



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: March 19, 2019

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Proposed Changes for Lot Splits

Background: The City Planner and I met to go over the issues that are involved in lot splits. We believe that those issues are:

1. Variances for lot splits. It is apparent that the City Council current viewpoint on lot splits is to allow lot splits as long as they do not create a substandard lot which requires a variance. In order to prevent a lot split that requires a variance for a substandard lot, the staff is suggesting the following language be added to the Land Development Code:

- **Sec. 50-33. - Procedures. (6) Lot Split**

Requirements. With the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels. No lot or parcel nor any portion of any lot or parcel which has been created by a lot split shall be further divided by lot split. **No variance will be given for any lot split that results in a lot or parcel that does not conform in every respect the Land Development Code's requirements for newly created lots or parcels. For example, no variance will be given to any lot split that results in a substandard lot.**

- **Sec. 50-37. - Variances, exceptions and appeals.**

Variances. The council may grant a variance from the terms of these regulations when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship, **or will not result in any lot or parcel that does not conform in every respect the Land Development Code's requirements for newly created lots or parcels. For example, no variance will be given to any lot split that results in a substandard lot or lots.**

2. How to deal with those substandard lots currently in the R-1-AA zone. Since all of these homes were plotted prior to 1957, the Planner and I believe that nothing needs to be done to allow these homes to be "grandfathered" or have the zoning changed.

According to **Sec. 54-2. - Substandard lots of record (b)**: If a lot or parcel of land zoned for single-family residential use has an area or width which does not conform with the requirements of the district in which it is located, but was a lot of record in the county prior to October 7, 1957, such lot or parcel of land may be used for a single-family dwelling, provided the minimum yard requirements, minimum floor area requirements, and height requirements are maintained and provided the lot has not been previously aggregated pursuant to the requirements of subsection (a). According to the plat and the current Property Appraiser map, with the exception of 3 lots, the lots remain as originally platted.

3. Defining Lot Width and Lot Depth: There has been many interpretations for lot width and lot depth. The Planner and I would like the Council to consider the following definitions:

Lot Width: Lot width is the horizontal distance between the side lot lines, measured at right angles along a line drawn parallel to the front lot line at a distance from the lot line equal to the minimum front yard setback.

Lot Depth: Lot depth is measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. (With the above definition for lot width, there is no need for lot depth.)

The staff is also recommending the attached diagram on how to measure lot width so there is no misinterpretation on how a lot width is to be measured.

4. Application Process and Fee: BIMC 50-33 (6)(a) states: *Submission requirements*. The applicant shall submit a survey and legal description both certified by a registered state surveyor of the property as it is to be divided, payment as set forth in this Land Development Code and proof of ownership acceptable to the city. When reviewing the LDC for Lot Split fee, there is a fee for formal subdivision and a fee for informal subdivision, but no fee for lot split. In reviewing several other municipalities, their fees range from \$100 to \$500. There is also no application or process available to the property owner that shows what is needed.

The staff is recommending that the attached application be adopted and the fee of \$200 be adopted for the application process.

Staff Recommendation: Adopt the recommendations of the staff and direct the City Attorney to prepare the necessary ordinance.

Suggested Motion: I move that we approve the recommendations of the staff for lot splits and direct the City Attorney to prepare an ordinance.

Alternatives: Do not approve the recommendations and provide further direction to the staff.

