

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:

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~~ 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

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.

10 * * * * *

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. The property
23 owner must pay for such wall, but ownership and maintenance shall be transferred

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

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

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25