificial intelligence turf. FDEP recently adopted the attached Rule 62-308.100 on artificial turf. For your consideration, attached is an ordinance amending the City's artificial turf regulations of the code to be consistent with the requirements of the FDEP rule. P&Z voted to move this forward for adoption.

125.572 Regulation of synthetic turf:

- (1) As used in this section, the term "synthetic turf" means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.
- (2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.
- (3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:
 - (a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.
 - (b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.
- (4) The Department of Environmental Protection shall adopt rules to implement this section.

Staff Recommendation:

1st reading of Ordinance 26-04.

Suggested Motion: **None**

1st reading of Ordinance 26-04: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, CITY OF BELLE ISLE CODE OF ORDINANCES; AMENDING SECTION 50-78 GOVERNING ARTIFICIAL TURF REQUIREMENTS; PROVIDING FOR DEFINITIONS; PROVIDING REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF IMPERVIOUS AND PERVIOUS ARTIFICIAL TURF;

PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Alternatives: None

Fiscal Impact: No change

Attachments:

Resolution 26-04

62-308.100 Synthetic Turf

ORDINANCE NO. 26-04

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, CITY OF BELLE ISLE CODE OF ORDINANCES; AMENDING SECTION 50-78 GOVERNING ARTIFICIAL TURF REQUIREMENTS; PROVIDING FOR DEFINITIONS; PROVIDING REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF IMPERVIOUS AND PERVIOUS ARTIFICIAL TURF; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Code of Ordinances currently governs the installation and maintenance of pervious and impervious artificial turf; and

WHEREAS, the City wishes to clarify and enact regulations further governing the installation of artificial turf to comply with Section 125.572, Florida Statutes and Rule 62-308.100, Fla. Admin. Code; and

WHEREAS, the City finds that this Ordinance advances the interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. Amendment of City Code. Section 50-78 of Chapter 50, Article III of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars * * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

Sec. 50-78. – Artificial turf requirements.

* * * * *

(a) *Definitions*. The following terms, phrases, words, and their derivations shall have the meaning given in this section. Words used in the present tense include the future tense; words in the plural tense include the singular tense and vice versa. The words “shall” and “must” is are considered mandatory, and the word “may” is considered permissive.

(1) *Artificial turf* means a dense and continuous surface of synthetic fibers mounted on either a permeable or impermeable backing and of sufficient density and green color to replicate the appearance of healthy natural grass or material otherwise meeting the definition of “synthetic turf” under sec. 125.572(1), Fla. Stat.

* * * * *

(b) *Location*. The installation of artificial turf is permitted on residential, private parks and schools, and commercial sites, and is limited to play areas of public parks and institutions, subject to the requirements of this section. Installation of artificial turf within public and private rights-

of-way is prohibited. ~~Artificial turf may not be installed within 50 feet of any artificial or natural water body.~~

- (1) Buffer zones around natural or man-made waterbodies may be established to protect against erosion and reduce pollution provided that such buffer for artificial turf is no greater or restrictive than what is applicable to natural turf. Where no buffer zone has been established, artificial turf must not be installed within 10 feet of any artificial or natural water body on single-family residential properties of 1 acre or less. This distance shall be measured from the applicable ordinary or mean high water line, except where there is a physical barrier between the artificial turf and the water body (such as, but not limited to, a seawall or bulkhead).
 - a. For all other properties, including commercial, artificial turf must not be installed within 50 feet of any artificial or natural water body.
- (2) Artificial turf is prohibited within drainage features (e.g., retention ponds, swales, etc.) and must not alter the stormwater management system as articulated in Article IV “stormwater management.”
- (3) Installation of artificial turf cannot compromise the health of nearby trees, including damage to tree roots, other than those identified as a noxious weed as defined in Chapter 581, F.S.
 - a. Artificial turf shall not be installed inside tree drip lines, whether on the property or adjacent properties, unless the tree is a noxious weed as defined by Chapter 581, F.S., or unless a certified arborist, using site specific information and best professional judgment, certifies that installation within that drip line would not be harmful to the tree.
- (4) Installation of artificial turf must be designed and installed to prevent pooling or an increase in the stormwater runoff volume, direction, or rates to adjacent properties and, where possible, runoff shall be directed to on-site pervious areas.
- (5) Artificial turf must provide for access to the septic tank for routine pump out.
- (6) Artificial turf shall not cause or contribute to violations of state water quality standards. Any violation of state water quality standards linked to a property owner’s artificial turf shall constitute a violation of this subsection.
- (c) Impervious artificial turf is prohibited. Artificial turf must comply with the minimum rate of permeability as described in paragraph (d)(3)(b)(i).
 - (1) ~~Unless impervious artificial turf is installed over existing impervious surfaces, a permit to establish the impervious surface ratio shall be required to install impervious artificial turf.~~
 - (2) ~~The installation of impervious artificial turf shall be calculated as an impervious surface. Total impervious area calculations shall be submitted with any impervious artificial turf application. The quantity of impervious artificial turf to be incorporated into the landscaping of a property shall be limited to the minimum or based impervious surface ratio for the subject property within the applicable zoning district and location requirements.~~
 - (3) ~~Impervious artificial turf installation in front yards shall require a variance, which may require specific materials, installation techniques, maintenance techniques, and area~~

