

CITY COUNCIL WORKSHOP DECEMBER 28, 2018

INTRODUCTION

Since 2016, the City of Belle Isle was asked to consider several minor subdivision applications, including properties at 6806 Seminole, 6820 Seminole, and 7020 Seminole, to split existing single-family residential parcels into two or more buildable lots. These proposals generated concern from neighboring property owners as well as Planning Commission and City Council members. Due to this concern, the City Council enacted an interim ordinance (Ordinance 1807) prohibiting the subdivision or re-platting of single-family residential lots, which became effective on July 3, 2018. This short-term, 90-day moratorium on single-family lot subdivisions was put into place to provide the City Staff time to conduct a study on the impact of these activities on the community and, if necessary, to develop an appropriate course of action. The following report details the study scope, process and timeline, analytical framework, analysis and findings, and recommendations made by this group.

STUDY SCOPE

The scope of study the staff developed included the general areas of interest below:

- The appropriate dimensions (width, depth and area) of a single-family lot;
- Whether the appropriate dimensions of a single-family lot should be a uniform standard throughout the community or should vary to reflect other single-family lots in its proximity – and any equity issues that would result from varying lot standards;
- The appropriate shape of single-family lots (particularly the characteristics of front yard lot lines);
- Whether to revise or create other single-family lot standards (including, but not limited to tree preservation and replacement, open space preservation);
- Whether any actions resulting in an increased lot size (and decreased housing density) in some instances or areas should be balanced by subsequent actions resulting in decreased lot size (and increased housing densities) in other areas;
- The impacts, if any, on the affordability of housing and the diversity of housing stock relative to required lot standards.

PROCESS AND TIMELINE

The adoption and enactment of a 90-day moratorium on the splitting of single-family lots by the City Council set the basic timeline for the study. With the moratorium becoming effective on July 3, 2018 and set to expire on October 3, 2018, the staff attempted to develop a process that allowed for public participation in the process while still meeting the timeline set forward by the City Council. Unfortunately, this process did not come to fruition, so the staff had to rely on meetings held by the Planning and Zoning (P&Z) Board (audio and minutes); City Council meetings (audio and minutes); information received on social media; and casual conversations with various residents. This process was somewhat artificial in that although the public is always invited and welcomed to attend and participate in all of these City meetings, only those with a vested interest (i.e. neighbors) provided public comment that could be used as feed back into the Process.

The study was also not a fluid process as the staff could meet when available with many other priorities taking place. In hindsight, the staff should have recommended that the City Council convene an ad hoc Single-Family Residential Lot Split Advisory Group to develop and lead a study of single-family lot split issues. The group could have been made up of members of the City Council, Planning & Zoning Board members and community members with staff providing administrative support.

As Belle Isle's staff is small, this study was limited to the participation of the City Manager and City Planner. Over the course of the moratorium, the City Manager and Planner met to discuss issues associated with single-family residential lot splits. They reviewed and discussed the following:

- Issues related to the City's Subdivision and Zoning Codes;
- City data and maps related to existing subdivision standards;
- Reviewed the Comprehensive Plan and its updates, and
- Reviewed Council and P&Z meeting audio and minutes.

To gain a better understanding of community sentiment, the staff reviewed community participation and involvement through meeting minutes and recordings.

Recurrent themes in the minutes or recordings included the following:

- Concern over open space, trees, and wildlife;
- Ability to bring new families to Belle Isle;
- Density issues (decreased open space)
- Any impact to the lake and water quality
- Utilities, especially waste water and storm water; and
- Property values.

These were the physical impacts that residents were most concerned with as a result of lot splits; however, there was a preference for the community to continue creating single-family housing, but not to sacrifice open space (less density). During public meetings, some of the comments made were that the Council did not make a recommendation to "protect" existing large residential lots, especially on the lakes; some took a position against lot splits generally; some, being in favor of lot splits, brought forward the inevitability of neighborhood change which is good for the community.