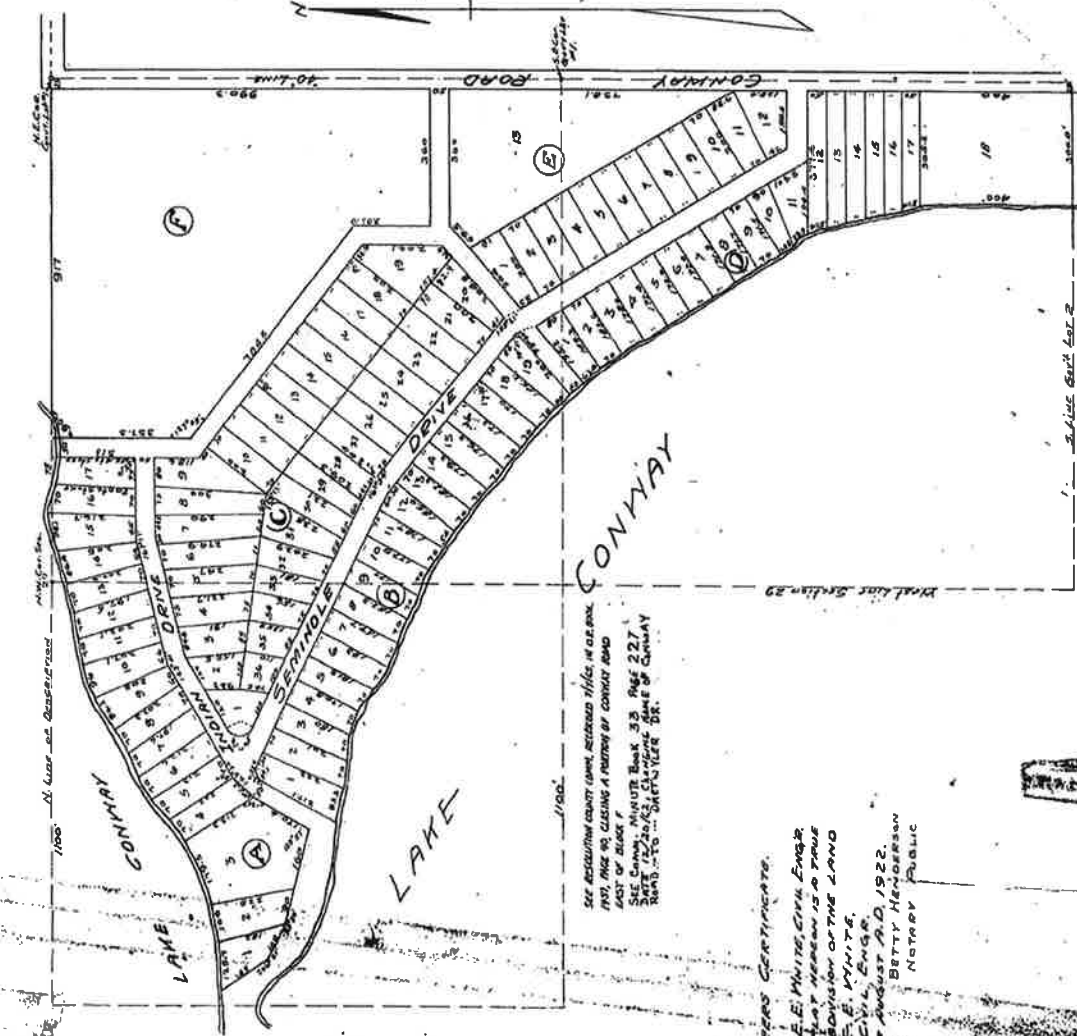
Fiscal Impact: New fee of \$200/lot split application.

Attachments: Original Plat and Property Appraiser Map
Lot width diagram
Application

LAKE CONWAY PARK.

138
 138

PART OF INDIAN DRIVE VACATED BY CO. COMMISSIONER
 APRIL 5, 1987. SEE P.B. 802-803, P. 128.



DESCRIPTION
 LOT NO. 1 AND THAT PART OF LOT #2 LYING SOUTH
 OF LOT #1 AND WEST OF THE CONWAY BOARD, IN SEC.
 29 AND THE EAST 100 FEET OF LOT 1 - SEC.
 30; ALL IN TWP. 25S. RANGE 30E.

SCALE: 1/4" = 200 FEET. DATE: August 1922.
 F. F. WHITE, CIVIL ENGINEER,
 ORLANDO, FLA.
 BY INSTRUMENT NO. 1000.

OWNER'S CERTIFICATE.
 STATE OF FLORIDA,
 COUNTY OF ORANGE.
 I, WILBER MARRON, PERSONALLY APPEARED BEFORE ME
 AND SAYS THAT HE IS THE OWNER OF THE LAND
 DESCRIBED IN THE CAPTION AND HAS AUTHORIZED AND
 ACCEPTED THE SURVEY AND SUBDIVISION SHOWN HEREIN.
 WILBER MARRON,
 OWNER.