~~requirements. Furthermore, artificial turf may not be installed in a front yard over sidewalks, driveways, or other surfaces intended for use for vehicular parking.~~

~~(4) Impervious artificial turf must be installed outside of the drip line of any tree.~~

(d) *Pervious artificial turf.*

(1) A building permit shall be required to install pervious artificial turf.

a. Permit requirements. All permits for pervious artificial turf required under this subsection shall include, at a minimum, the following information:

- i. A complete landscape plan showing the area of ~~synthetic~~ artificial turf, area of living plant material, and area and method of separation between these areas;
- ii. Details regarding existing or proposed irrigation proximate to the ~~synthetic~~ artificial turf;
- iii. Brand and type of ~~synthetic~~ artificial turf, including all manufacturer specifications and warranties;
- iv. 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;
- v. A survey of the property, signed and sealed by a licensed surveyor, depicting all existing easements located on the property; and
- vi. A form signed by any holder of an easement on the property consenting to the installation of the ~~synthetic~~ artificial turf within the easement, with an accompanying acknowledgement by the property owner that in the event the easement holder performs work in the easement that it is the property owner's responsibility to repair and replace the ~~synthetic~~ artificial turf disturbed as a result of the work in the easement.
- vii. Proof of testing for per- and polyfluoroalkyl substances (PFAS) performed by manufacturer (such as a nontargeted PFAS test, total fluorine test, etc.).

(2) Pervious artificial turf shall be installed by a Florida licensed general contractor or bonded and insured landscape contractor certified by the manufacturer for installation of the turf.

(3) Material Type

- a. Artificial turf, including backing and infill, must not contain heavy metals or per- and polyfluoroalkyl substances (PFAS).
 - i. Single-family residential properties 1 acre or less may have limited amounts of PFAS material (no more than 50 parts per million of total fluorine).
- b. Artificial turf, including backing and infill, must be disposable under normal conditions at any Chapter 62-701, F.A.C., Florida permitted landfill.

- c. For single-family residential properties 1 acre or less, pervious artificial turf shall preferably have a backing made of a uniform (one square inch) woven material, which precludes the use instead of a solid-backed material with periodic holes.
 - i. All commercial properties must have a backing made of a uniform woven material.
 - d. Underlying subgrade material shall be composed of natural materials (such as gravel, drainfield rock, sand setting, certain fabrics, etc.). and shall be included in the design per the manufacturer's specifications to meet the minimum rate of permeability.
 - i. This subgrade material shall be washed prior to installation to prevent fines from binding. This subgrade must be prepared for positive drainage and consist of evenly graded porous material. Soil beneath this subgrade shall not be compacted to the extent that it adversely impacts percolation.
 - e. If used, infill material shall only be clean silica sand, rock, shell, or other natural material, except that coated silica sand may be used provided that any coating used is non-toxic and meets the requirements described in paragraphs (3)(a) and (3)(b). Rubber or any other synthetic infill material is allowed only within the footprint of playground equipment and must also meet the requirements described in paragraphs (3)(a) and (3)(b). Installation shall be designed to prevent washing away of any infill material off the property.
- (4) The required minimum rate of permeability shall be two and one-half inches per hour and shall not be installed over a surface with a permeability of less than two and one-half inches per hour.
- (5) ~~Underlying material (gravel, drainfield rock, sand setting, fabric, etc.) shall be included in the design per the manufacturer's specifications to meet the minimum rate of permeability.~~
- (6) ~~The specifications of allowable impervious artificial turf shall: simulate the appearance and function of live turf, organic turf, grass, sod, or lawn, as determined by the city; have a minimum "no fade" warranty of at least eight years; be lead free; and be flame retardant.~~
- (5) Prior to installation of artificial turf, the property owner shall enter into an agreement, with and in a form acceptable to the city, providing for the property owner's and its successors' and assigns' scheduled maintenance activities. At the option of the city, such agreement may be recorded in the public records of Orange County, Florida, at the property owner's expense, and be binding on the property and the property owner's successors and assigns.

