

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 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 at least 20
20 feet away from the edge of the road. For purposes of calculating the distance,
21 road means the improved or paved portion but does not include the entirety of the
22 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 contour
14 line 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 (14) *Existing fences.* Any fence or wall which is erected and in violation of this
4 chapter at the time of its passage shall be exempt from the requirements of this
5 chapter, excluding those requirements of 50-102(b)(11), unless such fence or wall
6 is deemed a traffic or safety hazard.

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

14 * * * * *

15 (17) *Overlay Districts.*

16 a. *Hoffner Avenue*

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

19 2. If a driveway gate is installed, the gate shall maintain a minimum setback
20 of 20 feet from the right-of-way line abutting the private property line. An area
21 clear of sight obstructions shall be provided, between the height of 2.5 and 8
22 feet, bounded by the point of intersection of the edge of the driveway and the
23 near edge of the nearest intersecting sidewalk or roadway and measuring 10 feet

1 toward the property and 70 feet along said near edge of the nearest intersecting
2 sidewalk or roadway.

3 3. Lake Conway Estates Sub-overlay

4 i. For all properties that are part of Lake Conway Estates adjoining Hoffner
5 Avenue's right-of-way, a masonry wall up to eight feet high may be constructed in
6 the vicinity of the Hoffner Avenue right-of-way line, provided that wall conforms
7 to the Belle Isle approved wall materials and design requirements. Payment for
8 such wall may be by any legal means. The property owner must pay for such a wall,
9 but ownership and maintenance shall be transferred to Lake Conway Estates
10 Homeowner's Association along with a 15-foot maintenance easement from the
11 centerline of the wall on any private property at the completion of construction.

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

19 iii. If a property owner wishes to maintain ownership of the masonry wall on the
20 property owner's property, the entire wall must be located on such property and
21 must not stray into the Hoffner Avenue right-of-way. Under this condition, it is
22 not necessary for the wall to be built using the Belle Isle-approved wall
23 materials and design. If the wall is not built according to the Belle Isle-

1 approved wall materials and design, then the maximum height of the wall is limited
2 to six feet.

3 b. Daetwyler Drive

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

7 2. If a driveway gate is installed, the gate shall maintain a minimum setback
8 of 20 feet from the right-of-way line abutting the private property line.

9 Section 3. Codification. Section 2 of this Ordinance will be incorporated into
10 the Belle Isle City Code. Any section, paragraph number, letter and/or any
11 heading may be changed or modified as necessary to effectuate the foregoing.
12 Grammatical, typographical, and similar or like errors may be corrected, and
13 additions, alterations, and omissions not affecting the construction or meaning
14 of this Ordinance and the City Code may be freely made.

15
16 Section 4. Severability. If any section, subsection, sentence, clause, phrase,
17 word, or provision of this Ordinance is for any reason held invalid or
18 unconstitutional by any court of competent jurisdiction, whether for substantive,
19 procedural, or any other reason, such portion shall be deemed a separate,
20 distinct, and independent provision, and such holding shall not affect the
21 validity of the remaining portions of this Ordinance.

1 Section 5. Conflicts. In the event of a conflict or conflicts between this
2 Ordinance and any other Ordinance or provision of law, this Ordinance governs and
3 controls to the extent of any such conflict.

4
5 Section 6. Effective Dates. This Ordinance shall become effective immediately
6 upon adoption by the City Commission of the City of Belle Isle, Florida (the
7 "Effective Date") and shall apply to all applications for permits received on or
8 after the Effective Date.

9
10
11 First Reading held on September 5, 2023

12 Second Reading held on _____.

13
14 ADOPTED at a regular meeting of the City Commission of the City of Belle Isle,
15 Florida, held in City Hall, Belle Isle, on this _____ day of _____,
16 2023.

17	YES	NO	ABSENT
18 Ed Gold	_____	_____	_____
19 Anthony Carugno	_____	_____	_____
20 Karl Shuck	_____	_____	_____
21 Randy Holihan	_____	_____	_____
22 Beth Lowell	_____	_____	_____
23 Stanley Smith	_____	_____	_____
24 Jim Partin	_____	_____	_____

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ATTEST: _____

CITY OF BELLE ISLE

Yolanda Quiceno, CMC-City Clerk

Nicholas Fouraker, Mayor

Approved as to form and legality

For use and reliance by

Giffin Chumley, 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 23-05 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2023. At this session, a quorum of its members was present.

Yolanda Quiceno, CMC-City Clerk