

1 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF**
2 **ORLANDO, FLORIDA, RELATING TO THE LAND**
3 **DEVELOPMENT CODE; AMENDING PART 3B., CHAPTER**
4 **65, RELATING TO SUBDIVISIONS TO ALLOW LOT SPLITS**
5 **FOR LOTS OF GREATER THAN 5 ACRES IN AREA UNDER**
6 **CERTAIN CIRCUMSTANCES; AMENDING SECTION 62.200,**
7 **TO AMEND THE DEFINITION OF LOT SPLIT; PROVIDING**
8 **CLARIFYING, GRAMMATICAL, AND TECHNICAL**
9 **AMENDMENTS; PROVIDING FOR SEVERABILITY,**
10 **CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS,**
11 **AND AN EFFECTIVE DATE.**

12
13 **WHEREAS**, section 163.3202(1), Florida Statutes, requires that the City of
14 Orlando, Florida (the "City"), adopt or amend and enforce land development regulations
15 that are consistent with and implement the City's adopted comprehensive plan; and
16

17 **WHEREAS**, section 163.3203(3), Florida Statutes, encourages the use of
18 innovative land development regulations and requires that all land development
19 regulations be combined into a single land development code for the City; and
20

21 **WHEREAS**, from time to time, amendments and revisions to the City's adopted
22 comprehensive plan (the "Growth Management Plan"), progress in the field of planning
23 and zoning, or changes to state law make it necessary or desirable to amend the land
24 development regulations of the City; and
25

26 **WHEREAS**, at its regularly scheduled meeting of January 20, 2015, the
27 Municipal Planning Board recommended to the City Council of the City of Orlando,
28 Florida (the "Orlando City Council"), that the provisions of this ordinance are consistent
29 with the applicable provisions of the City's adopted Growth Management Plan, are in the
30 best interest of the public health, safety, and welfare, are in harmony with the purpose
31 and intent of the Land Development Code of the City of Orlando, Florida (the "Land
32 Development Code"), will not result in disorderly and illogical development patterns, and
33 will not result in incompatible land uses; and
34

35 **WHEREAS**, the Orlando City Council hereby finds and determines that this
36 ordinance is consistent with the applicable provisions of the City's adopted Growth
37 Management Plan, is in the best interest of the public health, safety, and welfare, is in
38 harmony with the purpose and intent of the City's Land Development Code, will not
39 result in disorderly and illogical development patterns, and will not result in incompatible
40 land uses; and
41

42 **WHEREAS**, the Orlando City Council hereby finds and declares that this
43 ordinance is in the best interest of the public health, safety, and welfare; and
44

45 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
46 **OF ORLANDO, FLORIDA, AS FOLLOWS:**

SECTION 1. PART 3B., CHAPTER 65, AMENDED. Part 3B., Chapter 65, Code of the City of Orlando, Florida, is hereby amended as follows:

3B. SUBDIVISIONS THAT DO NOT REQUIRE PLATTING

Sec. 65.410. Purpose and intents of Waivers of Platting Requirements.

~~The review process set forth in this Part is intended to provide for adequate City review for subdivisions or re-subdivisions of land. The purpose of this subpart is to provide limited exemptions from the general rule that all subdivisions of land undergo the plat review process and be recorded on a plat as provided by law. This part is intended to limit the occasions when a subdivision can occur without platting, and when an exemption is applicable, provide safeguards to prevent unintended consequences to public infrastructure, to prevent nonconformities under the LDC, and to otherwise prevent the creation of lots that lack necessary development infrastructure or are otherwise inconsistent with the GMP or LDC.~~

Sec. 65.411. Subdivisions exempt from platting requirement Eligible for Waivers of the Platting Process.