Among other things, such agreement may provide for: (i) property owner's requirement to remove and/or replace the artificial turf in the future if the artificial turf ceases to function as designed and permitted, is not properly maintained and/or if the expiration of the artificial turf's life expectancy occurs; (ii) the city's remedies in the event property owner fails to comply with its maintenance, repair, and replacement obligations; and (iii) property owner's indemnification and hold harmless of the city and its officials and employees with respect to the artificial turf installation, maintenance, and repair, including any drainage problem that may arise therefrom.

- (6) Installations in the front yard of residential or on any commercial land shall contain areas of living plant material equal to or greater than ten percent of the pervious artificial turf. Living plant material for purposes of this subsection shall include a combination of two or more shrubs, vines, trees, or ground cover in planter areas and/or tree wells separate from the pervious artificial turf. Pervious artificial turf shall be separated from planter areas by a concrete mow strip, non-biodegradable bender board, or other barrier with a minimum thickness of three-eighths inch and minimum depth of four inches, which barrier shall not extend to the bottom of the engineered base for the pervious artificial turf.
- (7) Pervious artificial turf shall be considered natural turf for purposes of calculating permeability.
- (8) Pervious artificial turf shall not be considered environmental or green space.
- (9) Existing or new irrigation under the pervious artificial turf shall be on at least one separate zone from natural irrigation site.
 - a. For single-family residential properties of 1 acre or less, in-ground irrigation systems cannot be used to irrigate artificial turf areas.
 - i. If any in-ground system is already installed, the city may require that irrigation heads be removed and pipe capped.
- (e) *Appearance.* Artificial turf shall consist of materials that appear natural in appearance and color from any public or private rights-of-way, neighboring properties, or natural features (wetlands, lakes, parks, common areas, etc.). The use of indoor/outdoor plastic or nylon carpeting as an installation of artificial turf is prohibited.
- (f) *Maintenance.* All artificial turf shall be maintained in a fadeless condition and shall be kept free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to: cleaning, brushing, and debris removal; repairing of depressions and ruts to maintain a visually-level uniform 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 anchored edging or stakes that can withstand the effects of wind or flooding.

All artificial turf must be replaced if it falls into disrepair with fading, holes, or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

SECTION 3. Codification. Section 2 of this Ordinance shall be codified into the Belle Isle City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance and the City Code may be freely made.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Belle Isle, Florida (the “Effective Date”), and shall apply to all applications for permits received on or after the Effective Date.

ADOPTED this ____ day of _____, 2026, by the City Commission of the City of Belle Isle, Florida.

FIRST READING: August 4, 2026

SECOND READING: _____.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Holly Bobrowski	_____	_____	_____
Karl Shuck	_____	_____	_____
Bobby Lance	_____	_____	_____
Beth Lowell	_____	_____	_____
Christopher Oller	_____	_____	_____
Jim Partin	_____	_____	_____

CITY COUNCIL OF THE
CITY OF BELLE ISLE, FLORIDA

Jason Carson, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Approved as to form and legality

Dan Langley, City Attorney

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 26-04 was duly and legally passed by the Belle Isle City Council, in session assembled on the ____ day of _____, 20____, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

Select Year: 2025 ▾ Go

The 2025 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

Chapter 125
COUNTY
GOVERNMENT

[View Entire Chapter](#)

125.572 Regulation of synthetic turf.—

- (1) As used in this section, the term “synthetic turf” means a manufactured product that resembles natural grass and is used as a surface for landscaping and recreational areas.
- (2) The Department of Environmental Protection shall adopt minimum standards for the installation of synthetic turf on single-family residential properties 1 acre or less in size. The standards must take into account material type, color, permeability, stormwater management, potable water conservation, water quality, proximity to trees and other vegetation, and other factors impacting environmental conditions of adjacent properties.
- (3) Upon the Department of Environmental Protection adopting rules pursuant to subsection (4), a local government may not:
- (a) Adopt or enforce any ordinance, resolution, order, rule, or policy that prohibits, or is enforced to prohibit, a property owner from installing synthetic turf that complies with Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.
- (b) Adopt or enforce any ordinance, resolution, order, rule, or policy that regulates synthetic turf which is inconsistent with the Department of Environmental Protection standards adopted pursuant to this section which apply to single-family residential property.
- (4) The Department of Environmental Protection shall adopt rules to implement this section.
- History.—**s. 1, ch. 2025-140.