CONTEXT OF THE SINGLE-FAMILY LOT SPLIT STUDY

As part of the Single-Family Lot Split Study, the staff took time to discuss several contextual issues that are fundamental to lot splits. These broader issues, including property-owner rights versus neighborhood expectations, neighborhood character, and the nature of change, are pervasive throughout community discussion generally, but particularly relevant to the lot split issue.

Property-owner Rights versus Neighborhood Expectations

The desire of an owner to control his/her property and the neighborhood expectation to enjoy that neighbor's property in perpetuity can become a divisive issue within a neighborhood which we have seen, especially in recent months. Neighbors can perceive a loss of open space with the construction of a new house or the installation of a fence, even if all work is done according to code. The taking of development rights from property owners can also prove to be expensive in some cases (which the City has already experienced). Balancing these two sets of rights is a significant challenge faced by the City Council when dealing with the single-family lot split issue.

Neighborhood Character

The definition of neighborhood character is a complex issue, and one that transcends lot splits. A sense of character is a site-specific interaction of the natural environment, the designed environment, and the social environment. Beyond the size and shape of a lot, many other factors, such as topography, natural features, house age, architectural style, density, and setbacks, and also the current residents contribute to the character of a neighborhood. Without specific, objective and measurable standards that can be applied equally across the entire city, the potential exists for subjective or arbitrary decisions.

The Challenge of Change

Belle Isle is fortunate to have a diversity of housing types and styles as well as a strong tax base. The process of change is hard, but a reality. Many projects that contribute to the livability of our city have had their proponents for preserving the status quo. Societal trends, such as growing appreciation for protection of the environment, require change. Long-held Council policies to preserve existing residential neighborhoods, deny spot-zoning, and to encourage re-investment in our current housing stock have provided a flexible framework for accommodating change and lend support to the expectation that the City will remain attractive and vital for its residents in the future, while supporting the tax base.

ANALYSIS AND FINDINGS

The following section will provide an overview of the analysis and finding of specific issues associated with the Subdivision and Zoning Codes as well as other items related to the lot split issue.

General Subdivision Policy

The initial point of agreement for the staff was general subdivision policy. The staff reached consensus that the City Council should continue to allow single-family residential lots to be subdivided or split if they meet the standards set forward by the Subdivision and Zoning Codes.

Subdivision and Zoning Code Issues

The subdivision and creation of single-family residential lots is generally governed by two separate set of ordinances within the Land Development Code ((LDC), Subpart B of the Belle Isle Municipal Code—the Subdivision Code (Chapter 50) and the Zoning Code (Chapter 54). Each of these sets of

ordinances deal with a specific set of regulations; the Subdivision Code determines the lot's "envelope"—its size, shape, and relationship to city infrastructure—while the Zoning Code sets a series of requirements as to what can take place within the "envelope," such as the type of permitted uses, amount of buildable area, and location and height of the building(s). Therefore to discuss subdivision policy, it becomes necessary to not only understand and analyze the Subdivision Code but Zoning Code as well.

When the City adopted its Zoning Code on December 28, 1992, it created Single-Family Residential Dwelling Districts, which sets a series of standards for uses and buildings for all new lots created after that date. The City of Belle Isle Subdivision Code allows the creation of single-family residential lots as long as the newly created lots meet the following basic requirements

Basic requirements. The basic site and building requirements for each zoning district are established as follows:

Zoning District	Building Setback			Minimum Lot		Minimum	Maximum Building	
	Front	Rear*	Side	Width	Size**	Floor Area**	Height	
R-1-AAA		30'	35'	10'***	100'	32,670	2,000	35'
R-1-AA		30'	35'	7.5'***	85'	10,000	1,500	35'
R-1-A		25'	30'	7.5'***	75'	7,500	1,200	35'
R-1		25'	25'	6'	60'	6,000	900	35'
R-2		25'	25'	6'	60'	7,500	600	35'

* The setback from Lake Conway shall be 50 feet from normal high-water elevation (86.9 contour line).