~~The Pplanning Oofficial may exempt the following subdivisions of land from the requirement to plat provided by section 65.401 grant waivers from the platting or the replatting process for the following types of subdivisions or re-subdivisions of land:~~

~~(A) Lot Split. A subdivision that will result in the creation of no more than two (2) additional residential, commercial or industrial lots, so that the lot to be split becomes no more than three lots, may be considered a Lot Split provided the following conditions are met:~~
~~(a) Lot split. A lot split that will result in the creation of no more than two additional development lots, so that the lot to be split becomes no more than three lots, may be approved by the planning official if the following conditions are met:~~

~~(1) 1. That tThe lot to be split is (i) a previously platted lot of record as defined in Section 66.200, City Code, or a lot created by a previous lot split under this Ssection and (ii) does not exceed five (5) acres.~~

~~(2) 2. No nonconforming or non-compliant lots or developments are created through the Lot Split process unless the nonconforming or non-compliant lot(s) is bound to an adjacent lot by development or a binding lot agreement, approved in form by the City Attorney's Office, to create a conforming, developable lot under City Code. That nonconformities are not created by the lot split, except that a nonconforming lot is allowed if the nonconforming lot is bound to an~~

adjoining lot so that together the bound lots provide a functional equivalent of a dimensionally conforming lot. For purposes of this subpart, a nonconforming lot must be "bound" to an adjoining lot by a binding lot agreement, a declaration of restrictive covenant, or other functionally equivalent instrument, each of which must be recorded in the official records of Orange County and is subject to prior review and approval by the city attorney, or must be "bound" by virtue of development infrastructure or buildings being located in relation to the lot boundaries so that the proposed development site provides the functional equivalent of a dimensionally conforming lot.

~~(3) Cross-access easements to serve the created lots already exist on the lot to be split or are determined not to be necessary; or, if necessary, are provided by separate instrument.~~

~~(4) 3. That each of the lots created by the lot split meet the standards provided at "Replatting Requirements," section 65.272. The lot to be split and the lots created by the Lot Split meet the "Replatting Requirements" referenced in Section 65.272, City Code.~~

~~(5) 4. That the lot split will not impair the functionality of any necessary and existing easements or infrastructure unless the applicant is first able to provide any new easements and infrastructure necessary for the newly created lots to function in accordance with the GMP, LDC, and applicable land development orders. Instruments creating easements necessitated by this part are subject to prior review and approval by the city attorney and upon review must be accompanied by a current title opinion, the consent of any mortgagees, and such other information or evidence reasonably required by the city attorney to conclusively establish the intended functionality of the proposed easement. Such instruments must be recorded in the official records of Orange County before approval of the lot split. The proposed Lot Split will not affect the terms and validity of existing easements or the operation and functioning of existing infrastructure. Subject to City approval, this condition may be met by providing separate instruments in conjunction with the Lot Split. The City Attorney's Office is responsible for approving the form and legal sufficiency of any such instruments. Easements must be submitted with a current title opinion and the consent of any mortgagees and must be recorded in the Public Records of Orange County, Florida.~~

~~(6) 5. If the lot to be split is greater than five acres in area, then the planning official may approve the lot split only if the following additional conditions are met:~~

- A. That the property is subject to an approved master plan or other City-approved site plan that conclusively establishes locations of driveways, stormwater tracts, utilities, building envelopes, and other site improvements; and
- B. That the development proposed for the newly created lots has, or will have, access to all necessary infrastructure; and
- C. That all right-of-way and easements needed to serve the newly created lots have been previously provided or will be provided before the lot split is effective; and
- D. That the planning official finds that the lot split is consistent with all provisions of the GMP, LDC, and applicable land development orders.

~~All easements or other instruments required as part of the lot split procedure, or the development related thereto, must be established prior to the effectiveness of the lot split. The City Attorney's Office is responsible for approving the form and legal sufficiency of any such instruments. Easements must be submitted with a current title opinion and the consent of any mortgagees and must be recorded in the Public Records of Orange County, Florida.~~

~~(B) Condemnation/Court Actions. Parcels created as a result of City, County or State condemnation or abandonment proceedings or other court actions.~~ (b) Condemnation or other actions. Lots, parcels, tracts, or other subdivisions of land created as a result of condemnation, government abandonment, or judicial proceedings.

