

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

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

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11 (17) *Overlay Districts.*

12 a. *Hoffner Avenue*

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

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

18 3. *Lake Conway Estates Sub-overlay*

19 i. For all properties that are part of Lake Conway Estates adjoining Hoffner  
20 Avenue's right-of-way, a masonry wall up to eight feet high may be constructed in  
21 the vicinity of the Hoffner Avenue right-of-way line, provided that wall conforms  
22 to the Belle Isle approved wall materials and design requirements. <sup>Payment for such</sup> The property  
23 owner must pay for such wall, but ownership and maintenance shall be transferred  
24 wall may be by any legal means

24 **It is possible the property owner may get cost participation of neighbors, donors, grants and such. The key**  
25 **provision is that the wall reverts to ownership by LCERA.**

It may not be necessary to have a 15' easement on the subject property if the wall is 10' out in the right of way. That is why it is specified from the centerline of the wall.

1 to Lake Conway Estates Homeowner's Association along with a 15-foot maintenance  
2 from the centerline of the wall on any private property  
3 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 The ordinances have specific rules so making it in "accord with" will prompt reading those easements.  
7 easements granted to Lake Conway Estates Residents' Association by the City of  
8 Belle Isle's Ordinances 98-4 and 99-1. Such encroachment is available but  
9 discouraged and is subject to prior approval by the City to determine if  
10 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 and will have a  
15 materials and design. If the wall is not built according to the Belle Isle-  
16 approved wall materials and design, then the maximum height of the wall is limited to  
17 six  
18 feet.

I believe this is clearer and more concise. The original wording implies any wall not meeting the design requirement is limited to 6'. It is possible someone could build a wall according to the approved design and wish to maintain ownership. In that case they should also be limited to the 6' height. Ownership is the issue, not the design.

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. Include site triangle language from pg, 40 lines 16 and 17 for consistency.

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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