



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle

Held the 4th Tuesday of Every Month

Tuesday, June 27, 2023 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – OPEN

District 4 member – Vinton Squires | District 6 member – Andrew Thompson

District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at www.belleislefl.gov. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

- 1. Call to Order and Confirmation of Quorum**
- 2. Invocation and Pledge to Flag** – Board Member Hobbs, District 7
- 3. Approval of Minutes**
 - [a.](#) Approval of P&Z Meeting Minutes - April 25, 2023
 - [b.](#) Approval of P&Z Meeting Minutes - May 23, 2023
- 4. Public Hearings**
 - [a.](#) Public Hearing #2023-05-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (6), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE WITHIN THE RIGHT-OF-WAY AND WITHIN 20 FEET OF A CORNER INTERSECTION OF STREET RIGHTS-OF-WAY, SUBMITTED BY APPLICANT STONE SHIF, LOCATED AT 2503 HOMEWOOD DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #19-23-30-5888-02-100.
- 5. Other Business**
 - [a.](#) Discussion and Review of Artificial Turf Ordinance 23-04
 - [b.](#) Discussion and Review on Amending Fences and Walls Ordinance 23-05
- 6. Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. --Page 1 of 1



**CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING**

**Tuesday, April 25, 2023, * 6:30 pm
MINUTES**

The Belle Isle, Planning & Zoning Board met on April 25, 2023, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Conduff
Board member Woods
Board member Shenefelt
Board member Thompson
Board member Hobbs

Absent was:

District 3 - Vacant
Board member Squires

Also present were Interim City Manager Travis Grimm, Attorney Chumley, and City Planner Raquel Lozano.

1. **Invocation and Pledge to Flag** – Board member Hobbs, District 7
Board Member Hobbs gave the invocation and led the pledge to the flag.
2. **Call to Order and Confirmation of Quorum**
Chairman Conduff opened the meeting at 6:30 pm and confirmed the quorum.
3. **Approval of Minutes**
 - a. Approval of February 28, 2023, meeting minutes
 - b. Approval of April 11, 2023, meeting minutes

Vice Chairman Woods moved to approve the minutes as presented.
Chairman Coduff seconded the motion, which passed unanimously 5:0.

4. Public Hearings

PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO CONSTRUCT A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Vice Chairman Woods read the Public Hearing by Title.

City Planner Raquel Lozano provided her staff report, and based on the variance request for the fence five feet in height within 35 feet of the NHWE line, Staff recommends that the Board not approve the requested variance for the rear fence as the application does not meet the conditions for a variance request per sec. 42-64 (1) (d-f). Should the Board approve the fence five feet in height, Staff recommends a condition for the fence variance to enclose the entire pool perimeter under construction to ensure all safety measures are met per Florida Building Code.

- Under sec. 42-64 (1) (d), the physical conditions and circumstances of the property do not inhibit the applicant from meeting the code requirements for fences per sec. 50-102 (b) (7).
- Under sec. 42-64 (1) (e), personal hardship is not grounds for a variance.

- Under sec. 42-64 (1) (f), the request to install a fence five feet in height is self-created based on the aesthetic preferences of the homeowner and the neighboring property owners.
- Under sec. 42-64 (1) (g), the request may be construed as aligning with public interest based on the letters of consent from the next-door neighbors affected by the proposed fence plan.

As for the request to install a gate in the rear yard to access the neighboring properties, the applicant could face potential issues with trespassing onto private property.

Please note that the Board may approve the proposed variance application as presented to them, approve with specific conditions, and continue the application if additional information is being requested for consideration, or deny the application, citing which criteria are not met. A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.

The applicant, Christopher Heath, spoke on his request and said his first decision was not to install any fence at the back of his property; however, due to the Code, he is requesting the proposed fence at the request of the neighbors, aesthetically pleasing and for safety. He spoke with his side neighbors, who agreed with the proposed fence, side gates, and height and agreed that it would work well with their existing fences. He noted that the City code does not address the columns; technically, the stand-alone columns do not meet the fence definition, there should be no issue. He submitted a permit for the columns and purchased many plants to make the area look pretty. Mr. Heath noted that he has alarms on existing doors and will install a pool alarm if approved.

Ms. Lozano said the application for the columns had not been reviewed and could not be discussed at this time. She spoke briefly of the definition of the City Code on pools. Mr. Lozano asked the City Attorney if there was a legal issue with having a rear gate accessible to the neighbors. Attorney Chumley said that he is not aware of offhand.

Mr. Heath said he could place a 4ft fence to meet Code; however, it would not make the neighbors very happy.

Board member Woods said the problem is that the pool is defined as 2ft deep or deeper, which would make the lake an obstruction if the water was 2ft deep at the edge of the fence; at this time, it is dry land. The Code states that the fence or the pool must be 4ft high on the outside, and the seawall is 2ft tall. At a minimum, the applicant is required to have a 4ft wall or a fence on top of the seawall and a 4ft fence around the steps. With all the shown fencing, it does not meet the fencing requirements for a pool.

The Board agreed that the proposed application is a reasonable request; however, it does not meet the code requirement for approval. The Board decided that the columns and the gate are not subject to variance and will not be addressed.

Attorney Chumley said the City Council passed ordinances to regulate land use. The Code offers the variance to account for a literal application of the Code and is used sparingly.

Board member Woods moved pursuant to Belle Isle Code SEC. 50-102 (B) (7), the justifying criteria of the Belle Isle Land Development Code, having NOT been met: D, E, and F, TO DENY A FENCE OF FIVE FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, AND TO CONSTRUCT TWO COLUMN POSTS OF SIX FEET IN HEIGHT BY TWO AND A HALF FEET IN WIDTH AND LENGTH ON EACH SIDE OF THE DRIVEWAY IN THE FRONT YARD, SUBMITTED BY APPLICANT CHRISTOPHER HEATH, LOCATED AT 2120 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-310.

Board member Shenefelt seconded the motion with passed 3:2 with Board Conduff and Thompson, nay.

Board member Woods stated to the applicant that they have 15 days to appeal the decision to City Council to the City Clerk.

5. Other Business

Discussion on Fences

The Board discussed the memo dated February 21, 2023, from the City Manager to Council on possible changes to the Code regarding fencing. The Board discussed previous discussions on an overlay district on high-traffic roads, Hoffner and Daetwyler, and potentially the area across Warren Park.

Ms. Lozano said that the City Council had recently revisited right-of-way and front yard fences exception and lots with a front yard depth. City Manager Francis provided an outline for review and discussion to revise the current Code.

Chairman Conduff re-opened public comment.

- Mr. Shif residing at 2503 Homewood, spoke on a possible variance regarding his existing front yard fence. The fence was damaged during that last hurricane and cannot be repaired. He would like to replace the fence, which is currently grandfathered in and is on the right of way. Due to the lot configuration, the fence will run along the middle of his pool deck with today's Code.

After further discussion of the information provided, Chairman Conduff moved to continue the discussion to the May meeting to allow for further code review. Board member Shenefelt seconded the motion, which passed unanimously 5:0.

Chairman Conduff moved to approve an excused absence for Board member Squires. Board member Hobbs seconded the motion, which passed unanimously 5:0.

6. Adjournment

There being no further business, the meeting was unanimously adjourned at 7:37 pm.



**CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING**

**Tuesday, May 23, 2023, * 6:30 pm
MINUTES**

The Belle Isle, Planning & Zoning Board met on May 23, 2023, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Conduff
Board member Woods
Board member Squires
Board member Hobbs

Absent was:

Board member Shenefelt
District 3 - Vacant
Board member Thompson

Also present were Interim City Manager Travis Grimm, Attorney Langley, and City Planner Raquel Lozano.

1. **Invocation and Pledge to Flag** – Board member Hobbs, District 7
Board Member Hobbs gave the invocation and led the pledge to the flag.
2. **Call to Order and Confirmation of Quorum**
Chairman Conduff opened the meeting at 6:30 pm and confirmed the quorum.
3. **Approval of Minutes** – na
4. **Public Hearings**
 - a. Public Hearing #2023-04-046 - PURSUANT TO BELLE ISLE CODE SEC. 54-82 (F) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED SITE PLAN REVIEW SUBMITTED BY LEGACY LAND LLC AND LEGACY HOLDINGS, C/O GARY DAVIS, LOCATED AT 1900 JETPORT DRIVE AND 2200 JETPORT DRIVE, ALSO KNOWN AS 31-23-30-0000-00-015 AND 31- 23-30-0000-00-017.

Attorney Langley read Public Hearing 2023-04-046 by Title.