SUBSCRIBED AND SWORN TO BEFORE ME
 THIS - DAY OF AUGUST, 1922.
 MY COMMISSION EXPIRES
 APRIL 23, 1924
 NOTARY PUBLIC
 WALTER R. DUN
 Notarial Seal

SEE VENETIAN VILLAS PLAT FILED
 JULY 9, 1923 PLAT BOOK 5 PAGE 69
 REBLATTING PART OF BLOCK F

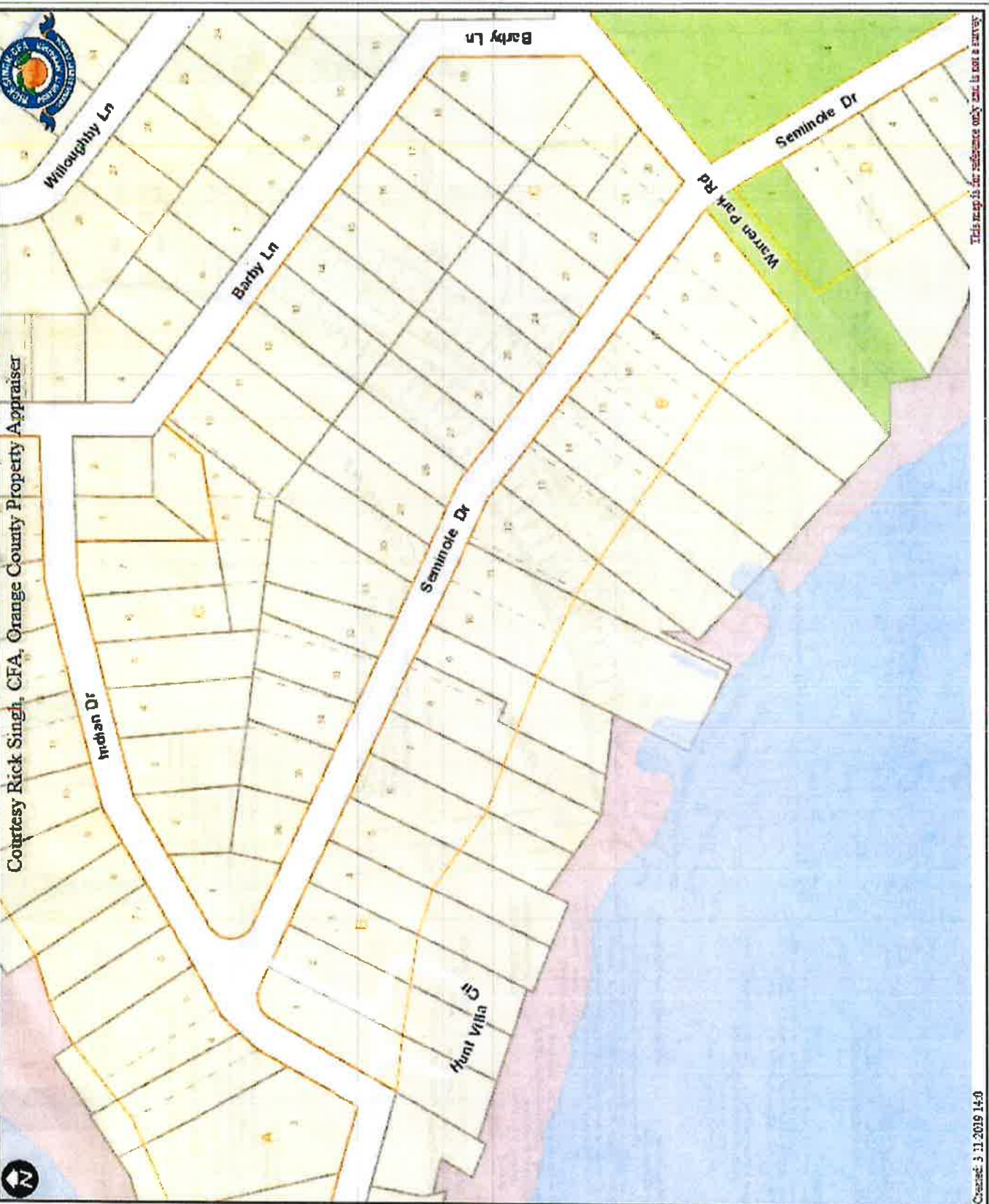
SEE ADDITIONAL COUNTY CLERK, RECORDED VILLAS IN ORANGE
 CO., FLA. IN CLERK'S OFFICE BY COUNTY ROAD
 1000, AND CLERK'S OFFICE BY COUNTY ROAD
 1000, IN PLAT BOOK 5, PAGE 69
 WALTER R. DUN, CIVIL ENGINEER
 ORLANDO, FLA.

