

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

ORDINANCE NO. XX-XX

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE SECTION 50-102 ACCESSORY STRUCTURES TO ALLOW THE INSTALLATION OF FENCES AND WALLS IN FRONT YARDS WITHIN CERTAIN DEFINED OVERLAY AREAS AND CREATING RESTRICTIONS FOR SUCH FENCES AND WALLS: PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle Land Development Code currently restricts fences in front yards; and

WHEREAS, the City wishes to allow fences and walls in front yards, set height restrictions for such fences and walls, and create rules for the installation of such fences and walls that will enhance the safety of drivers, pedestrians, and property owners; and

WHEREAS, the City further wishes to add additional fence and wall requirements specific to the Hoffner Avenue overlay district, Lake Conway Estates sub-overlay district, and the Daetwyler Drive overlay district due to those districts' unique nature; and

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

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

1 Section 1. Recitals. The foregoing recitals are hereby ratified and  
2 confirmed as being true and correct and are hereby made a part of this Ordinance  
3 as legislative findings.

4 Section 2. City Code Amendment. Section 50-102 in Chapter 50, Article IV  
5 of the City Code of Ordinances is hereby amended, all as follows (words that are  
6 stricken out are deletions; words that are underlined are additions; stars \* \* \* \*  
7 \* indicate breaks between sections, subsections, or paragraphs and do not indicate  
8 changes to the City Code; provisions not included are not being amended):

9 Sec. 50-102. - Accessory structures.

10 \* \* \* \* \*

11 (b) *Fences and walls*.

12 \* \* \* \* \*

13 (5) *Maximum height and permitted locations of fences, walls, and privacy*  
14 *screens*.

15 a. Except as provided in subsection (b) (5)b of this section, fences and walls  
16 shall be limited to a maximum height of six feet above the natural grade in the  
17 rear and side yards. ~~No fences or walls shall be permitted in front yards. The~~  
18 maximum height for a front yard fence or wall shall be four feet above the natural  
19 grade. In the front yard, chain link fences shall be prohibited.

20 1. All gates shall maintain a minimum setback of 20 feet from the edge of the  
21 roadway. Roadway shall indicate the improved or paved portion, but does not  
22 include the entirety, of the right-of-way.

23 b. A maximum fence height of eight feet shall be permitted in the following  
24 situations:

1 1. The property line along which the fence will be installed abuts a boat ramp  
2 facility, public park, or commercially zoned property.

3 2. The property owner constructing the fence has obtained the written consent  
4 of all owners of property that either share a property line and property corner  
5 along which the fence or wall will be installed and of any owner of the property  
6 with a property line within 50 feet of the fence or wall to be installed.

7 c. Residential property owners shall not construct an additional fence or wall  
8 that abuts any subdivision or commercial screening wall and can be viewed from the  
9 abutting public right-of-way, street, sidewalk, or abutting other public access  
10 areas.

11 \* \* \* \* \*

12 (7) *Construction of fences or walls near Lake Conway.* No fence or wall located  
13 within 35 feet of ~~the 86.9 contour line of Lake Conway's~~ normal high water line  
14 shall exceed four feet in height.

15 (8) *Location along lot lines.* A structural fence or wall shall be erected so  
16 that the entire fence and all supporting structures are entirely on the owner's  
17 property. Fence posts and all other supporting structures, as well as the rough  
18 side of the fence, if any, shall face the owner's property, except when said fence  
19 separates a residential lot from a business or industrial lot. No inspection or  
20 ~~any~~ permit issued by the city shall be any evidence or guarantee that the fence  
21 has been so correctly located on the subject property.

22 \* \* \* \* \*

23 (13) *Obstruction of visibility.* No fence or wall shall be constructed, nor shall  
24 anything be placed, planted or allowed to grow in such a manner as to obstruct or  
25

1 impair visibility of oncoming vehicular or pedestrian traffic from any intersecting  
2 street, driveway or alley way.

3 a. An area clear of sight obstructions shall be provided between the height of 2.5  
4 and 8 feet.

5 b. A clear view triangle for a driveway is formed on each side of the driveway by  
6 measuring the distance of 70 feet along the right-of-way and 10 feet along the edge  
7 of the driveway.

8 (14) *Existing fences.* Any fence or wall which is erected and in violation of this  
9 chapter at the time of its passage shall be exempt from the requirements of this  
10 chapter, excluding those requirements of 50-102(b)(11), unless such fence or wall  
11 is deemed a traffic or safety hazard.