Gary Davis, General Contractor for Regal Marine, presented that Regal Marine has an existing concrete accessway to a small private pond (south) on their property at 2300 Jetport Drive, Zoned Industrial. They use that area to perform final in-water tests and quality control checks. That existing structure was engineered to have a roof over it, but it was never constructed. Regal Marine is requesting a pre-engineered steel roof structure on the existing foundation. This cover from the elements will allow Regal's team to work in poor weather conditions and keep their production lines flowing more efficiently. Regarding any requirement for screening, the location of this proposed new roof structure is far from Regal's property's interior and not visible from anywhere outside Regal's boundary. Additionally, existing fencing and landscaping will remain on all sides of the new construction area, and multiple buildings in place also block the visibility of this area. Mr. Davis presented a map of the property showing the southern and northern property lines and the surrounding area. They are proposing a 57 sqft new roof area, a rear setback of 100 ft, a building height of 26.2 inches, and an impervious surface with no net change. Industrial zoning allows for permitted use and can be interpreted at outdoor storage.

Chairman Conduff opened for public comment. There being none, she closed public comment.

City Planner Raquel Lozano reviewed the following considerations as part of the proposed site plan:

1. The structure description meets the permitted use of the I-2 industrial district in a C-3 District. Under sec. 54-81 (12) and 54-81 (13), the code refers to "testing of materials and equipment and products" and "machinery sales and storage" as permissible uses for C-3 zoning districts. Based on the intended use of the dock roof, it acts as a storage space for Regal's boats to test their products.
2. The site plan does not alter or create additional impervious areas or parking spaces for the two parcels.
3. The site plan does not alter or change the existing landscape.
4. The proposed height for the structure is approximately 20 feet from the top to the bottom.
5. Under sec. 54-82 (f) (1) of Industrial Districts, the general requirements state, "the open storage of equipment, materials or commodities shall be screened. Such screen shall be in the form of walls, fences or landscaping; shall be at least six feet in height; and shall be at least 50-percent opaque."
6. Mr. Davis has maintained that the existing landscaping surrounding the properties is a form of screening for the proposed dock roof. Please see the aerial view attachment provided by the applicant.

With these considerations, the staff recommends approval of the proposed dock roof for the existing dock. The Board may consider applying conditions to the site plan as they deem fit. Upon approval of a site plan, it becomes part of the building permit and may be amended only by the Planning and Zoning Board per sec. 54-82 (f) (3).

Without discussion, Board member Woods moved pursuant to Belle Isle SEC. 54-82 (F) (3), TO APPROVE THE SITE PLAN SUBMITTED BY LEGACY LAND LLC AND LEGACY HOLDINGS, C/O GARY DAVIS, LOCATED AT 1900 JETPORT DRIVE AND 2200 JETPORT DRIVE, ALSO KNOWN AS 31-23-30-0000-00-015 AND 31-23-30-0000-00-017.

Board member Squires seconded the motion, which passed unanimously 4:0.

Ms. Lozano noted a 15-day waiting period before construction to allow for any appeals to the Council.

- b. Public Hearing #2023-04-006 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 30-133 (e) (3), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE, SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.

Attorney Langley read Public hearing 2023-04-006 by Title.

City Planner Raquel Lozano stated that when reviewing driveway permits and parking requirements, the code does not explicitly outline setback criteria for a driveway. The existing asphalt was a county road that was later abandoned and now grandfathered in. She provided a brief staff report and noted, based on the variance request for the applicant to be allowed to park within 3 ft of the side property line:

- Under sec. 42-64 (1) (d), the physical conditions and circumstances of the property qualities as a special condition and circumstance to replace the paved area for vehicular access to the detached garage in the rear yard.
- Under sec. 42-64 (1) (e), the applicant purchased the property in 2005 with the asphalt driveway paved within the setback area. As such, it is not a self-created hardship.
- Under sec. 42-64 (1) (f), the applicant has approximately 10 feet of distance between the side of the house and the side property line to fit a vehicle or vessel from the front yard to the rear yard.
- Under sec. 42-64 (1) (g), the applicant would not be altering the existing use of the land, which is to be replaced with pavers instead of concrete. The proposed paved area abuts a commercial lot and does not noticeably impact the neighboring residential properties. The purpose and intent of the proposed variance would not be harmful to the neighborhood or detrimental to the Public.

Staff recommends that the Board approve the requested variance per sec. 42-64 (1) (d-f). The applicant is aware of the ISR requirements of sec. 50-74, and Mr. Shook is working to create onsite retention for the property.

Vice Chairman Woods said the legal advertisement is inconsistent with the variance application. However, the intent is to remove and replace the existing drive, changing the infrastructure.

Attorney Langley said the code provision cited deals with any parking of vehicles three feet off any side property line. He does not see a problem with the notice because it speaks to the parked vehicle's location and a prepared surface. The City Clerk confirmed that the property was posted, and the City had not received any correspondence in favor or opposed.

Ms. Lozano said the staff only relies on the front yard's ISR requirements in that particular code section. This is a unique circumstance. She recommends a future discussion of the Board on specific driveway setbacks to clarify certain code sections.

Nash Shook, the applicant, and resident of 5700 Cove Drive, said the Board approved an existing garage last year and completed it in March. He doesn't have easy access to the garage until he finalizes his application for the driveway. He gave a brief history of the property and stated that the neighbor recently erected a fence that narrowed the access to the approved garage.

After further discussion, Vice Chairman Woods moved pursuant to Belle Isle 42-64 AND 30-133 (e) (3), TO APPROVE A REQUESTED VARIANCE TO PARK A VEHICLE IN THE FRONT YARD WITHIN THREE FEET FROM A SIDE LOT LINE and REMOVE AND REPLACE THE EXISTING DRIVEWAY WITH ZERO SIDE YARD SETBACK SUBMITTED BY APPLICANT WILLIAM NASH SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-1660-00-010.

Board member Hobbs seconded the motion, which passed unanimously 4:0.

Vice Chairman Woods said there is a 15-day period before construction to allow for any appeals to the Council.

- c. Public Hearing #2023-03-015 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (7), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE EXCEEDING FOUR FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.

Attorney Langley read Public hearing 2023-03-015 by Title.

City Planner Raquel Lozano said that based on the variance request for the fence six feet in height within 35 feet of the NHWE line:

- Under sec. 42-64 (1) (e), the choice of a chain-link fence along both sides of the property line was not created by the applicants. They recently purchased the property in October 2022, according to Orange County Property Appraiser. Privacy issues among the neighboring properties were made known to City Staff at submitting the variance application.
- Under sec. 42-64 (1) (g), the fence height may be construed as unharmonious with the purpose and intent of the Land Development Code. The staff has not received public input regarding approving or disapproving the proposed variance request as of May 22, 2023. Upon request from the applicant, no formal complaint has been filed with City Staff regarding privacy and security concerns.

Staff recommends that the Board not approve the requested variance for the rear fence as the application does not meet the conditions for a variance request per sec. 42-64 (1) (e) and sec 42-64 (1) (g).

The applicant, Brooke Gallardo, said they withheld documentation on violating their privacy to avoid problems with the community. Ms. Gallardo referred to Section 50-102(b)(5)(1)–Accessory structures and said this allows for an 8ft fence that abuts a boat ramp facility. Their neighbor to the left currently has a boat ramp. They are requesting a 6-foot fence for uniformity in the neighborhood.

Vice Chairman Woods said the 35 ft requirement allows for a lake view from surrounding neighbors. However, this home is on a canal, and rationally, the clause does not make sense. One picture shows the backyard canal with existing 6ft shrubbery. The property was posted, and the City Clerk confirmed that the City received no correspondence in favor or opposition.

Board member Squires moved, pursuant to Belle Isle SEC. 42-64 AND 50-102 (B) (7), TO APPROVE A FENCE NOT TO EXCEED SIX FEET IN HEIGHT WITHIN 35 FEET OF THE NORMAL HIGH WATER ELEVATION LINE OF LAKE CONWAY, SUBMITTED BY APPLICANT BROOKE GALLARDO AND JENNA SOTO, LOCATED AT 7023 WILLOUGHBY LANE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-8860-00-370.

Board member Hobbs seconded the motion, which passed unanimously 4:0.

Chairman Conduff said there is a 15-day period before construction to allow for any appeals to the Council.

5. Other Business

Artificial Turf

Vice Chairman Woods said he reviewed the draft ordinance and provided a handout with added changes. He further researched other cities but was unsuccessful; many municipalities installed artificial turf without a code. For athletics, the injury rate is higher on artificial turf; it is a recycled petroleum product, and its recyclable concept is a concern. Further, it is impervious, increasing runoff if not installed correctly.

