## **ORDINANCE 2022 - 04**

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

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

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

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

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

- SECTION ONE. The findings set forth in the recitals above are hereby adopted as legislative findings of the City Council pertaining to this Ordinance.
- 19 **SECTION TWO.** Chapter 126.61 "Exemptions" is hereby amended as follows:
- <sup>20</sup> Sec. 126-61.

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- For subdivisions where no new streets, water, sewer or drainage structures are involved, sections 126-62 through 126-67 and 126-93 through 126-95 may be waived; provided, however, that a sketch plan of the proposed subdivision shall be submitted to the office of the mayor for review by the planning and zoning board to ensure that the proposed subdivision conforms to other applicable requirements of this chapter and further compliance with sections 126-62 through 126-67 and 126-93 through 126-95.
- 28 (b) If the proposed subdivision is for the division of a single unplatted parcel into two
  29 parcels, in lieu of platting or replatting, the subdivider may conform to the
  30 procedural requirements to be known as a "Lot Split," as set out in this section, or
  31 the subdivider may comply with the procedure for platting or replatting contained in
  32 this chapter at the applicant's option, except as otherwise determined pursuant to
  33 subsection (b)(3). A new parcel shall not be created by this process if it does not
  34 have legal access to a public right-of-way, or the resulting parcels are not

- conforming to land development regulations or comprehensive plan requirements,
  or if the lot split will negatively impact surrounding properties. The Lot Split
  procedure shall not apply to a subdivision into more than two parcels. The intention
  being that this procedure may only be used once as it pertains to all or any portion
  of the lands involved in or previously utilizing or subject to this procedure.
  - (1) Lot Split Application. A subdivider shall apply to the City on an application form as well as submit to the City the plan for subdivision with the following minimum submittal requirements:
    - a. A scaled drawing showing the existing parcel and improvements, location of easements, names of bordering streets, proposed parcel boundaries, minimum required building setbacks on each proposed parcel, names and locations of all bodies of water, wetland, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This drawing must also show existing buildings and parcel dimensions. The scaled drawing may coincide with the certified boundary survey required below.
    - b. A brief description of all utilities and City services, including sewers, potable water facilities, and fire hydrants, electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
    - c. A listing of the names and addresses of the record owners abutting subject property.
    - d. A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared by a professional, Florida licensed surveyor and mapper. The survey shall be certified to and submitted to the City. Said surveys shall include the depiction of existing improvements and easements thereon.
    - e. <u>Proposed legal instruments creating and granting proposed easements, conditions and restrictions upon the proposed lots.</u>
    - f. Application fee.
  - (2) Staff Review. Once the application is determined to be complete, staff shall review the request for compliance with the code and the provision of necessary easements and access for public services and utilities (e.g. compliance with lot dimensions requirements, setbacks for existing buildings, easements, legal access, etc.). A staff report/recommendation, with or without conditions or restrictions, and the application shall be presented to the

72		Planning and Zoning Board at its next available regular meeting or session,
73		for a recommendation of approval or disapproval.
74		ior a recommendation of approval or alcapproval.
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 may
83		take the following actions:
84		a. Recommend approval of the application as recommended by staff.
85		b. Recommend approval of the application, deleting or supplementing the
86		conditions and restrictions of staff.
87		c. Recommend approval of the application, adding conditions and
88		restrictions as determined by the Planning and Zoning Board.
89		d. Recommend denial of the application.
90	<i>(</i> <b>5</b> )	City Council Povious The Planning and Zoning Poord recommendation shall
91 92	(5)	City Council Review. The Planning and Zoning Board recommendation shall be presented to the City Council at the next available Council meeting for
93		Council's consideration of approval.
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94	(6)	Conditions. The City may condition the lot split upon the recording in the
95 06		Orange County public records legal instrument(s), in a form acceptable to the
96 97		City, showing the new boundaries of the parcels created by the lot split and creating any easements, conditions and restrictions upon the created parcels
98		necessary for the orderly and proper development of the land.
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99		If staff or the Planning and Zoning Board determines that an easement or
100		right-of-way is necessary for the subdivision of the subject property, the
101		applicant must provide a proper and satisfactory executed deed of easement
102		or right-of-way prior to any final approval by City Council.
103	(7)	Appeals. Appeals of any decision of the City Council shall follow that stated in
104		Section 126-590 of the Edgewood Code.
105	SECTIO	N THREE. The provisions of this Ordinance shall be codified as and become

**SECTION FOUR.** If any section, sentence, phrase, word or portion of this ordinance is

and be made a part of the Code of Ordinances of the City of Edgewood.

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109	determined to be invalid, unlawful or unconstitutional, said determination shall not be
110	held to invalidate or impair the validity, force or effect of any other section, sentence
111	phrase, word or portion of this Ordinance not otherwise determined to be invalid
112	unlawful or unconstitutional.
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114	<b>SECTION FIVE.</b> All ordinances that are in conflict with this Ordinance are hereby
115	repealed.
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117	<b>SECTION SIX.</b> This Ordinance shall become effective immediately upon its passage
118	and adoption.
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120	PASSED AND ADOPTED this day of, 2022, by the City
121	Council of the City of Edgewood, Florida.
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123	PASSED ON FIRST READING:
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125	PASSED ON SECOND READING:
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128	Richard A. Horn, Council President
129	ATTEST:
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132	Sandy Riffle
122	Interim City Clark