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ORDINANCE NO. 22-06

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A 180-DAY MORATORIUM ON THE USE OF ARTIFICIAL TURF FOR LANDSCAPING; PROVIDING THAT THE CITY SHALL NOT ACCEPT, PROCESS, OR CONSIDER APPLICATIONS FOR THE INSTALLATION OF ARTIFICIAL TURF DURING THE MORATORIUM; PROVIDING FOR EXTENSION, EXPIRATION, AND RENEWAL OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, NONCODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Belle Isle, Florida (the "City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS the City has experienced significant problems and issues relating to the installation of artificial turf in residential areas; and

WHEREAS in order to address the problems, issues, impacts, and concerns and prevent long term detrimental impacts to residents, property values, water quality and other adverse impacts from artificial turf, the City has determined that it is in the best interests of the City and its residents to adopt a 180-day moratorium on artificial turf within the City in order for the City Planning and Zoning

1 Commission and the City Council to evaluate and adopt changes to the City Code
2 provisions governing artificial turf so as to ensure that the standards and
3 criteria governing artificial turf can be reviewed and revised to eliminate or
4 reduce problems, issues, impacts and concerns associated with artificial turf and
5 to ensure that the installation and maintenance of artificial turf will be
6 consistent with the City's character, Comprehensive Plan, and the public welfare;
7 and

8
9 **WHEREAS,** the City Council has directed the City Manager and City staff to
10 evaluate the problems, issues, impacts and concerns occurring in the City related
11 to artificial turf, including without limitation, water quality, runoff and
12 potential flooding, the impact on existing homes and the character of
13 neighborhoods, matters pertaining to safety, aesthetics, home and property
14 valuations and other matters; and

15
16 **WHEREAS,** the City has determined that the moratorium imposed by this
17 Ordinance is in the interests of the public health, safety, and welfare; that the
18 moratorium is necessary and is of the minimum duration that will allow the City to
19 study problems associated with artificial turf, develop, and adopt new
20 regulations; that the moratorium will not deny property owners the use of their
21 property nor impose an unreasonable burden on such use; that the moratorium
22 imposes a reasonable and non-extraordinary delay on artificial turf; and that the
23 moratorium will not reduce property values; and

1 **WHEREAS**, at a public meeting on March 22, 2022, the Planning and Zoning
2 Commission adopted a motion to recommend the City Council impose a 180-day
3 moratorium on the installation of artificial turf; and

4
5 **WHEREAS**, the City Council directed the City Attorney's office to prepare
6 this Ordinance imposing a moratorium on artificial turf;

7
8 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,**
9 **FLORIDA:**

10 **SECTION 1: RECITALS.** The foregoing recitals are ratified and confirmed as
11 being true and correct and are hereby made a part of this Ordinance.

12 **SECTION 2. TEMPORARY MORATORIUM.** Beginning on the effective date of this
13 Ordinance and continuing for a period of 180 days, a moratorium is hereby imposed
14 upon the installation of artificial turf. During the moratorium, the City will
15 not accept, process, or consider applications for artificial turf.

16 **SECTION 3. EXPIRATION & EXTENSION OF MORATORIUM.** The temporary moratorium
17 imposed by Section 2 of this Ordinance expires 1800 days from the effective date
18 of this Ordinance. The moratorium may be terminated, renewed, or extended for any
19 period of time by the adoption of an ordinance or resolution of the City Council.

20 **SECTION 4. NONCODIFICATION.** This Ordinance shall not be codified.

21 **SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause,
22 phrase, word or provision of this Ordinance is for any reason held invalid or
23 unconstitutional by any court of competent jurisdiction, whether for substantive,
24

1 procedural, or any other reason, such portion shall be deemed a separate, distinct
2 and independent provision, and such holding shall not affect the validity of the
3 remaining portions of this Ordinance.

4 **SECTION 6. CONFLICTS.** In the event of a conflict or conflicts between this
5 Ordinance and any other Ordinance or provision of law, this Ordinance controls to
6 the extent of the conflict, as allowable under the law.
7

8 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective
9 immediately upon adoption by the City Council of the City of Belle Isle, Florida.

10 FIRST READING: April 5, 2022

11 SECOND READING: April 19, 2022

12
13 ADOPTED this 19th day of April, 2022, by the City Council of the City of
14 Belle Isle, Florida.

	YES	NO	ABSENT
15			
16 Ed Gold	_____	_____	_____
17 Anthony Carugno	_____	_____	_____
18 Karl Shuck	_____	_____	_____
19 Randy Holihan	_____	_____	_____
20 Beth Lowell	_____	_____	_____
21 Stan Smith	_____	_____	_____
22 Jim Partin	_____	_____	_____
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CITY OF BELLE ISLE, FL

ATTEST: _____

Yolanda Quiceno, CMC
City Clerk

Nicholas Fouraker, Mayor

Approved as to form and legality
A. Kurt Ardaman, 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 22-06 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2022, at which session a quorum of its members were present.

Notary Yolanda Quiceno, CMC-City Clerk