

1
2 **ORDINANCE 2022 – 04**

3 **AN ORDINANCE OF THE CITY OF EDGEWOOD AMENDING CHAPTER**
4 **126 OF THE CODE OF ORDINANCES, “SUBDIVISIONS,” PROVIDING**
5 **FOR A LOT SPLIT PROCEDURE FOR THE DIVISION OF A SINGLE LOT**
6 **INTO TWO LOTS IN LIEU OF REPLATTING OR PLATTING UNDER;**
7 **PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION,**
8 **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 OF**
17 **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 be
25 submitted to the office of the mayor for review by the planning and zoning board to
26 ensure that the proposed subdivision conforms to other applicable requirements of
27 this chapter and further compliance with sections 126-62 through 126-67 and 126-
28 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 subdivider
32 may comply with the procedure for platting or replatting contained in this chapter at
33 the applicant's option, except as otherwise determined pursuant to subsection (b)(3).
34 A lot shall not be created by this process if a lot does not have legal access to a

35 public right-of-way, or the resulting lots is not conforming to applicable land
36 development regulations governing lot dimensions or densities within the applicable
37 zoning district. The Lot Split procedure shall not apply to a subdivision into more
38 than two lots or additional lot splits on contiguous land or within the same existing
39 subdivision. The intention being that this procedure may only be used once as it
40 pertains to all or any portion of the lands involved in or previously utilizing or subject
41 to this procedure.

42 (1) Lot Split Application. A subdivider shall apply to the city on an application form
43 as well as submit to the city the subdivider's plans for development with the
44 following minimum submittal requirements:

45 a. A sketch drawn to scale showing the existing lot and improvements,
46 location of easements, names of bordering streets, proposed lot lines,
47 minimum required building setbacks on each proposed lot, names and
48 locations of all bodies of water, wetland, drain fields, and all other
49 waterways and watercourses abutting or encroaching upon subject
50 property. This sketch must also show existing buildings and lot dimensions.
51 The scaled drawing may coincide with the certified boundary survey
52 required below.

53 b. A brief description of all utilities and city services, including sewers,
54 potable water facilities, and fire hydrants electric and telephone poles,
55 streetlights, storm drains and any other utilities or services relevant to the
56 maintenance of subject properties.

57 c. A listing of the names and addresses of the record owners abutting subject
58 property.

59 d. A boundary survey of the lands subject to this procedure, as existing (i.e.,
60 prior to the proposed lot split) and as proposed (i.e., after the proposed lot
61 split), performed and prepared by a professional licensed surveyor and
62 mapper. The survey shall be certified to and submitted to the city. Said
63 surveys shall include the depiction of existing improvements and
64 easements thereon.

65 e. Proposed legal instruments creating and granting proposed easements,
66 conditions and restrictions upon the proposed lots.

67 f. A title opinion from a licensed attorney or title certificate from a title
68 company certified to the city showing the ownership, easement, mortgage,
69 and other lien and encumbrance information for the existing lot.

70 g. Executed joinder and consent to the proposed lot split from all owners of
71 the property and mortgage holders, if applicable.

72 h. Application fee.

73 (2) Staff Review. Once the application is determined to be complete, staff shall
74 review the request for compliance with the code and providing necessary
75 easements and access for public services and utilities (e.g. compliance with lot
76 dimensions requirements, setbacks for existing buildings, easements, legal
77 access, etc.). A staff report, with or without conditions or restrictions, the
78 application, together with the recommendations, conditions and restrictions,
79 shall be presented to the Planning and Zoning board at its next available
80 regular meeting or session, for a recommendation of approval or disapproval.

81
82 (3) The city staff may require an applicant to follow the standard subdivision
83 procedure contained in this chapter if they determine that the lot-split procedure
84 is being utilized by an applicant in order to defeat the objectives of subdivision
85 requirements or the lot-split procedure would be inadequate to address matters
86 presented by the application that could be more adequately addressed through
87 the platting or replatting procedure.

88
89 (4) Planning and Zoning Board Review. The Planning and Zoning Board
90 recommendation may take the following actions:

- 91 a. Approve the application as recommended by staff.
- 92 b. Approve the application, deleting or supplementing the conditions and
93 restrictions of staff.
- 94 c. Approve the application, adding conditions and restrictions as determined
95 by the planning and zoning board.
- 96 d. Disapprove the application.

97
98 (5) City Council Review. The Planning and Zoning Board recommendation shall
99 be presented to the City Council at the next available Council meeting.

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

105 If staff or the Planning and Zoning board determines that an easement or right-
106 of-way is necessary for the subdivision of the subject property, the applicant
107 must provide a proper and satisfactory executed deed of easement or right-of-
108 way prior to any final approval by the authority determining this necessity and
109 prior to approval by any subsequent authorities determining the application.

110
111
112
113

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