** In square feet

*** Any lot of record less than 60 feet shall require a side setback of six feet.

The City's basic zoning framework has not substantively changed since its initial adoption in 1992. Without this ordinance, home buyers/owners would not be able to obtain mortgages or insurance for their properties.

Based on current Subdivision and Zoning Code requirements, approximately 12 single-family residential lots within the City meet the lot area, width, and depth minimums that would allow for the subdivision of the lot into two or more single-family residential parcels without a variance. Most lots have been combined with lots that are 50 to 75 feet wide and of those combined lots none could be subdivided without a variance. In addition, 75 lakefront properties meet the minimum area and width requirements to allow for lot division to 75-feet (with variance). These subdividable parcels are scattered throughout the City; however, a greater concentration of large lots occur within four general areas of the community: Oak Island, Wallace/Matchett Road, Nela/Homewood, Seminole/Daetwyler area. (Source: OCPTA Map)

Based on an analysis of city geographic data, only 45 percent conform to both the minimum front yard width and area requirements. Of those that do not conform to the current code, 50 percent of lots do not meet minimum width and area requirements. (Source: OCPTA Map)

In addition to examining the current single-family residential standards in Belle Isle, lot standards for twelve other Central Florida areas were tabulated and compared to those of Belle Isle. Of the thirteen communities researched, Belle Isle is equal to half of other cities.

Figure 4: Central Florida Cities: Lot Size Requirements for Single-Family Residential Zoning Districts

Jurisdiction	Zoning Category	Minimum Lot Width (feet)	Minimum Lot Size (square feet)
Oakland	R-1	50	7,500
Edgewood	R-1-A	85	9,000
Casselberry	R-9	75	9,000
Leesburg	R-1-A	70	10,000
Belle Isle	R-1-AA	85	10,000
Winter Garden	R-1	85	10,000
Melbourne	R-1-AA	85	10,000
Orange County	R-1AA	85	10,000
Melbourne Beach	3-RS	90	10,000
Apopka	R-1-A	85	10,000
Edgewood	R-1-AA	90	10,890
Oakland	R-1A	100	12,500
Casselberry	R-12.5	85	12,500

Compiled by April Fisher, City Planner 9/18/18

Community-Wide Code Uniformity and Lot Dimensions, Size, and Shape

One key issue that the staff discussed was that of lot standard uniformity versus neighborhood context and relational lot standards.

Single-Family Residential Zoning Districts: The staff generally supported maintaining the current zoning districts but also creating one more district: Shoreline. While continuing with these zoning districts is very understandable and relatively easily administered, they could be too inflexible and not reflective of the actual development patterns that are likely to occur in the future in Belle Isle. Adding another zoning district could promote greater housing choice and diversity, but also could strain the community's social structures by creating areas of "haves" and "have nots."

Upon deciding that current subdivision and zoning regulations were acceptable the staff discussed zoning districts. We spent considerable time investigating the historical development patterns of the community and analyzing existing conditions within Belle Isle. The general conclusion made by the staff in regards to zoning districts was that the Zoning Code should reflect the existing development patterns of the community. As a majority of originally platted lots in Belle Isle do not meet the standards set forward by the R-1 zoning districts, different criteria should be created that reflects this reality.

Generally, this new zoning district would apply to areas that historically developed with lots smaller than existing standards (e.g. those platted prior to 10/1957); however some homes that were platted after 1957 and meet current standards could fall into the small-lot zoning district if they are located within an area that is dominated by smaller parcels.

Also, the staff recommends that the City Council not create a large-lot zoning district. Today, fewer than 20 single-family lots in the City are subdividable based on current minimum lot area and width requirements, and 95% of the existing parcels in the City are .7 acres (30,492 square feet) or less in area. (Source: OCPTA Map). These lots are dispersed throughout the community. Due to the scattered pattern of many of the larger lots in the community, there is a concern over potential “spot zoning.”

