



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

Meeting Date: June 19, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Ordinance for Moratorium on Lot Splits

Background: After approving the appeal of Greg Gent, which in effect, denied the substandard lot variance on 7020 Seminole Drive, the City Council passed a motion to direct the City Attorney to prepare a resolution allowing for a 90-day moratorium on lot splits as governed by Sections 50-33(6) of the BIMC to give the City Staff time to address the problems, issues, impacts and concerns and determine if there will be long term detrimental impacts to residents, structures, property values and other adverse impacts from lot splits. Also to adopt changes to the City Code provisions governing lot splits so as to ensure that the standards and criteria governing lot splits can be reviewed and revised to eliminate or reduce problems, issues, impacts and concerns associated with lot splits and to ensure that lot splits will be consistent with the City's character, Comprehensive Plan, and the public welfare.

Staff Recommendation: Discuss the ordinance and in necessary, provide further direction to the City staff.

Suggested Motion: I move that we advertise Ordinance 18-07 establishing a 90-day moratorium on lot splits and read Ordinance 18-07 for the first time at the July 3 (July 17) Council Meeting.

Alternatives: Do not pass the moratorium

Fiscal Impact: TBD

Attachments: Draft ordinance

1 the City Code provisions governing lot splits so as to ensure that the standards
2 and criteria governing lot splits can be reviewed and revised to eliminate or
3 reduce problems, issues, impacts and concerns associated with lot splits and to
4 ensure that lot splits will be consistent with the City's character, Comprehensive
5 Plan, and the public welfare; and

6
7 **WHEREAS,** the City Council and City Manager have directed the City's planning
8 consultant and City staff to evaluate the problems, issues, impacts and concerns
9 occurring in the City related to lot splits, including without limitation, the
10 increase in densities, the impact on existing homes and the character of
11 neighborhoods, matters pertaining to safety, aesthetics, home and property
12 valuations and other matters; and

13
14 **WHEREAS,** the City has determined that the moratorium imposed by this
15 Ordinance is in the interests of the public health, safety, and welfare; that the
16 moratorium is necessary and is of the minimum duration that will allow the City to
17 study problems associated with lot splits, develop, and adopt new regulations;
18 that the moratorium will not deny property owners the use of their property nor
19 impose an unreasonable burden on such use; that the moratorium imposes a
20 reasonable and non-extraordinary delay on lot splits; that the moratorium will not
21 reduce property values; and that the moratorium will not interfere with reasonable
22 investment-backed expectations; and

1 **WHEREAS**, at a public hearing on June 5th, 2018, the City Council directed
2 the City Attorney's office to prepare this Ordinance imposing a moratorium on lot
3 splits; therefore, this Ordinance and any related ordinance governing lot splits
4 prepared during the moratorium, were and are pending as of June 5th, 2018 in
5 accordance with the pending ordinance doctrine set forth in *Smith v. City of*
6 *Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980).

7
8 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,**
9 **FLORIDA:**

10 **SECTION 1: RECITALS.** The foregoing recitals are ratified and confirmed as
11 being true and correct and are hereby made a part of this Ordinance.

12 **SECTION 2. TEMPORARY MORATORIUM.** Beginning on the effective date of this
13 Ordinance and continuing for a period of 90 days, a moratorium is hereby imposed
14 upon all lot splits within the City as governed by Section 50-33(6) of the City
15 Code. During the moratorium, the City will not accept, process, or consider
16 applications for lot splits that are governed by Section 50-33(6) of the City
17 Code.

18 **SECTION 3. EXPIRATION & EXTENSION OF MORATORIUM.** The temporary moratorium
19 imposed by Section 2 of this Ordinance expires 90 days from the effective date of
20 this Ordinance. The moratorium may be terminated, renewed, or extended for any
21 period of time by the adoption of an ordinance or resolution of the City Council.

22
23 **SECTION 4. NONCODIFICATION.** This Ordinance shall not be codified.
24

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

7 **SECTION 6. CONFLICTS.** In the event of a conflict or conflicts between this
8 Ordinance and any other Ordinance or provision of law, this Ordinance controls to
9 the extent of the conflict, as allowable under the law.

10 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective
11 immediately upon adoption by the City Council of the City of Belle Isle, Florida.

12 FIRST READING: _____, 2018

13 SECOND READING: _____, 2018

14 ADOPTED this ____ day of _____, 2018, by the City Council of the City
15 of Belle Isle, Florida.

	YES	NO	ABSENT
16 Ed Gold	_____	_____	_____
17 Anthony Carugno	_____	_____	_____
18 Jeremy Weinsier	_____	_____	_____
19 Mike Sims	_____	_____	_____
20 Harvey Readey	_____	_____	_____

1 Jim Partin _____

2 Sue Nielsen _____

3

4 ATTEST: _____

5 Yolanda Quiceno, CMC City Clerk

Lydia Pisano, Mayor

6

7 _____

8 Approved as to form and legality

9 A. Kurt Ardaman, City Attorney

10

11 **STATE OF FLORIDA**

12 **COUNTY OF ORANGE**

13

14 I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing
15 document ORDINANCE 18-07 was duly and legally passed by the Belle Isle City Council, in session assembled
16 on the _____ day of _____ 2018, at which session a quorum of its members were present.

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19 _____

20 Notary Yolanda Quiceno, CMC-City Clerk

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