He noted that the City should do its best to minimize the adverse impact on others. On that bases, he drafted a proposed code section using the draft ordinances provided by staff as a guide. He is not in favor of having a landscape architect install the material, and the resident should have a choice on whether they want to install an impervious or pervious product.

City Planner Lozano said she had received approximately five inquiries on installing artificial turf in the past six months. The City had approved two installations before the moratorium was in place. There have been issues where residents have shared complaints about installation on residential properties or material washing up on the lake. The staff received about 100 participants in the public survey, and many were at the extremes for or against it. The comments did share environmental concerns. Ms. Lozano shared a timeline of the presentation of Artificial Turf to the staff, Board, and City Council.

Chairman Conduff opened for public comment.

Gary Meloon residing on Matchett Road shared his concerns with the artificial turf and spoke of medical studies and cancer concerns. He asked that the Board research the product before approving its use.

Holly Bobrowski shared her concerns on the runoff issues and asked the Board to thoroughly research the product before deciding.

Attorney Langley asked if the consensus of the Board was to have the staff draft an ordinance based n the discussion and bring it forward to the Board for further review and recommendation to City Council. The Board agreed to have the staff draft an ordinance for consideration at the next meeting.

Fence(s)

Vice Chairman Woods said a front yard fence is not that unusual. He believes an overlay district should be established on Hoffner Drive due to the high, noisy traffic and Seminole, Daetwyler Avenue,

Mr. Woods also spoke of a sub-overlay district on Lake Conway Estates. In 2002 they established a community wall on most of the properties. Due to the property's configuration, they could not continue; however, there is little enthusiasm or public funds. There are currently a few residents who want to move forward, and he is proposing a 5ft and up to 10ft easement established in Ord 98-4 and 99-1. There are homes that front Hoffner, and he sometimes proposes a wall and 3-4 ft fence. The idea is that there are a set of specifications for installation, repair, and upkeep that help everyone.

Chairman Conduff opened for public comment.

Jason Hunter residing at 5130 St. Michael Avenue, said the proposed overlay is ideal because of the potential traffic and businesses upcoming on Hoffner Avenue. Allowing the adjacent homes to build their wall would be perfect for those families. He would like the City to consider the ordinance change.

Dave Sharrad, HOA Treasurer, spoke in favor of the fence overlay.

The consensus of the Board was to have the staff draft an ordinance based on the discussion and bring it forward to the Board for further review and recommendation to City Council.

6. Adjournment

There being no further business, the meeting was unanimously adjourned at 7:37 pm.

MEMORANDUM

TO: Planning and Zoning Board

DATE: June 27, 2023

RE: Variance Application – 2503 Homewood Drive

Public Hearing #2023-05-008 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (6), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FENCE WITHIN THE RIGHT-OF-WAY AND WITHIN 20 FEET OF A CORNER INTERSECTION OF STREET RIGHTS-OF-WAY, SUBMITTED BY APPLICANT STONE SHIF, LOCATED AT 2503 HOMEWOOD DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #19-23-30-5888-02-100.

Background:

1. On May 2, 2023, the applicant, Stone Shif, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, June 17, 2023, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on June 7, 2023.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (6), **TO APPROVE** A FENCE WITHIN THE RIGHT-OF-WAY AND WITHIN 20 FEET OF A CORNER INTERSECTION OF STREET RIGHTS-OF-WAY, SUBMITTED BY APPLICANT STONE SHIF, LOCATED AT 2503 HOMEWOOD DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #19-23-30-5888-02-100.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (B) (6), HAVING NOT BEEN MET, **TO DENY** *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone]* A FENCE WITHIN THE RIGHT-OF-WAY AND WITHIN 20 FEET OF A CORNER INTERSECTION OF STREET RIGHTS-OF-WAY, SUBMITTED BY APPLICANT STONE SHIF, LOCATED AT 2503 HOMEWOOD DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #19-23-30-5888-02-100.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

a.

2023-05-008

Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT Stone Shif	OWNER Stone Shif
ADDRESS 2503 Homewood Dr.	PROJECT ADDRESS 2503 Homewood Dr.
CONTACT NUMBER 407 902 8511	OWNER'S CONTACT NUMBER 407 902 8511
EMAIL sshifwps@gmail.com	OWNER'S EMAIL sshifwps@gmail.com
PARCEL ID# 19-23-30-5888-02-100	
LAND USE CLASSIFICATION 0100-Single Family	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102(b)(6)	
DETAILED VARIANCE REQUEST 1) Replacement of existing, grandfathered, fence located inside of current ROW code. Approx length of existing fence line is 43' 2) Extend the 43' ROW backyard fence line an additional 10' into the side-yard to increase privacy of pre-existing sunroom addition. Total requested fence line inside the ROW ~ 53'	
• The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within nine (9) months. Further, the requested user does not violate any deed restriction of the property. • By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies. • The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies.	
APPLICANTS SIGNATURE	OWNER'S SIGNATURE
<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2023-05-008 DATE OF HEARING 6/27/2023

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a variance from the terms of the Land Development Code.

Criteria. The Board shall not approve an application for a variance from terms of the Land Development Code unless and until:

- a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- d. It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



City of Belle Isle
 1600 Nela Avenue, Belle Isle, FL 32809
 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

a.

Development Code or for the purpose of obtaining a variance.

- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance.

The Board shall find that the preceding requirements have been met by the applicant for a variance.

(2) Violations of conditions.

- a. In granting any variance, the Board may prescribe appropriate conditions and safeguards to comply with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which

the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the Board's discretion, such variance may be revoked for violation of the condition and safeguards.

- b. The Board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed. Under no circumstances, except as permitted above, shall the Board grant a variance to allow a use not generally or by special exception allowed in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

1. A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

1. Certain conditions may be prescribed on the special exception or variance approved by the Board.
2. The applicant must be present at all hearings.
3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
4. Sec 42-61 thru 41-72 - Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY:
 FEE: \$300

5-2-23
 Date Paid

150
 Check/Cash

JD
 Rec'd By



City of Belle Isle
 1600 Nela Avenue, Belle Isle, FL 32809
 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

a.

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception, or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which comprises seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions, and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for a **variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month.** The application **MUST** include:

- the \$300 filing fee,
- a completed application form,
- proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- Ten (10) copies of a plot plan or survey showing all improvements to the property, ten copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large-scale documents is required.
- For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- A narrative addressing how the variance complies with the following:**

*Standards of Variance Justification	Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or a written document and submit it to the City as part of your variance request.
Special Conditions and/or Circumstances Section 42-64 (1) d	The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That hardship is created by special conditions and circumstances peculiar to the land, structure, or building involved, including but not limited to dimensions, topography, or soil conditions. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?
Not-Self- Created Section 42-64 (1) e	The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?
Minimum Possible Variance Section 42-64 (1) f	The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.
Purpose and Intent Section 42-64 (1) g	The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code, and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC).

***For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, and you do not have to comply with Sec. 42-64 (1) d and (1) f.**

Applicant: Stone Shif
Address: 2503 Homewood Dr, Belle Isle, FL 32809

To whom it may concern,

This variance request is for the replacement of an existing fence that is grandfathered into a location that is not encompassed by current ROW code. I, Stone Shif, am the homeowner of this property and currently reside in such with my wife, Grace.

Request:

The fence that exists in the backyard of my property was inherited with the purchase. The fence is constructed of wood and currently has (1) single swinging gate. The South facing panels + gate assembly is currently detached from the assembly and not functional from hurricane damage. This condition is consistent throughout the entire fence erection and no longer serves purpose of 1) privacy 2) appropriate expectation of property condition for Belle Isle residents.

This fence does not have a permit on file, but with use of google street view, it can be estimated that this fence was constructed well before Nov. 2007. To bring my fence back to acceptable aesthetic condition, as well as adequate privacy levels, the fence needs to be reconstructed fully - rather than "repaired" or "maintained".

This variance request is specifically for the replacement of the existing 43' stretch plus a requested 10' extension into the home's side-yard along the ROW to provide privacy for a previously converted sunroom extension. This 53' section is bordering the intersection of Island St. and Trace Ave. The fence line is currently at the concrete curb. This creates an issue with sec. 50-102(b)(6) ;

"in residential districts, no fence or wall shall be erected or maintained within 20 feet of a corner intersection of street rights-of-way. No fence or wall shall be constructed in the right-of-way."