A Shoreline Overlay District creates a set of lot standards for those lots that front the lake. In conversations with residents who lived here for some time and have large parcels, it is generally stated that the City government had (has) the philosophy that they want to keep the “estate” look around the lakes and therefore lot splits should not be allowed in the shoreline areas. The staff recommends this as a new zoning overlay.

The staff discussed a variety of other issues associated with zoning district regulation. These topics included establishing lot size maximums (currently these are minimum standards) as a method to prevent “McMansions;” especially on the lake shore, amending the lot standards for the existing Single-Family Residential Districts and single-family residential design standards. However, time was not available to fully discuss these issues and come up with maximum criteria.

Lot Shape

The staff identified three key lot shape issues—gerrymandered lot lines, flag lots, and design flexibility—and discussed them as they related to the Subdivision Ordinance. Existing code does not specifically define a standard lot shape, although regular lot shape is considered a rectangle or having right angles. Council should consider adding a definition of standard lot shape to define a regular lot considering three requirements: 1) Side lot lines must be “substantially at right angles” or perpendicular to the front lot line or radial in the case of a cul-de-sac; 2) the front yard must be 85 feet wide; and 3) the rear lot must be a minimum of 30 feet wide.

Gerrymandered Lot Lines: As stated above, the Subdivision Code does not define that a side lot line be “substantially at right angles,” which leaves lot shape open to interpretation. The staff discussed this issue, and instituting a more definitive standard was the consensus to avoid property owners “zigzagging” lot lines and declaring that they were substantially perpendicular in order to meet minimum lot area and dimension standards. The staff recommends that the City Council should amend the lot line requirement within the Subdivision Ordinance to require that lot lines are perpendicular to the front property line unless a variance is granted.

Flag Lots: A flag lot is one in which a lot has two distinct parts: the “flag”, which is the only building site, usually located behind another lot and the “pole”, which connects the flag to the street and provides only street frontage for the lot and at any point, the pole is less than the minimum lot width for the zone. On the positive side, these type of lots allow for infill development, but on the negative side, this infill could be haphazard. The staff felt that requirements within the Subdivision and Zoning Codes were sufficient to prevent a flag lot, and if a property owner wanted to create a flag lot, they would need to seek it through the variance process, which requires a demonstration of hardship.

Design Flexibility: A concept to discuss is that of nontraditional housing developments, such as

cluster housing. The staff discussed methods by which the non-traditional housing development could be developed within Belle Isle. Two regulatory tools used within the City provide the flexibility required for a more nontraditional development. They are a subdivision variance process and the planned development process.

Typically, standard zoning does not allow for the creation of nontraditional housing developments without seeking a variance. To obtain a variance the applicant needs to demonstrate “practical difficulties or undue hardships”. Clustering the new homes on slightly smaller lots could help convert the physical hardship into neighborhood open space. The current Subdivision Code does not speak to a variance process; however, city staff has applied the variance language that is found within the Zoning Code to the Subdivision Code. In order to clarify the Subdivision Code for those who might meet the hardship test for creating new developments, the staff recommends that the variance language found in the Zoning Code should be added to the Subdivision Code.

In addition to granting a subdivision variance under conditions of hardship, the City also has a Planned Development (PD) regulation within the Zoning Code. In its definition within the code, a PD is described as “...To ensure that development will occur according to limitations of use, design, density, coverage and phasing as set forth on an approved final development plan. ...”. During its discussion of the PD process for single-family residential development, the city could promote PD development to provide maximum opportunity for application of innovative concepts of site planning in the creation of aesthetically pleasing living environments on properties of adequate size, shape and location

Zoning Ordinance Purpose Statement

Throughout the process of the Single-Family Lot Split Study, the issue of neighborhood character was discussed by staff members. As the project concluded, the staff recognized neighborhood character as an important component of the community’s fabric; however the group did not believe it was appropriate to include neighborhood character as an official City criterion for evaluating specific development proposals as the term is highly subjective and difficult to quantify. For example, for the current lot split applicants stating that it’s the character of the neighborhood to have a smaller lot because there are other smaller lots, is the character of the neighborhood also the house designed on those smaller lots? (typical Florida homes of less than 1,800 sf). Should substandard lot splits require home to be built with the character of the neighborhood that they were first built on?

Should the importance of the neighborhood context issue be considered in revising the purpose statement of the Zoning Code to include language related to neighborhood character? Currently, the Zoning Code doesn’t identify the purpose of this code.

Decreasing Density/Increasing Density

The staff decided that this was an issue for which time was not available; and, therefore, did not make any recommendations to the City Council, although the Comprehensive Plan refers to quality in-fill development and increased density to prevent urban sprawl. This may not be applicable to Belle Isle as there are not many undeveloped parcels of land in and around the City.

Housing Affordability and Housing Stock

The staff did discuss the impact of subdivision regulation on housing affordability as well as housing stock diversity throughout the course of the study. The staff did not make any specific recommendations to the City Council on this issue, though the creation of the new small-lot zoning

district would support the goal of increasing affordable housing within the City.

Other Standards and Ordinances

The staff discussed a number of other standards and ordinances as they pertain to lot subdivision regulation. Throughout the study, negative environmental externalities associated with single-family residential subdivisions were a concern for staff members. Stormwater management and tree removal were recurrent themes. Although these topics were outside the general parameters of the study due to time constraints, the staff felt that they were significant issues and warranted further study.

Generally, the group discussed how the City could minimize environmental impacts created through not only single-family development but all development, and ultimately recommends that the City Council should consider creating incentives for environmentally friendly development practices. A more specific discussion focused on tree preservation and replacement regulation. Currently, neither the Subdivision Code nor Zoning Code has specific language requiring tree inventories or studies. As such, the staff recommends that the City Council should consider tasking the Tree Advisory Committee to make sure tree preservation and replacement is addressed in the tree ordinance.

SUMMARY OF RECOMMENDATIONS

The following provides a list of the Single-Family Residential Lot Split Study staff's recommendations to the City Council and are organized by the code in which they seek to change or amend.

A. General Single-Family Residential Subdivision Policy

1. The City Council should continue to allow single-family residential lots to be subdivided or split if they meet the standards set by the City Code.

B. Subdivision Code

1. Council should consider criteria for standard shaped lot.
2. The City Council should prohibit the creation of flag lots within the City.

C. Zoning Code

1. The City Council should designate three levels of single-family residential zoning districts, which include the following districts: (Consensus Recommendation)
 - Small lot single-family residential, which would have standards less than the current standards;
 - Standard single-family residential, which would have the same standards as the current R1 district; and
 - Lakeshore single-family residential, which would have standards greater than that currently in the City's standard Single-Family Residential District.
2. If a small lot single-family residential zoning district is designated, the City Council should review the standards in the Zoning Code for this district to ensure appropriate building size, height and setbacks requirements.
3. In addition to the new zoning districts, the City Council should consider maximum lot criteria to avoid "McMansions" on standard lots.
4. Within the Shoreline, and Storm Water Management Code, development standards are set for lots within a Shoreline Overlay District, which include those lots within at "shoreline

areas” as designated in the Code. These requirements of this overlay would increase the minimum lot area and front yard width to 15,000 square feet and 100 feet respectively.

5. The City Council should amend the preamble of the Zoning Code with the following language: “...Said restrictions and regulations are for the purpose of protecting and enhancing the character, stability, and vitality of residential neighborhoods.”
6. The staff recommends that the City Council should create new small-lot zoning criteria that have requirements less than those for the standard R-1AA Zoning District.

D. Other City Standards and Ordinances

1. The City Council should consider creating incentives for environmentally friendly development practices.
2. The City Council should consider a tree preservation and replacement ordinance