ENGINEERS CERTIFICATE.
 STATE OF FLORIDA,
 COUNTY OF ORANGE.
 I, PERSONALLY APPEARED BEFORE ME F. F. WHITE, CIVIL ENGINEER,
 WHO BEING DULY SWORN DEPOSES AND SAYS THAT THE PLAT HEREIN IS A TRUE
 AND CORRECT REPRESENTATION OF THE SURVEY AND SUBDIVISION OF THE LAND
 DESCRIBED IN THE CAPTION.
 F. F. WHITE,
 CIVIL ENGINEER.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF AUGUST A.D. 1922.
 MY COMMISSION EXPIRES AUG. 9, 1924.
 BETTY HENDERSON
 Notary Public

FILED AND RECORDED
 10/19/1922, 10:30 A.M.
 WALTER R. DUN,
 Notary Public

- Florida Turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- Toll Ramp
- Inland Ramp
- One Way
- Back Road
- Rail Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental
- Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curflage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Blindling
- Power Plant

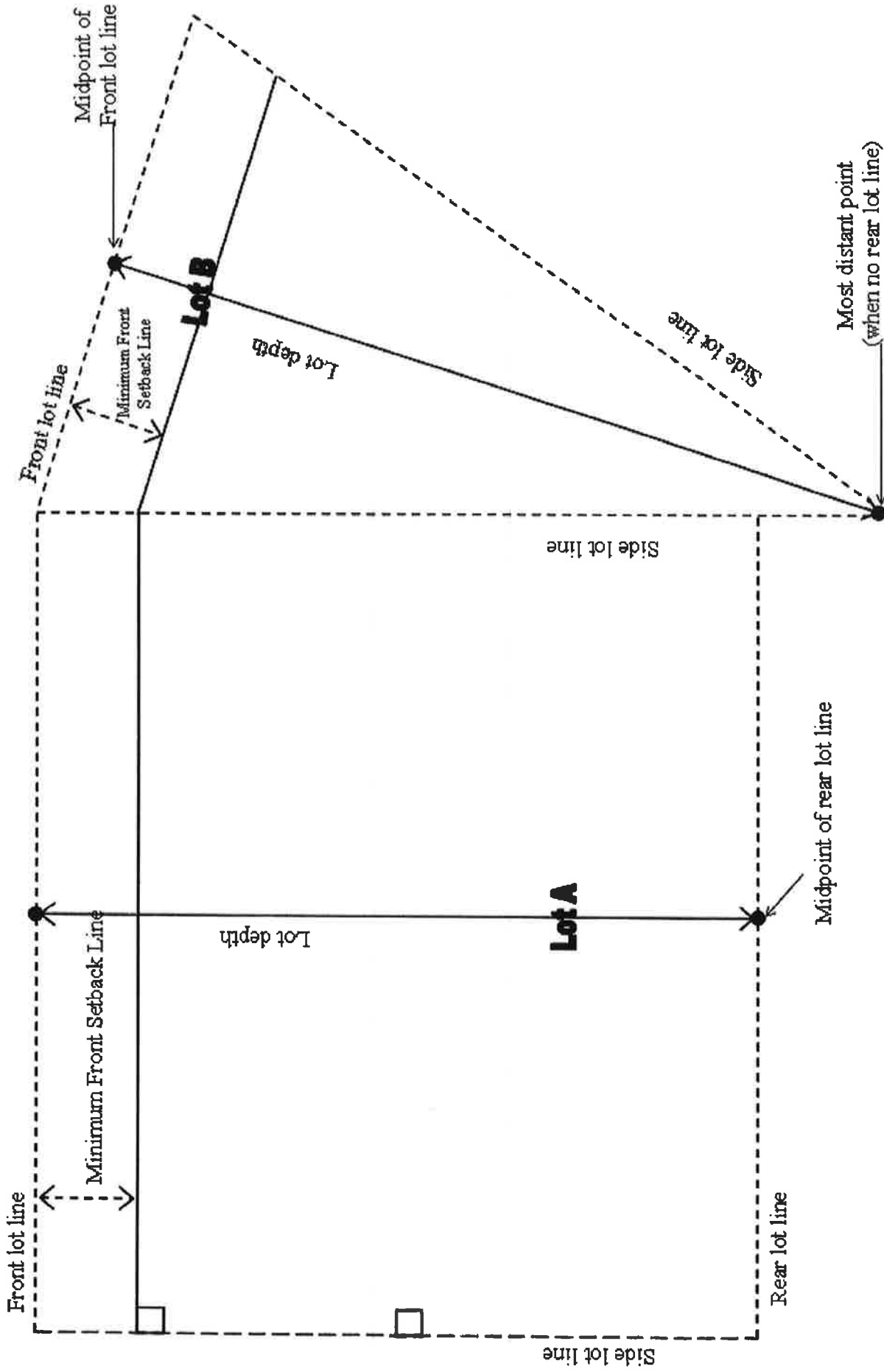


Courtesy Rick Singh, CFA, Orange County Property Appraiser



Created: 3/11/2019 14:30

This map is for reference only and is not a survey.



LOT SPLIT

LOT SPLIT PROCEDURE

When specified conditions occur, one existing parcel of land may be divided into two lots using a simplified procedure instead of a formal plat. This procedure, known as a lot split, is faster and less costly to follow but can only be used if all the criteria specified in the subdivision regulations are followed.

The applicant shall meet with City Planner to receive an explanation of the lot split procedure, including its requirements and limitations.

The lot split application shall be completely filled out and returned to the City Planner or City Clerk's Office with the appropriate fee. As a part of the application, two copies of a scale drawing shall be submitted showing the boundaries of the existing parcel; the location of all structures; the precise nature of the proposed split; the legal description of the lots to be formed; and the name, signature, and seal of the licensed engineer or the registered land surveyor who prepared the drawing. An application shall not be processed until it has been fully completed, the appropriate fee paid, and all requested information submitted.

The City Planner shall review the proposed lot split at a regular scheduled meeting based on the criteria specified in the adopted subdivision regulations.

