

ORDINANCE NO. 25-

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA,
AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50.32 AND
50.33 OF THE CITY CODE GOVERNING SUBDIVISION
REGULATIONS TO PROHIBIT THE CREATION OF FLAG-
SHAPED LOTS ON LAKEFRONT AND CANAL FRONT LOTS;
PROVIDING FOR SEVERABILITY, CONFLICTS,
CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City has the authority under Section 2(b), Article VIII of the Florida Constitution, Section 166.021(1), Florida Statutes, and the City Charter to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City Council finds it necessary to amend the City Code to clarify that the City does not permit the creation of new flag-shaped lots by lot split or subdivision of parcels adjacent to a lake or canal connected to a lake and otherwise discourages the creation of flag-shaped lots for all other parcels; and

WHEREAS, the City Council of the City of Belle Isle finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, that:

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.

SECTION 2. City Code Amendment. Sections 50.32 and 50.33 of the City Code of Ordinances are hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions not included are not being amended):

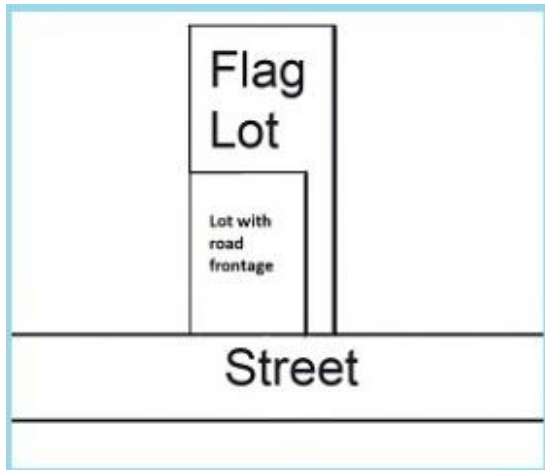
Sec. 50.32. Definitions

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.

Director means a city employee designated by the city manager to process the preliminary application and plat reviews pursuant to the provision of this article.

Flag-shaped lot describes the shape of a certain type of lot, where the ingress and egress to and from the public right-of-way is provided along the long narrow “flag pole” portion of the lot

with width less than the minimum lot width required in a zoning district and the remaining shape of the lot is generally rectangular in shape. A diagram showing an example of a flag-shaped lot is below:



Gross residential acre means an acre of land zoned and/or used for residential purposes, including, but not limited to, land which provides access or contributes to the amenities of residents of the subdivision such as streets, parks, and usable open spaces. Land devoted to nonresidential uses other than those listed above, including, but not limited to, environmentally sensitive lands, shall not be included as part of gross residential acreage.

Lot depth means the distance 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 the lot located on any other lot line if there is no rear lot line. In the event that the rear property line, or if there is no rear lot line then the most distant point on the lot located on any other line, is located fully or partially below the normal high water line of an abutting body of water, then lot depth shall be measured along a straight line drawn from the front property line and parallel to the side lot line(s) to the point on the normal high water line located closest to the front property line.

Lot split means the division of a lot or parcel that is not located within the boundaries of a planned unit development into no more than two parcels or lots and shall include any change in boundary lines between two parcels or lots.

Lot width means the distance between the side lot lines, along a line drawn parallel to the front lot line abutting the public right-of-way measured at a distance from the front lot line abutting the public right-of-way equal to the greater of: (i) the minimum front yard setback required for the applicable zoning district, and (ii) a front yard setback for a non-lakefront single-family residential lot established with city council approval at a greater distance than required by the applicable zoning district and that ensures a proper building setback from development on adjacent lots pursuant to a deed restriction granted by the property owner in favor of the city.

Net residential acre means an acre of land zoned and/or used for residential purposes and which does not include areas such as streets, parks, environmentally sensitive lands, and usable open spaces. Land devoted to nonresidential uses shall not be included as part of net residential acreage.

Tract mean any land in a subdivision which is designated as, but not limited to, recreation areas, water detention facilities, landscape buffers or conservation areas, and not meant for use as a residential or commercial lot.

Sec. 50.33. Procedures

(6) *Lot split.*

- a. *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 or as otherwise prescribed by the city council or city manager, and proof of ownership acceptable to the city.
- b. *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. The creation of new flag-shaped lots is prohibited as a result of a lot split or subdivision of (i) any parcel adjacent to a lake or canal connected to a lake, or (ii) any parcel designated with a zoning category other than a single-family residential zoning category. The creation of new flag-shaped lot for non-lake front single-family residential lots and non-canal single-family residential front lots is discouraged but may be allowed in extraordinary circumstances with city council approval subject to (i) the creation of a deed restriction establishing a front yard setback along the public right-of-way at a greater distance than required by the applicable zoning district, and (ii) a determination that no traffic safety or vehicle access issues are being created. A lot split is not permitted if the parcel proposed to be subdivided has a non-conforming use or non-conforming structure(s) that will not be brought into compliance with the Land Development Code. No variance will be given for any lot split that results in a lot or parcel or development that does not conform in every respect to the Land Development Code's requirement for newly created lots or parcels. For example, no variance will be given for any lot split that results in a substandard lot or in the creation of a lakefront or canal front flag lot.
- c. *Notice.* A notice of no further lot split shall be fully executed by the owner of the property submitted for lot split which notice must be approved by the city and such notice shall be recorded in the public records of the county prior to the issuance of any building permit for lots or parcels created by lot split. The form of the notice shall be in recordable form and in substance substantially in accordance be with the following: "The property described on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida, and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be allowed."

SECTION 3. 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 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. Codification. Section 2 of this Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, subsection 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 or City Code may be freely made.

SECTION 6. Effective date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING: _____.

SECOND READING: _____.

ADOPTED this ____ day of _____, 2025, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA

Mayor Nicholas Fouraker

ATTEST:

Yolanda Quiceno, City Clerk