The fence, at this location of the property, is approx. 10' from the center of the intersection. To bring the fence up to code at this location, approx. 530 Square Feet of fenced backyard will be lost. In addition to this loss of back yard space, the concrete pool slab will be exposed on the exterior of the fence and in the ROW. The pool and slab were constructed in 1957.

The replacement of our derelict fence will not only bring back the privacy our backyard once had, but will also improve the appearance of both our yard and the (2) neighboring yards as well. We have written consent from all (4) neighbors within 50' of the fence footprint - which includes the understanding that the fence will be reconstructed in the current location inside the ROW. Additionally, although considered in the right of way, the location of this fence as it currently is erected does not obstruct view of traffic as approached from any direction.

- Next Page -

Special Conditions: Portion of concrete pool deck would be exposed on the outside of fence line and in the ROW. Concrete Pool Deck + Pool construction occurred in 1957, much before existing ROW code was in place.

Not-Self-Created: Pool deck and pool were constructed in 1957, prior to my ownership of the property. The fence was erected before 2007, without a permit, before my ownership of the property.

Minimum Possible Variance: To accomplish the objective of retaining the concrete pool deck inside the fence line in satisfaction with ROW code, major construction/ re-construction would be needed.

Purpose and Intent: To replace a derelict fence with a footprint of 43 linear feet and add 10' of ROW fence line. As mentioned above, neighbors are aware of such and have signed with approvals and understanding that the fence will be replaced in the current footprint with the addition into our side yard. Fence replacement is the only option, as repair and maintenance will not be sufficient in bringing back adequate neighborly appearance or homeowner privacy.

Thank you,
Stone Shif



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PreviousNextPrintMapStreetBirdseyeTrimPortEstimatTaxesFEMAPlatSketchShareFavorite

2503 Homewood Dr 19-23-30-5888-02-100

Name(s):
Shift Stone A

Physical Street Address:
2503 Homewood Dr

Property Use:
0100 - Single Fam Class III

Mailing Address On File:
2503 Homewood Dr
Belle Isle, FL 32809-6110
Incorrect Mailing Address?

Postal City and Zip:
Orlando, FL 32809

Municipality:
Belle Isle

View 2022 Property Record Card



302319588802100 10/02/2006

Upload Photos

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

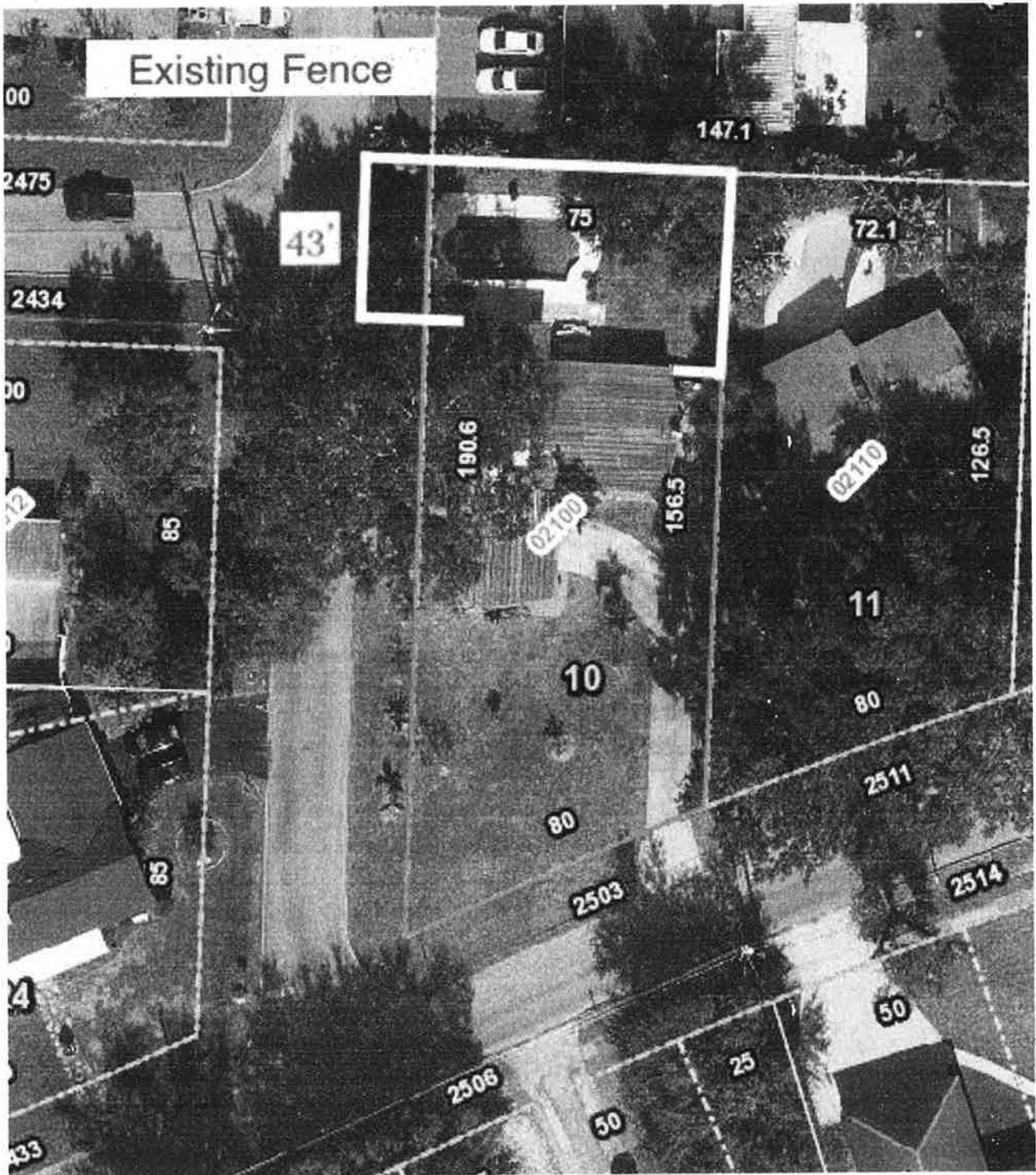
LOCATION

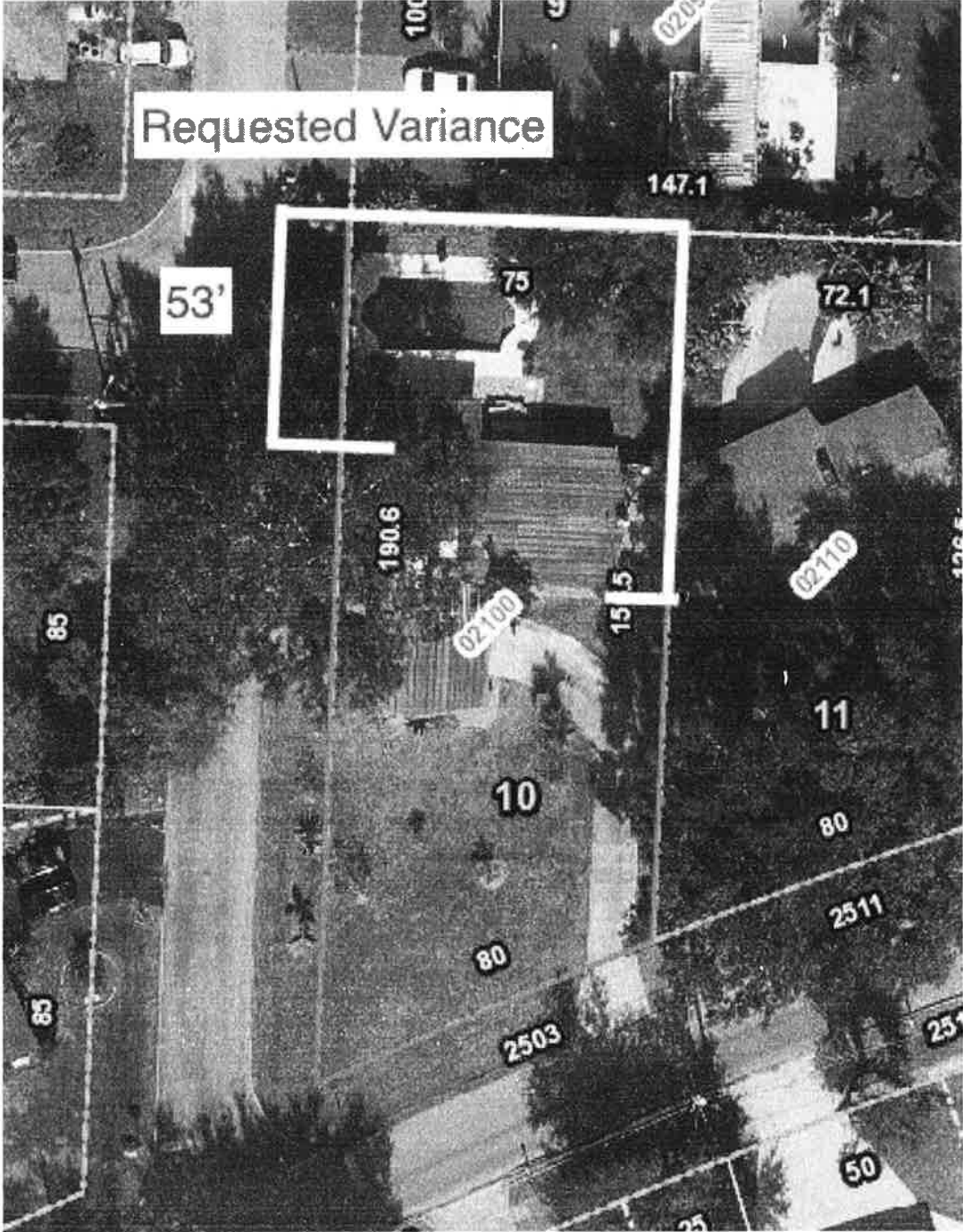
2023 Values will be available in August of 2023. To see the certified values, go to the Values, Exemptions and Taxes Tab.