The City Planner shall, within thirty days of application, in writing, ratify or not ratify, or continue for cause those applications which, in its opinion, do not comply with the Subdivision Regulations.

LOT SPLIT APPLICATION

BELLE ISLE, FLORIDA

Lot Split Application No: _____ Date: _____
Fee: \$200.00

Return Form To: City Clerk's Office
1600 Nela Ave.
Belle Isle, FL 32809
407-851-7730
FAX 407-240-2222

Attachment Required:

- Application;
- Current Deed;
- Legal descriptions of the property/properties prepared by a licensed surveyor;
- A plat prepared by a licensed surveyor; and
- Cash or check (made payable to the City of Belle Isle) for \$200.

APPLICANT

Name

Address

Telephone Number

Email

OWNER

Name

Address

Telephone Number

Email

REQUEST

As provided in Article__ of the Land Development Code, City of Belle Isle, a lot split of Lot _____, Block _____, in the _____ Addition to the City of Belle Isle is hereby requested.

The lot is generally described as:

LOT SPLIT REQUIREMENTS

The lot split is sought to divide the lot into not more than two (2) lots.

The lot split application meets the following requirements:

- | YES | NO | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) No new street or alley or other public improvements are needed or |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) No vacation of streets, alleys, setback lines, access control or required or proposed. |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) The lot split will not result in significant increases in service requirements utilities, schools, traffic control, streets, etc.); or will not interfere with existing service level (e.g., additional curb cuts, repaving, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) There is sufficient street right-of-way as required by these Comprehensive Plan. |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) All easement requirements have been satisfied. |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) The split or plat will not result in a lot without direct access to a public street. |
| <input type="checkbox"/> | <input type="checkbox"/> | (g) No substandard-sized lot or parcel will be created. (no variances are authorized to create a substandard lot) |
| <input type="checkbox"/> | <input type="checkbox"/> | (h) The lot has not been previously split in accordance with these regulations. |

APPLICANT'S SIGNATURE:

OWNER'S SIGNATURE:

Date: _____

Date: _____

CITY PLANNER ACTION

Action of the City Planner:
