



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 of the  
5 City Code of Ordinances is hereby amended, all as follows (words that are stricken  
6 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 natural grade in the rear  
17 and side yards. ~~No fences or walls shall be permitted in front yards.~~ The maximum  
18 height for any front yard fence or wall shall be four feet.

19 1. If a driveway gate is installed, then the gate must be setback 25 feet away  
20 from the edge of the road. For purposes of calculating the distance, road means  
21 the improved or paved portion but does not include the entirety of the right-of-  
22 way. |

23 b. A maximum fence height of eight feet shall be permitted in the following  
24 situations:  
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**Commented [A1]:** Staff recommends adjusting the verbiage to:  
A driveway gate shall be setback [...] from the edge of the public street or private roadway."

**Commented [A2]:** Staff recommends omitting language.

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 ~~26.9~~ normal high water contour line of Lake Conway shall  
14 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 (14) *Existing fences.* Any fence or wall which is erected and in violation of this  
24 chapter at the time of its passage shall be exempt from the requirements of this  
25

chapter, excluding those requirements of 50-102(b) (11), unless such fence or wall is deemed a traffic or safety hazard.

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

\* \* \* \* \*

(17) Overlay Districts.

a. Hoffner Avenue

1. All properties within Belle Isle City Limits adjoining Hoffner Avenue may install a front or side yard fence or wall with a maximum height of six feet.

2. If a driveway gate is installed, the gate shall be at least 20 feet outside the right-of-way line. A sight triangle of at least 15 feet from the driveway to the right-of-way shall be provided.

3. Lake Conway Estates Sub-overlay

i. For all properties that are part of Lake Conway Estates adjoining Hoffner Avenue's right-of-way, a masonry wall up to eight feet high may be constructed in the vicinity of the Hoffner Avenue right-of-way line, provided that wall conforms to the Belle Isle approved wall materials and design requirements. The property owner must pay for such wall, but ownership and maintenance shall be transferred

**Commented [A3]:** Staff recommends omitting language as fence code already allows a side yard fence to be 6 ft in height.

**Commented [A4]:** Staff recommends verbiage be changed to:  
The installation of a driveway gate shall be at least 20 feet from the property line.

**Commented [A5]:** 1. An illustration and definition of a sight triangle would be useful and more user-friendly to readers. Or change "sight triangle" to "sight distance."  
2. Some residential driveways have two points of access. Would the proposed sight triangle be measured from the outer edges of a driveway or from the centerline of the driveway?  
3. Should the proposed sight triangle provided by the homeowner include existing landscaping and hardscaping features to ensure no obstruction in visibility per sec. 50-102 (b) (13)?  
4. Would the city obligate the homeowner(s) to maintain clear sight triangles for driveway approaches over time?  
5. If the sight triangle possesses hardscape or landscape, is the application denied? Or would it be determined by City Staff or the P&Z Board?  
6. Aspects to consider for sight triangle, the placement and height of objects within the area.

**Commented [A6]:** Staff recommends omitting the Lake Conway Estates Sub-overlay section based on input from legal counsel. The proposed language for sec. (17) (a) (3) may be a matter determined between the HOA and the homeowner.

1 to Lake Conway Estates Homeowner's Association along with a 15-foot maintenance  
2 easement at the completion of construction.

3 ii. In order to preserve as many trees as possible and avoid interfering with  
4 existing utility lines, the alignment of the masonry wall may be allowed to  
5 encroach into the Hoffner Avenue right-of-way by a maximum of ten feet in wall  
6 easements granted to Lake Conway Estates Residents' Association by the City of  
7 Belle Isle's Ordinances 98-4 and 99-1. Such encroachment is available but  
8 discouraged and is subject to prior approval by the City to determine if  
9 reasonably necessary to achieve the above objectives.

10 iii. If a property owner wishes to maintain ownership of the masonry wall on the  
11 property owner's property, the entire wall must be located on such property and  
12 must not stray into the Hoffner Avenue right-of-way. Under this condition, it is  
13 not necessary for the wall to be built using the Belle Isle-approved wall  
14 materials and design. If the wall is not built according to the Belle Isle-  
15 approved wall materials and design, then the maximum height of the wall is six  
16 feet.

17 b. Daetwyler Drive

18 1. Due to continuing increases in traffic on Daetwyler Drive, property owners  
19 may build an opaque fence or wall to a height of up to six feet in the front or  
20 side yard that adjoins the Daetwyler Drive right-of-way.

21 2. If a gate is installed, there must be a gate recess of 20 feet behind the  
22 right-of-way.

23 Section 3. Codification. Section 2 of this Ordinance will be incorporated into  
24 the Belle Isle City Code. Any section, paragraph number, letter and/or any  
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**Commented [A7]:** The city's fence requirements acknowledges:  
1. Property owners must construct a fence or wall on or within their property lines under sec. 50-102 (b) (1).  
2. Fences are allowed to be six feet in height, or eight feet in height with neighbors' consent under sec. 50-102 (b) (5).  
3. Belle Isle approved wall materials are detailed under sec. 50-102 (b) (1).

**Commented [A8]:** Staff recommends omitting language. An explanation is not required.

**Commented [A9]:** Should an "opaque" percentage be assigned? The code state a minimum or maximum opaque percentage requirement for non-residential districts.

**Commented [A10]:** Staff recommends omitting language.

**Commented [A11]:** Staff recommends adjusting the verbiage to  
"A gate installation shall have a gate recess of 20 feet from the property owner's lot line."

1 heading may be changed or modified as necessary to effectuate the foregoing.  
2 Grammatical, typographical, and similar or like errors may be corrected, and  
3 additions, alterations, and omissions not affecting the construction or meaning  
4 of this Ordinance and the City Code may be freely made.

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

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

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

21  
22 First Reading held on \_\_\_\_\_.

23 Second Reading held on \_\_\_\_\_.

24

25

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.

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

13  
14 ATTEST: \_\_\_\_\_ CITY OF BELLE ISLE

15 Yolanda Quiceno, CMC-City Clerk

16 \_\_\_\_\_

17 Nicholas Fouraker, Mayor

18 \_\_\_\_\_

19 Approved as to form and legality

20 For use and reliance by

21 Giffin Chumley, City Attorney

22

23 STATE OF FLORIDA

24 COUNTY OF ORANGE

25

1 I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle, do hereby certify that  
2 the above and foregoing document ORDINANCE 23-05 was duly and legally passed by  
3 the Belle Isle City Council, in session assembled on the \_\_\_\_\_ day of  
4 \_\_\_\_\_2023. At this session, a quorum of its members was present.

5

6 \_\_\_\_\_

7 Yolanda Quiceno, CMC-City Clerk

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