



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

April 28, 2017

To: City Council

From: April Fisher, Planning Consultant

Re: Code Update- Follow Up to April 26, 2016 Workshop- Height Amendment

At the April 26, 2016 Planning and Zoning Board meeting, there was a workshop on updates needed the Belle Isle Land Development Code. One of those items was a discussion on height of non-habitable appurtenances on buildings. It is customary in land development codes to allow for additional height for certain building appurtenances.

Currently, the Code does not make provision for allowing additional height for these types of appurtenances. Please see below:

Sec. 54-153. - Height.

(a) Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, parapet wall and similar structures and their necessary mechanical appurtenances may not be erected above the *height* limits herein established.

(b) Applicants/owners may apply for a variance to this section in accordance with the regulations set forth in this Land Development Code; however, the heights of these structures or appurtenances thereto shall not exceed the *height* limitations prescribed by the Federal Aviation Administration within the flight approach zone patterns of airports.

We discussed at that meeting bringing forward revisions to allow for limited additional height if certain conditions are met.

Planning and Zoning Board Recommendation

The Planning and Zoning Board held a public hearing to review proposed revisions at their April 25, 2017 meeting. The Board recommends approval of Ordinance 17-04, which provides

alternative language to revise Sec. 54-153 to allow for this. The revised language is provided below. Stricken language will be removed from the Code and underlined is to be added.

Sec. 54-153. - Height.

- (a) ~~Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, parapet wall and similar structures and their necessary mechanical appurtenances may not be erected above the height limits herein established.~~ Exceptions to height restrictions. The height limitations contained in the site and building requirements of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, elevator penthouses and bulkheads, ventilators, chimneys, or other appurtenances that extend above the roof and will not allow for human occupancy so long as they are limited to less than ten feet more than the allowable district height limitations and have a projected width of no more than ten feet or fifteen percent of the projected building width, whichever is greater, and are architecturally integrated into the design of the building. A site plan must be reviewed and approved by the Board to exceed district height limitations pursuant to this section.
- (b) Applicants/owners may apply for a variance to this section in accordance with the regulations set forth in this Land Development Code; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Federal Aviation Administration within the flight approach zone patterns of airports.

Next Steps

City Council may approve, approve with changes, or deny the proposed Ordinance 17-04. This is the first public hearing on the ordinance, a second public hearing is required for action and is scheduled for May 16, 2017.

Attachments:

- Ordinance 17-04

1 WHEREAS, the City Council held two (2) public hearings on May 2, 2017, and May 16, 2017, to receive public
2 comments, and considered the recommendation of the Planning and Zoning Board and the proposed revised
3 height regulations; and

4
5 WHEREAS, the Board has found and determined that the adoption of the proposed height regulations will foster
6 and preserve the public health, safety and welfare and aid in the harmonious, orderly and progressive
7 development of the City, and thus serve a valid public purpose.

8
9 BE IT ORDAINED by the City Council of Belle Isle, Florida:

10 SECTION 1. The revisions to Sec. 54-153 are hereby identified below in strike-through and underline format:

11 Sec. 54-153. - Height.

12 (a) ~~Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and~~
13 ~~scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, parapet wall and similar~~
14 ~~structures and their necessary mechanical appurtenances may not be erected above the height limits~~
15 ~~herein established.~~ Exceptions to height restrictions. The height limitations contained in the site and
16 building requirements of district regulations do not apply to spires, belfries, cupolas, antennas, water
17 tanks, elevator penthouses and bulkheads, ventilators, chimneys, or other appurtenances that
18 extend above the roof and will not allow for human occupancy so long as they are limited to less
19 than ten feet more than the allowable district height limitations and have a projected width of no
20 more than ten feet or fifteen percent of the projected building width, whichever is greater, and are
21 architecturally integrated into the design of the building. A site plan must be reviewed and approved
22 by the Board to exceed district height limitations pursuant to this section.

23 (b) Applicants/owners may apply for a variance to this section in accordance with the regulations set
24 forth in this Land Development Code; however, the heights of these structures or appurtenances

1 thereto shall not exceed the height limitations prescribed by the Federal Aviation Administration
2 within the flight approach zone patterns of airports.
3

4 SECTION 2. Severability. If any word, phrase, sentence, clause or other portion of this Ordinance is determined
5 to be invalid, void or unconstitutional, the remainder of this Ordinance shall remain in effect.
6

7 SECTION 3. Effective date. This Ordinance shall take effect immediately upon adoption.
8

9 First Reading held this 2nd day of May, 2017

10 Second Reading held this 16th day of May, 2017

11 Advertised for Second Reading on the 6th day of May 2017.
12
13
14

	YES	NO	ABSENT
15			
16 Ed Gold	_____	_____	_____
17			
18 Anthony Carugno	_____	_____	_____
19			
20 Jeremy Weinsier	_____	_____	_____
21			
22 Bobby Lance	_____	_____	_____
23			
24 Harvey Readey	_____	_____	_____
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Lenny Mosse _____

Sue Nielsen _____

LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

Frank Kruppenbacher, 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 17- was duly and legally passed by the Belle Isle City Council, in session assembled on the
_____ day of _____ 2017, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk