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2 **ORDINANCE 2022 – 04**

3 **AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING**
4 **CHAPTER 126 OF THE CODE OF ORDINANCES, “SUBDIVISIONS,”**
5 **PROVIDING FOR A LOT SPLIT PROCEDURE FOR THE DIVISION OF**
6 **A SINGLE LOT INTO TWO LOTS IN LIEU OF REPLATTING OR**
7 **PLATTING UNDER; PROVIDING FOR SEVERABILITY; PROVIDING**
8 **FOR CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE.**

9 **WHEREAS**, the City Council of the City of Edgewood, Florida, finds it necessary
10 and in the best interests of the citizens of the City to provide a lot split procedure for
11 division of lots in lieu of re-platting or platting; and,

12 **WHEREAS**, the city of Edgewood has received several requests from property
13 owners to divide single existing lots into two lots; and,

14 **WHEREAS**, within this Ordinance, deletions are identified by strikethrough text
15 and additions are identified by underline text.

16 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
17 **OF EDGEWOOD, FLORIDA, AS FOLLOWS:**

18 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as
19 legislative findings of the City Council pertaining to this Ordinance.

20 **SECTION TWO.** Chapter 126.61 “Exemptions” is hereby amended as follows:

21 **Sec. 126-61.**

22 (a) For subdivisions where no new streets, water, sewer or drainage structures are
23 involved, sections 126-62 through 126-67 and 126-93 through 126-95 may be
24 waived; provided, however, that a sketch plan of the proposed subdivision shall
25 be submitted to the office of the mayor for review by the planning and zoning
26 board to ensure that the proposed subdivision conforms to other applicable
27 requirements of this chapter and further compliance with sections 126-
28 62 through 126-67 and 126-93 through 126-95.

29 (b) If the proposed subdivision is a proposal for the division of a single lot into two lots,
30 in lieu of platting or replatting, the subdivider may conform to the procedural
31 requirements to be known as a “Lot Split,” as set out in this section, or the
32 subdivider may comply with the procedure for platting or replatting contained in this
33 chapter at the applicant's option, except as otherwise determined pursuant to
34 subsection (b)(3). A lot shall not be created by this process if a lot does not have

35 legal access to a public right-of-way, or the resulting lots are not conforming to land
36 development regulations or comprehensive plan requirements. The Lot Split
37 procedure shall not apply to a subdivision into more than two lots. The intention
38 being that this procedure may only be used once as it pertains to all or any portion
39 of the lands involved in or previously utilizing or subject to this procedure.

40 (1) Lot Split Application. A subdivider shall apply to the city on an application
41 form as well as submit to the city the plan for subdivision with the following
42 minimum submittal requirements:

- 43 a. A sketch drawn to scale showing the existing lot and improvements,
44 location of easements, names of bordering streets, proposed lot lines,
45 minimum required building setbacks on each proposed lot, names and
46 locations of all bodies of water, wetland, drain fields, and all other
47 waterways and watercourses abutting or encroaching upon subject
48 property. This sketch must also show existing buildings and lot
49 dimensions. The scaled drawing may coincide with the certified
50 boundary survey required below.
- 51 b. A brief description of all utilities and city services, including sewers,
52 potable water facilities, and fire hydrants electric and telephone poles,
53 streetlights, storm drains and any other utilities or services relevant to
54 the maintenance of subject properties.
- 55 c. A listing of the names and addresses of the record owners abutting
56 subject property.
- 57 d. A boundary survey of the lands subject to this procedure, as existing
58 (i.e., prior to the proposed lot split) and as proposed (i.e., after the
59 proposed lot split), performed and prepared by a professional licensed
60 surveyor and mapper. The survey shall be certified to and submitted to
61 the city. Said surveys shall include the depiction of existing
62 improvements and easements thereon.
- 63 e. Proposed legal instruments creating and granting proposed easements,
64 conditions and restrictions upon the proposed lots.
- 65 f. Application fee.

66 (2) Staff Review. Once the application is determined to be complete, staff shall
67 review the request for compliance with the code and providing necessary
68 easements and access for public services and utilities (e.g. compliance with
69 lot dimensions requirements, setbacks for existing buildings, easements, legal
70 access, etc.). A staff report, with or without conditions or restrictions, the
71 application, together with the recommendations, conditions and restrictions,

72 shall be presented to the Planning and Zoning board at its next available
73 regular meeting or session, for a recommendation of approval or disapproval.

74
75 (3) The city staff may require an applicant to follow the standard subdivision
76 procedure contained in this chapter if they determine that the lot-split
77 procedure is being utilized by an applicant in order to defeat the objectives of
78 subdivision requirements or the lot-split procedure would be inadequate to
79 address matters presented by the application that could be more adequately
80 addressed through the platting or replatting procedure.

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82 (4) Planning and Zoning Board Review. The Planning and Zoning Board
83 recommendation may take the following actions:

84 a. Approve the application as recommended by staff.

85 b. Approve the application, deleting or supplementing the conditions and
86 restrictions of staff.

87 c. Approve the application, adding conditions and restrictions as determined
88 by the Planning and Zoning Board.

89 d. Disapprove the application.

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91 (5) City Council Review. The Planning and Zoning Board recommendation shall
92 be presented to the City Council at the next available Council meeting.

93 (6) Conditions. The city may condition the lot split upon the recording in the
94 Orange County public records legal instrument(s), in a form acceptable to the
95 city, showing the new boundaries of the lots created by the lot split and
96 creating any easements, conditions and restrictions upon the lots necessary
97 for the orderly and proper development of the lots.

98 If staff or the Planning and Zoning Board determines that an easement or
99 right-of-way is necessary for the subdivision of the subject property, the
100 applicant must provide a proper and satisfactory executed deed of easement
101 or right-of-way prior to any final approval by City Council.

102 (7) Appeals. Appeals of any decision of the City Council shall follow that stated in
103 Section 126-590 of the Edgewood Code.

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