12 (15) *Nonconforming fences.* All fences, walls, or privacy screens in violation of  
13 this chapter at the time of its passage shall be governed by the following  
14 conditions: Any fence, wall, or privacy screen that is in violation of the section  
15 and is determined to be a traffic or safety hazard shall be made to conform to  
16 this chapter three months from such determination. No portion of a nonconforming  
17 fence, wall, or privacy screen shall be enlarged, extended, or structurally  
18 altered except to make it conform to this chapter.

19 \* \* \* \* \*

20 (17) Overlay Districts.

21 a. Hoffner Avenue

22 1. Fences and walls abutting Hoffner Avenue shall be limited to a maximum  
23 height of six feet above the natural grade in the front yard.

1 2. All gates shall maintain a minimum setback of 20 feet from the right-of-way  
2 line abutting the private property line.

3 3. Lake Conway Estates Sub-overlay

4 i. Masonry walls within Lake Conway Estates adjoining Hoffner Avenue shall be  
5 limited to a maximum height of eight feet above the natural grade within the  
6 right-of-way, provided the wall conforms to the Belle Isle approved wall materials  
7 and design requirements.

8 ii. A masonry wall may encroach within the northerly five feet and southerly  
9 five feet of the Hoffner Avenue right-of-way in Lake Conway Estates, or a maximum  
10 encroachment of ten feet with the City Council approval, providing that the wall  
11 accommodates existing trees and utilities in the surrounding area and aligns with  
12 the existing subdivision wall.

13 iii. All privately owned fences and walls shall be located on such private  
14 property, shall not encroach into the Hoffner Avenue right-of-way, and must meet  
15 all other requirements of this section.

16 b. Daetwyler Drive

17 1. Property owners may build an opaque fence or wall in the front yard at a  
18 maximum height of six feet from the grade as it abuts the Daetwyler Drive right-  
19 of-way.

20 2. All gates shall maintain a minimum setback of 20 feet from the right-of-way  
21 line abutting the private property line.

22 Section 3. Codification. Section 2 of this Ordinance will be incorporated into  
23 the Belle Isle City Code. Any section, paragraph number, letter and/or any  
24 heading may be changed or modified as necessary to effectuate the foregoing.

1 Grammatical, typographical, and similar or like errors may be corrected, and  
2 additions, alterations, and omissions not affecting the construction or meaning  
3 of this Ordinance and the City Code may be freely made.

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

11  
12 Section 5. Conflicts. In the event of a conflict or conflicts between this  
13 Ordinance and any other Ordinance or provision of law, this Ordinance governs and  
14 controls to the extent of any such conflict.

15  
16 Section 6. Effective Dates. This Ordinance shall become effective immediately  
17 upon adoption by the City Commission of the City of Belle Isle, Florida (the  
18 "Effective Date") and shall apply to all applications for permits received on or  
19 after the Effective Date.

20  
21 First Reading held on September 3, 2024.

22 Second Reading held on \_\_\_\_\_.

1 ADOPTED at a regular meeting of the City Commission of the City of Belle Isle,  
2 Florida, held in City Hall, Belle Isle, on this \_\_\_\_\_ day of \_\_\_\_\_,  
3 2023.

	YES	NO	ABSENT
4 Ed Gold	_____	_____	_____
5 Anthony Carugno	_____	_____	_____
6 Karl Shuck	_____	_____	_____
7 Randy Holihan	_____	_____	_____
8 Beth Lowell	_____	_____	_____
9 Stanley Smith	_____	_____	_____
10 Jim Partin	_____	_____	_____
11			
12			

13 ATTEST: \_\_\_\_\_ CITY OF BELLE ISLE  
14 Yolanda Quiceno, CMC-City Clerk \_\_\_\_\_  
15 Nicholas Fouraker, Mayor

16 \_\_\_\_\_  
17 Approved as to form and legality  
18 For use and reliance by  
19 Giffin Chumley, City Attorney

20 STATE OF FLORIDA  
21 COUNTY OF ORANGE

22 I, Yolanda Quiceno, City Clerk of the City of Belle Isle, do hereby certify that  
23 the above and foregoing document ORDINANCE XX-XX was duly and legally passed by

24  
25

1 the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of  
2 \_\_\_\_\_ 2024. At this session, a quorum of its members was present.

3

4

5 Yolanda Quiceno, CMC-City Clerk

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25