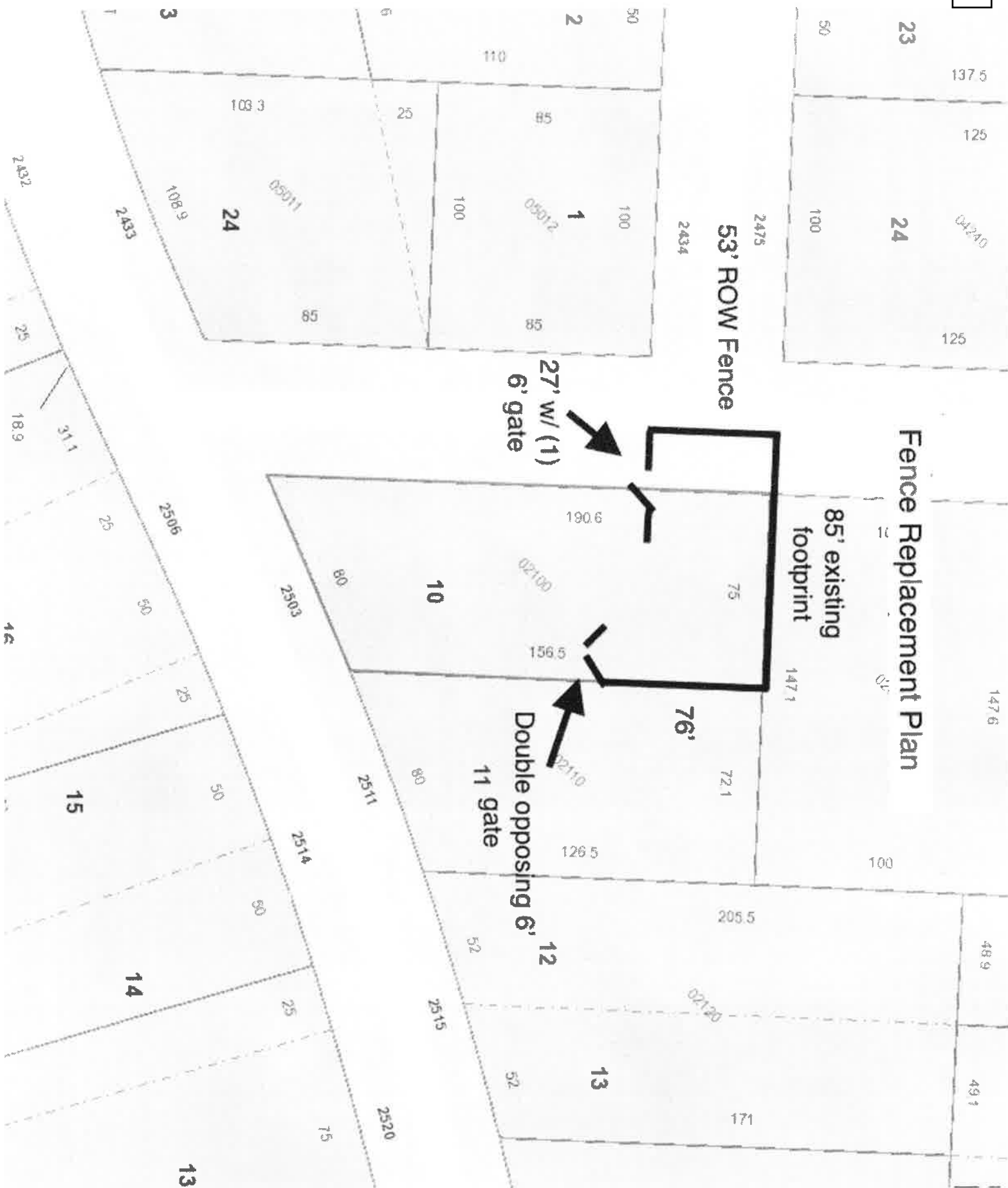
View Plat

Property Description
NELA ISLE (ISLAND SECTION) 0/99 LOT 10 BLK B
Total Land Area
12,499 sqft (+/-) | 0.29 acres (+/-)
Land
GIS Calculated
Notice

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1-AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...





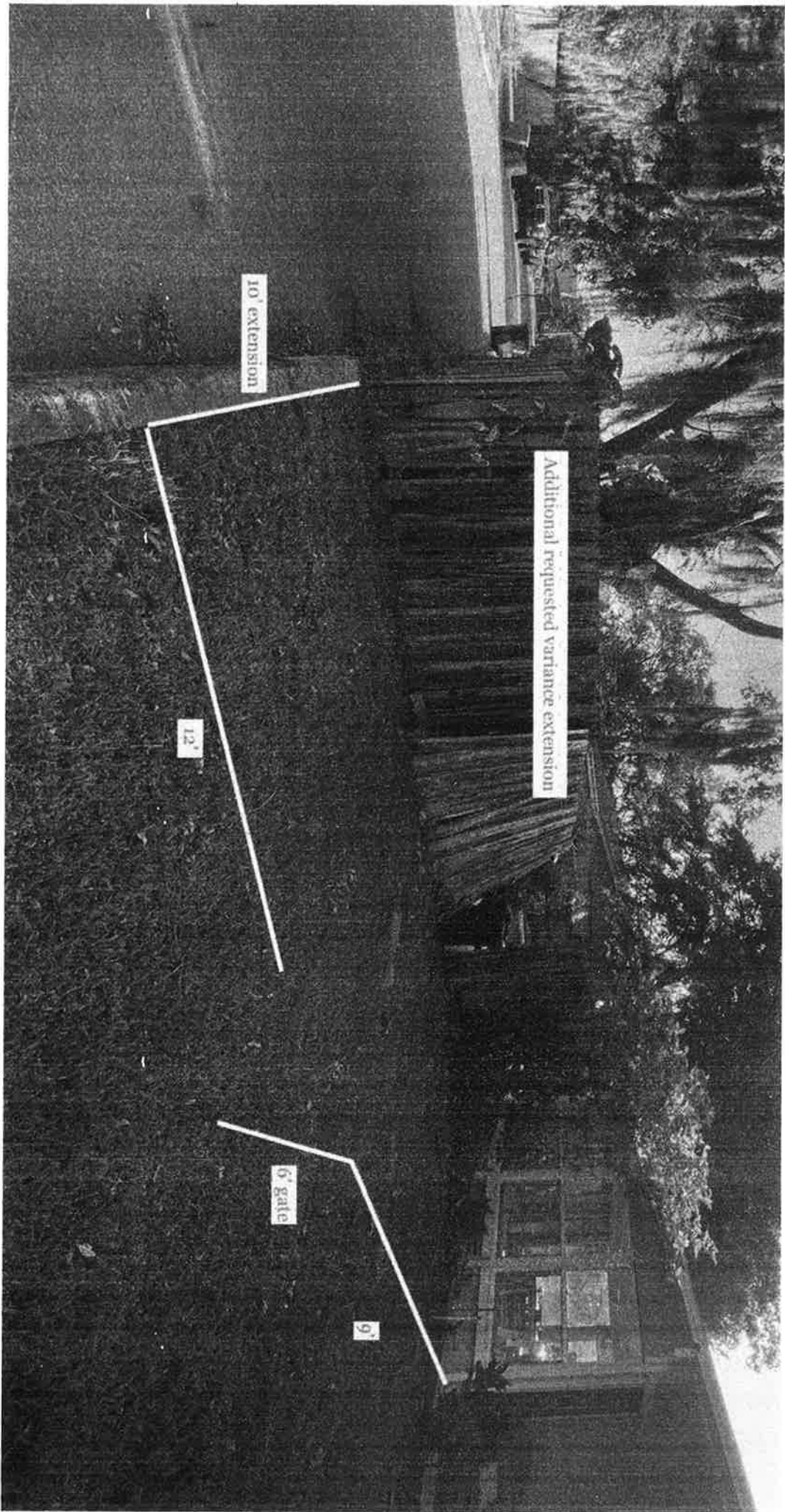


View of 2503 Homewood Dr.