**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: August 4, 2026
To: Honorable Mayor and City Council
From: Yolanda Quiceno, City Clerk

Subject: RESOLUTION 26-08 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, EXEMPTING THE CITY FROM SECTION 50-102(A)(9) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The City Attorney prepared Resolution 26-08 to formally exempt the City from the prohibition on canopy shelters contained in Section 50-102(a)(9) of the Land Development Code, as authorized by Section 41-3 of the City Code. Staff noted that the Code's requirement for an affirmative supermajority vote of the City Council to exempt the City from certain provisions demonstrates that there is not an automatic presumption that the City is immune from its own Code. The resolution establishes a formal Council record recognizing that the City may utilize canopy structures on City-owned property when necessary to protect public safety equipment and support municipal operations. The resolution was prompted after questions from residents regarding the apparent difference between the City's canopy and the prohibition on private residential canopies. The exemption is not intended to create a double standard or treat residents differently but rather recognizes the operational necessity of protecting public safety equipment at a City owned facility. Adoption of the resolution provides clarity for future enforcement questions and documents the City's exemption through formal Council action.

Staff Recommendation: Approval of Resolution 26-08

Suggested Motion: I move to adopt Resolution 26-08 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, EXEMPTING THE CITY FROM SECTION 50-102(A)(9) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE as written

Alternatives: Do not advance
Fiscal Impact: N/A at this time
Attachments: Ordinance 26-08

RESOLUTION 26-08

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, EXEMPTING CITY FROM SECTION 50-102(A)(9) OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle (the "City") is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances and resolutions; and

WHEREAS, Section 41-3 of the Belle Isle City Code grants the City Council authority to exempt the City from any requirement of the Land Development Code upon an affirmative vote of a supermajority of its members; and

WHEREAS, Section 50-102(a)(9) of the Belle Isle Land Development Code prohibits canopy shelters, which include any fabric structure built in a tent-like manner used as a shelter for the storage of vehicles or equipment, in residential districts; and

WHEREAS, certain departments of the City have facilities located in residential districts and require canopy shelters to protect sensitive equipment used for law enforcement or other public purposes from exposure to the elements, and it is not feasible to place such equipment inside a permanent structure due to the nature of the equipment and the need for potential rapid deployment of such equipment in the interest of public health and safety; and

WHEREAS, the City Council desires to exempt the City from the restrictions of Section 50-102(a)(9) of the Land Development Code and finds such exemption to be in the best interest of the public welfare of the residents of the City of Belle Isle.

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

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated in this Resolution by reference.

SECTION 2. EXEMPTION FROM LAND DEVELOPMENT CODE. The City Council hereby exempts the City from Section 50-102(a)(9) of the Belle Isle Land Development Code, as it may be amended from time to time. The City Council also ratifies and authorizes any use of canopy structures by the City prior to the effective date of this Resolution.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect upon its adoption.

SECTION 4. SEVERABILITY. If any provision of this Resolution or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.

ADOPTED by a ____ vote at a regular meeting of the City Commission of the City of Belle Isle, Florida, this ____ day of _____, 2026.

**CITY COMMISSION
CITY OF BELLE ISLE, FLORIDA**

[SEAL]

By: _____
Jason Carson, Mayor

ATTEST:

Yolanda Quiceno, City Clerk

Approved as to form and legality for use and reliance by the City of Belle Isle, Florida only:

Daniel W. Langley, City Attorney

City Manager Work Plan Items:

- FY 26/27 Budget:

The FY 26/27 budget process is in full swing, with the first workshop on August 4.

- RFPs:

Modernize Audio/Visual System – RFP is out

- Review/change City Charter:

It is time to review the city charter. We will start discussions and have workshops to go over possible changes after the budget process.

- Annexation:

The city council has put a future annexation study on hold until after the November 2026 election.

- Stormwater Appropriation – THUD:

We are waiting for an answer on the new appropriation request for FY 2027 – flood mitigation, through Rep. Darren Soto for \$3.6M.

- Judge/Daetwyler Dr. Transportation Grant:

FY 26/27 is the anticipated start of this project. We are discussing whether we need an environmental study.

- Hurricane Ian:

FEMA is going to give us a letter of the findings soon. Hopefully they accept the updated documentation that was submitted by us. We continue to wait...

- Hoffner Ave Traffic Improvements Grant:

The city has the fully executed State Funded Grant Agreement (SFGA agreement) between the city and the Florida Department of Transportation (FDOT). The city has no match money for this project. The new project scope has been submitted. We are waiting for an answer for the new scope's approval.