Approx. fence line to satisfy Fence Code ROW

10' of set back required to make code



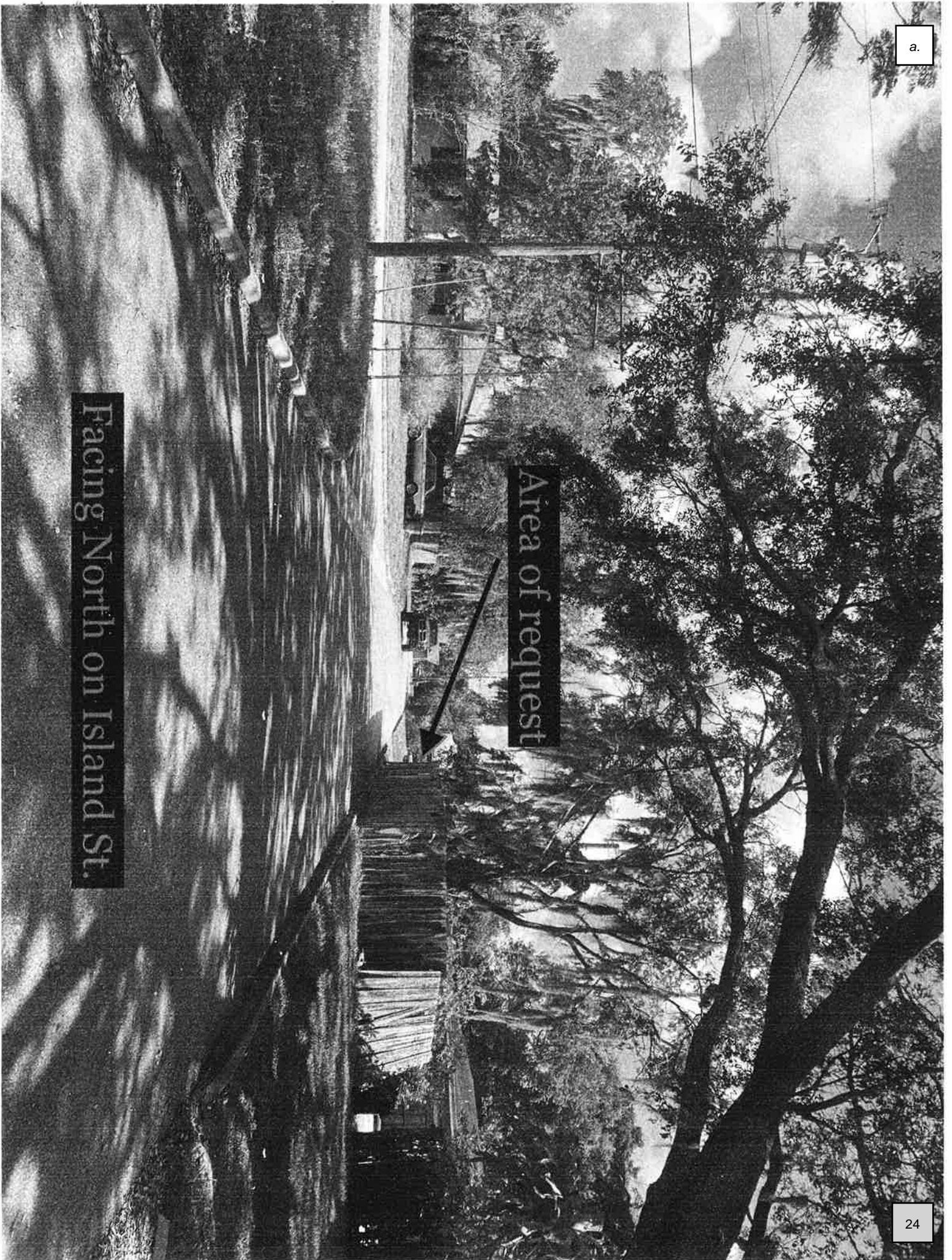
Alternate View - Facing East on Trace Ave.

Additional 10' of length requested in variance



Area of request

Facing North on Island St.



Area of Request

ORDINANCE NO. 23-04

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADDING SECTION 50-78 ARTIFICIAL TURF REQUIREMENTS TO ARTICLE III OF CHAPTER 50 OF THE CITY'S LAND DEVELOPMENT CODE; CREATING AN ARTIFICIAL TURF PERMITTING PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Belle Isle Land Development Code currently limits the amount of impervious surface that may be utilized in residential and commercial development; and

WHEREAS, the City wishes to clarify that artificial turf, which is a grass mat manufactured with unnatural materials used to replicate natural grass, can constitute an impervious surface subject to the relevant City regulations; and

WHEREAS, the City further wishes to clarify and enact regulations governing the installation of artificial turf; 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:

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

1 Section 2. City Code Amendment. A new Section 50-78 is hereby created in Chapter
2 50, Article III of the City Code of Ordinances, all as follows (words that are
3 stricken out are deletions; words that are underlined are additions; stars * * * *
4 * indicate breaks between sections, subsections, or paragraphs and do not indicate
5 changes to the City Code; provisions not included are not being amended):
6

7 ARTICLE III. - DEVELOPMENT STANDARDS

8 Sec. 50-78. - Artificial Turf Requirements

9 The use of artificial turf is permitted subject to obtaining a permit and
10 compliance with the provisions of this Section. Any such permit or permission
11 granted by the City (including such granted prior to the adoption of this Section)
12 shall be a revocable license and does not create any vested rights, property
13 rights, or privileges. All artificial turf shall, at a minimum, be installed
14 according to the manufacturer's specifications and may be subject to further City
15 stormwater requirements.
16

17 Definitions. The following terms, phrases, words, and their derivations shall
18 have the meaning given in this Section. Words used in the present tense include
19 the future tense; words in the plural tense include the singular tense and vice
20 versa. The word "shall" is considered mandatory, and the word "may" is considered
21 permissive.
22
23
24
25

1 *Artificial Turf* means an artificial grass mat manufactured with synthetic
2 materials such as polypropylene, polyethylene, or other materials used to
3 replicate the appearance of natural grass.

4
5 *Impervious Artificial Turf* means artificial turf that prevents or severely
6 restricts the natural percolation of water from the ground's surface to the water
7 table.

8
9 *Pervious Artificial Turf* means artificial turf specifically designed to allow the
10 natural percolation of water from the ground's surface to the water table with a
11 proper porous, permeable underlying material such as gravel.

12
13 Location. The installation of artificial turf is permitted on residential,
14 private parks and schools, and commercial sites and is limited to play areas of
15 public parks and institutions, subject to the requirements of this Section.
16 Installation of artificial turf within public and private rights-of-way is
17 prohibited. Artificial turf may not be installed within 50 feet of any artificial
18 or natural water body. Artificial turf is prohibited within drainage features
19 (e.g., retention ponds, swales, etc.).

20
21 *Impervious Artificial Turf*.

22 A permit shall be required to install impervious artificial turf. The permit for
23 impervious artificial turf may require additional information to establish the

1 impervious surface ratio unless impervious artificial turf is installed over
2 existing impervious surfaces.

3
4 The installation of impervious artificial turf shall be calculated as an
5 impervious surface. Total impervious area calculations shall be submitted with
6 any impervious artificial turf application. The quantity of impervious artificial
7 turf to be incorporated into the landscaping of a property shall be limited by the
8 maximum impervious surface ratio for the subject property within the applicable
9 zoning district and location requirements.

10
11 Impervious artificial turf installation in front yards shall require a variance,
12 which may require specific materials, installation techniques, maintenance
13 techniques, and area requirements.

14
15 Impervious artificial turf must be installed outside of the drip line of any tree.

16
17 Pervious Artificial Turf.

18 A permit shall be required to install pervious artificial turf.

19
20 Pervious artificial turf shall be installed by a Florida licensed general
21 contractor or bonded and insured landscape contractor certified by the
22 manufacturer for installation of the turf.

1 Pervious artificial turf shall have a backing of a uniform (every square inch)
2 woven material, which precludes the use of a solid-backed material with periodic
3 holes.

4
5 The required minimum permeability rate shall be two and a half (2.5) inches per
6 hour and shall not be installed over a surface with a permeability of less than two
7 and a half (2.5) inches per hour.

8
9 Underlying material (gravel, drain field rock, sand setting, fabric, etc.) shall be
10 included in the design per the manufacturer's specifications to meet the minimum
11 permeability rate.

12
13 The specifications of allowable impervious artificial turf shall: simulate the
14 appearance and function of live turf, organic turf, grass, sod, or lawn, as
15 determined by the City; have a minimum "no fade" warranty of at least eight (8)
16 years; be lead-free; and be flame retardant.

17
18 Prior to the installation of artificial turf, the property owner shall enter into
19 an agreement, with and in a form acceptable to the City, providing for the property
20 owner's and its successors' and assigns' scheduled maintenance activities and
21 annual reports thereof to the City. Among other things, such agreement may provide
22 for: (i) the property owner's requirement to remove and/or replace the artificial
23 turf in the future if the artificial turf ceases to function as designed and
24 permitted, is not properly maintained and/or if the expiration of the artificial
25

1 turf's life expectancy occurs; (ii) the City's remedies in the event property owner
2 fails to comply with its maintenance, repair, and replacement obligations; and
3 (iii) property owner's indemnification and hold harmless of the City and its
4 officials and employees with respect to the artificial turf installation,
5 maintenance, and repair, including any drainage problem that may arise therefrom.

6
7 Installations in the front yard of residential or on any commercial land shall
8 contain areas of living plant material equal to or greater than ten percent (10%)
9 of the pervious artificial turf. Living plant material for purposes of this
10 Subsection shall include a combination of two or more shrubs, vines, trees, or
11 ground cover in planter areas and/or tree wells separate from the pervious
12 artificial turf. Pervious artificial turf shall be separated from planter areas by
13 a concrete mow strip, non-biodegradable bender board, or other barriers with a
14 minimum thickness of three-eighths (3/8) inch and minimum depth of four (4) inches,
15 which barrier shall not extend to the bottom of the engineered base for the
16 pervious artificial turf.

17
18 Pervious artificial turf shall be considered natural turf for purposes of
19 calculating permeability.

20
21 Pervious artificial turf shall not be considered environmental or green space.

22
23 Existing or new irrigation under the pervious artificial turf shall be on a least
24 one separate zone from natural turf irrigation on site.

1 Permit Requirements. All permits for artificial turf required under this Section
2 shall include, at a minimum, the following information:

3
4 A complete landscape plan showing the area of synthetic turf, area of living plant
5 material, and area and method of separation between these areas;

6
7 Details regarding existing or proposed irrigation proximate to the synthetic turf;

8
9 Brand and type of synthetic turf, including all manufacturer specifications and
10 warranties;

11
12 A scaled cross section and details of the proposed materials and installation,
13 including but not limited to subgrade, drainage, base or leveling layer, and
14 infill;

15
16 A survey of the property, signed and sealed by a licensed surveyor, depicting all
17 existing easements located on the property; and

18
19 A form signed by any holder of an easement on the property consenting to the
20 installation of the synthetic turf within the easement, with an accompanying
21 acknowledgment by the property owner that in the event the easement holder
22 performs work in the easement that it is the property owner's responsibility to
23 repair and replace the synthetic turf disturbed as a result of the work in the
24 easement.

1 Appearance. Artificial turf shall consist of materials that appear natural in
2 appearance and color from any public or private right-of-way, neighboring
3 properties, or natural features (wetlands, lakes, parks, common areas, etc.). The
4 use of indoor/outdoor plastic or nylon carpeting as an installation of artificial
5 turf is prohibited.

6
7 Maintenance. All artificial turf shall be maintained in a fadeless condition and
8 shall be kept free of dirt, mud, stains, weeds, debris, tears, holes, and
9 impressions. Maintenance shall include, but not be limited to: cleaning, brushing,
10 and debris removal; repairing of depressions and ruts to maintain a visually-level
11 surface; elimination of any odors, flat or matted areas, weeds, and evasive roots;
12 and all edges of the artificial turf shall not be loose and must be maintained with
13 appropriate edging or stakes.

14
15 All artificial turf must be replaced if it falls into disrepair with fading, holes,
16 or loose areas. Replacement and repairs shall be done with like materials from the
17 same manufacturer and done so in a manner that results in a repair that blends in
18 with the existing artificial turf.

19
20 Section 3. Codification. Section 2 of this Ordinance will be incorporated into
21 the Belle Isle City Code. Any section, paragraph number, letter and/or any
22 heading may be changed or modified as necessary to effectuate the foregoing.
23 Grammatical, typographical, and similar or like errors may be corrected, and
24
25

1 additions, alterations, and omissions not affecting the construction or meaning
2 of this Ordinance and the City Code may be freely made.

3
4 Section 4. Severability. If any section, subsection, sentence, clause, phrase,
5 word, or provision of this Ordinance is for any reason held invalid or
6 unconstitutional by any court of competent jurisdiction, whether for substantive,
7 procedural, or any other reason, such portion shall be deemed a separate, distinct
8 and independent provision, and such holding shall not affect the validity of the
9 remaining portions of this Ordinance.

10
11 Section 5. Conflicts. In the event of a conflict or conflicts between this
12 Ordinance and any other Ordinance or provision of law, this Ordinance governs and
13 controls to the extent of any such conflict.

14
15 Section 6. Directions to City Staff. City Staff, under the direction of the City
16 Manager, are directed and authorized to take such actions as are necessary and
17 advisable to effect and carry out this Ordinance.

18
19 Section 7. Effective Dates. This Ordinance shall become effective immediately
20 upon adoption by the City Commission of the City of Belle Isle, Florida (the
21 "Effective Date") and shall apply to all applications for permits received on or
22 after the Effective Date.

1	First Reading held on	.		
2	Second Reading held on	.		
3		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 _____

16 Nicholas Fouraker, Mayor

17 _____

18 Approved as to form and legality

19 For use and reliance by

20 Giffin Chumley, City Attorney

21

22

23

24

25

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle, do hereby certify that
4 the above and foregoing document ORDINANCE 23-04 was duly and legally passed by
5 the Belle Isle City Council, in session assembled on the _____ day of
6 _____ 2023. At this session, a quorum of its members was present.

7
8 _____
9 Yolanda Quiceno, CMC-City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADDING SECTION 50-78 ARTIFICIAL TURF REQUIREMENTS TO ARTICLE III OF CHAPTER 50 OF THE CITY'S LAND DEVELOPMENT CODE; CREATING AN ARTIFICIAL TURF PERMITTING PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Belle Isle Land Development Code currently limits the amount of impervious surface that may be utilized in residential and commercial development; and

WHEREAS, the City wishes to clarify that artificial turf, which is a dense and continuous surface of synthetic fibers mounted on either a permeable or impermeable backing and of sufficient density and green color to replicate the appearance of healthy natural grass, can constitute an impervious surface subject to the relevant City regulations; and

WHEREAS, the City further wishes to clarify and enact regulations governing the installation of artificial turf; 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:

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

Section 2. City Code Amendment. A new Section 50-78 is hereby created in Chapter 50, Article III of the City Code of Ordinances, all as follows (words that are stricken out are deletions; words that are underlined are additions; stars * * * * indicate breaks between sections, subsections, or paragraphs and do not indicate changes to the City Code; provisions not included are not being amended):

ARTICLE III. – DEVELOPMENT STANDARDS

Sec. 50-78. – Artificial Turf Requirements

The use of artificial turf is permitted subject to obtaining a permit and compliance with the provisions of this Section. Any such permit or permission granted by the City (including such granted prior to the adoption of this Section) shall be a revocable license and does not create any vested rights, property rights, or privileges. All artificial turf shall, at a

minimum, be installed according to the manufacturer's specifications and may be subject to further City stormwater requirements.

(a) Definitions. The following terms, phrases, words, and their derivations shall have the meaning given in this Section. Words used in the present tense include the future tense; words in the plural tense include the singular tense and vice versa. The word "shall" is considered mandatory, and the word "may" is considered permissive.

(1) *Artificial Turf* means a dense and continuous surface of synthetic fibers mounted on either a permeable or impermeable backing and of sufficient density and green color to replicate the appearance of healthy natural grass

(2) *Impervious Artificial Turf* means artificial turf that prevents or severely restricts the natural percolation of water from the surface of the ground to the water table.

(3) *Pervious Artificial Turf* means artificial turf specifically designed to allow the natural percolation of water from the surface of the ground to the water table with a proper porous, permeable underlying material such as, but not limited to, gravel.

(b) Location. The installation of artificial turf is permitted on residential, private parks and schools, and commercial sites, and is limited to play areas of public parks and institutions, subject to the requirements of this Section. Installation of artificial turf within public and private rights-of-way is prohibited. Artificial turf may not be installed within 50 feet of any artificial or natural water body. Artificial turf is prohibited within drainage features (e.g., retention ponds, swales, etc.).

(c) Impervious Artificial Turf.

(1) Unless impervious artificial turf is installed over existing impervious surfaces, a permit to establish the impervious surface ratio shall be required to install impervious artificial turf.

(2) Impervious artificial turf shall be considered an impervious surface for ISR calculations. Total impervious area calculations shall be submitted with any impervious artificial turf application. The quantity of impervious artificial turf to be incorporated into the landscaping of a property shall be limited to the amount that would bring the site to the minimum or base impervious surface ratio for the subject property within the applicable zoning district and location requirements.

(3) Impervious artificial turf installation in front yards over pervious surfaces shall require a variance, which may require specific materials, installation techniques, maintenance techniques, and area requirements.

(4) Impervious artificial turf must be installed outside of the drip line of any tree.

(d) Pervious Artificial Turf.

(1) A building permit shall be required to install pervious artificial turf.

a. Permit Requirements. All permits for pervious artificial turf required under this subsection shall include, at a minimum, the following information:

- i. A complete landscape plan showing the area of artificial turf, area of living plant material, impervious surface area calculataion, and method of separation between these areas;
- ii. Details regarding existing or proposed irrigation proximate to the synthetic turf;
- iii. Brand and type of synthetic turf, including all manufacturer specifications and warranties
- iv. A scaled cross section and details of the proposed materials and installation, including but not limited to subgrade, drainage, base or leveling layer, and infill;
- v. A survey of the property, signed and sealed by a licensed surveyor, depicting all existing easements located on the property; and
- vi. A form signed by any holder of an easement on the property consenting to the installation of the synthetic turf within the easement, with an accompanying acknowledgment by the property owner that in the event the easement holder performs work in the easement that it is the property owner's responsibility to repair and replace the synthetic turf disturbed as a result of the work in the easement.

(2) Pervious artificial turf shall be installed by a Florida licensed general contractor or bonded and insured landscape contractor certified by the manufacturer for installation of the turf.

(3) Pervious artificial turf shall have a backing of a uniform (every square inch) woven material, which precludes the use of a solid-backed material with periodic holes.

- (4) The required minimum rate of permeability shall be two and a half (2.5) inches per hour and shall not be installed over a surface with a permeability of less than two and a half (2.5) inches per hour.
- (5) Underlying material (gravel, drainfield rock, sand setting, fabric, etc.) shall be included in the design per the manufacturer's specifications to meet the minimum rate of permeability.
- (6) The specifications of allowable impervious artificial turf shall: simulate the appearance and function (except biologic) of live turf, organic turf, grass, sod, or lawn, as determined by the City; have a minimum "no fade" warranty of at least eight (8) years; be lead-free; and be flame retardant.
- (7) Prior to installation of artificial turf, the property owner shall enter into an agreement, with and in a form acceptable to the City, providing for the property owner's and its successors' and assigns' scheduled maintenance activities and annual reports thereof to the City. At the option of the City, such agreement may be recorded in the public records of Orange County, Florida, at the property owner's expense, and be binding on the property and the property owner's successors and assigns.

Among other things, such agreement may provide for: (i) property owner's requirement to remove and/or replace the artificial turf in the future if the artificial turf ceases to function as designed and permitted, is not properly maintained and/or if the expiration of the artificial turf's life expectancy occurs; (ii) the City's remedies in the event property owner fails to comply with its maintenance, repair, and replacement obligations; and (iii) property owner's indemnification and hold harmless of the City and its officials and employees with respect to the artificial turf installation, maintenance, and repair, including any drainage problem that may arise therefrom.

- (8) Installations in the front yard of residential or on any commercial land shall contain areas of living plant material equal to or greater than ten percent (10%) of the pervious artificial turf. Living plant material for purposes of this Subsection shall include a combination of two or more shrubs, vines, trees, or ground cover in planter areas and/or tree wells separate from the pervious artificial turf. Pervious artificial turf shall be separated from planter areas by a concrete mow strip, non-biodegradable bender board, or other barrier with a minimum thickness of three-eighths (3/8) inch and minimum depth of four (4) inches, which barrier shall not extend to the bottom of the engineered base for the pervious artificial turf.
- (9) Pervious artificial turf shall be considered natural turf for purposes of calculating permeability.

(10) Pervious artificial turf shall not be considered environmental or green space.

(11) Existing or new irrigation serving the pervious artificial turf shall be on a least one separate zone from natural turf irrigation on site.

(e) Appearance. Artificial turf shall consist of materials that appear natural in appearance and color from any public or private rights-of-way, neighboring properties, or natural features (wetlands, lakes, parks, common areas, etc.). The use of indoor/outdoor plastic or nylon carpeting as an installation of artificial turf is prohibited.

(f) Maintenance. All artificial turf shall be maintained in a fadeless condition and shall be kept free of dirt, mud, stains, weeds, debris, tears, holes, and impressions. Maintenance shall include, but not be limited to: cleaning, brushing, and debris removal; repairing of depressions and ruts to maintain a visually-uniform surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.

All artificial turf must be replaced if it falls into disrepair with fading, holes, or loose areas. Replacement and repairs shall be done with like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.

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

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

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

Section 6. Directions to City Staff. City Staff, under the direction of the City Manager, are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance.

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

First Reading held on _____.

Second Reading held on _____.

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

Mayor Nick Fouraker

ATTEST:

Yolanda Quiceno, City Clerk

ORDINANCE NO. 23-05

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

WHEREAS, the City further wishes to add additional fence requirements specific to the Hoffner Avenue 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:

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

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

Sec. 50-102. - Accessory structures.

* * * * *

(b) *Fences and walls*.

* * * * *

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

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

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

b. A maximum fence height of eight feet shall be permitted in the following 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
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

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 _____.

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

YES	NO	ABSENT
Ed Gold	_____	_____
Anthony Carugno	_____	_____
Karl Shuck	_____	_____
Randy Holihan	_____	_____
Beth Lowell	_____	_____
Stanley Smith	_____	_____
Jim Partin	_____	_____

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

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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ORDINANCE NO. 23-05

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

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

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* * * * *

(b) *Fences and walls*.

* * * * *

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

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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
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11 * * * * *

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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
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.

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(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. ^{Payment for such} The property wall may be by any legal means owner must pay for such wall, but ownership and maintenance shall be transferred

It is possible the property owner may get cost participation of neighbors, donors, grants and such. The key 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.

b.

to Lake Conway Estates Homeowner's Association along with a 15-foot maintenance
from the centerline of the wall on any private property
easement, at the completion of construction.

ii. In order to preserve as many trees as possible and avoid interfering with
existing utility lines, the alignment of the masonry wall may be allowed to
encroach into the Hoffner Avenue right-of-way by a maximum of ten feet in wall
The ordinances have specific rules so making it in "accord with" will prompt reading those easements.
easements granted to Lake Conway Estates Residents' Association by the City of
Belle Isle's Ordinances 98-4 and 99-1. Such encroachment is available but
discouraged and is subject to prior approval by the City to determine if
reasonably necessary to achieve the above objectives.

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

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

2. If a gate is installed, there must be a gate recess of 20 feet behind the
right-of-way. Include site triangle language from pg, 40 lines 16 and 17 for consistency.

Section 3. Codification. Section 2 of this Ordinance will be incorporated into
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
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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 _____.

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

YES	NO	ABSENT
Ed Gold	_____	_____
Anthony Carugno	_____	_____
Karl Shuck	_____	_____
Randy Holihan	_____	_____
Beth Lowell	_____	_____
Stanley Smith	_____	_____
Jim Partin	_____	_____

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