~~(C) (c) Aggregation of Land. Lots, parcels, tracts, or other subdivisions of land~~ Parcels created through the aggregation of pieces and parts of existing
platted lots provided the following conditions are met:

- ~~(1) 1. That nonconformities are not created by the aggregation; and No non-conforming lots, buildings, structures, vehicular use areas, or landscape areas are created; and~~
- ~~(2) 2. That the aggregation is bound together by a binding lot agreement,~~ a declaration of restrictive covenant, or other functionally equivalent instrument, each of which must be recorded in the official records of Orange County and is subject to prior review and approval by the city attorney; and ~~The pieces and parts will be bound together by~~

development on the proposed parcel or through a Binding Lot Agreement if the criteria set forth in section 65.272 is met.

3. That the aggregation meets the standards provided at “Replatting Requirements,” section 65.272.

Sec. 65.412. Application for platting exemption Submittal and Review Process.

An application for a platting exemption pursuant to this subpart must be made by filing an application with the planning official. The application must include, at a minimum, the following: ~~To be considered for a waiver of the platting requirements, an applicant shall submit to the City Planning Division a written request in multiple copies as determined by the Planning Official, or his or her designee that shall include the following:~~

~~(A)~~(a) A legal description of the property; and

~~(B)~~(b) A boundary survey certified to the City of Orlando showing any and all improvements on the property and all encroachments and encumbrances identified in the submitted title opinion ~~that has been identified on the survey;~~

~~(C)~~(c) The proposed parcel lines; and

~~(D)~~(d) A current title opinion establishing record title in accordance with the Florida Statutes ~~within 90 days of the application, with an updated opinion provided upon any change in title to the property;~~ and. For purposes of this subsection, a “current title opinion” is a title opinion dated within 90 days of the request for determination. If, during the planning official’s review of the application, a change occurs to the title of the subject property, then an updated title opinion must be provided to the planning official.

~~The Planning Official shall review the request to determine whether or not it complies with the standards of this Part. The Planning Official may require additional information if the materials submitted are deemed not sufficient for a complete and adequate review. Following this review, the Planning Official shall approve or deny the request in writing. Upon receipt of a complete application, the planning official shall approve, approve with conditions, or deny the application. In determining whether to approve, approve with conditions, or deny the application, the planning official shall apply the regulations of this subpart. When reviewing the application, the planning official may request additional information from the applicant if necessary for a complete and adequate analysis of the request.~~

Appeals. ~~Decisions made pursuant to this section~~ Decisions under this Section may be appealed by filing a written ~~n~~Notice of ~~a~~Administrative ~~a~~Appeal with the

~~pPlanning oOfficial or his/her designee within ten (10) days of the decision being delivered to the applicant written notice of the decision. The pPlanning oOfficial shall, within thirty (30) days of receipt of the nNotice, provide a written determination to the applicant via first class U.S. mail regarding whether the decision was undertaken in accordance with City Code, City Policies and Procedures, and other applicable law. The applicant may appeal the pPlanning oOfficial's determination to the City's director of the Economic Development Director, (EDD), Department, or his/her designee, by filing a written request with the ~~EDD director, or designee~~, within thirty (30) days of the issuance of the pPlanning oOfficial's determination. The director-EDD, or his/her designee, shall, within thirty (30) days of the receipt of the request, provide a written determination to the applicant via first class U.S. mail regarding whether the decision was undertaken in accordance with City Code, City Policies and Procedures, and other applicable law. The ~~EDD's director's~~ determination shall be considered is hereby made final agency action.~~

SECTION 2. SECTION 66.200, AMENDED. Section 66.200, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 64. 200. Definitions

Lot, Reverse Frontage: A through lot or corner lot intentionally designed so that the front lot line faces a local street rather than facing a parallel or perpendicular major thoroughfare.

Lot split means the subdivision of an existing lot of record. ~~Lot Split: A subdivision of real property that will result in the creation of exactly one additional lot, provided the following conditions are met:~~

- ~~(a) The lot to be split is a previously platted lot of record, as defined by this Chapter;~~
- ~~(b) No nonconforming lots or developments are created; and~~
- ~~(c) Cross-access easements already exist on the lot to be split or are determined not to be necessary; or if necessary, are provided by separate instrument.~~

Lot Width, Mean: The mean distance from a side line of the lot to its opposite side line, measured in the mean general direction of the front and rear lines of the lot.

SECTION 3. APPLICATIONS & FEE SCHEDULE. The planning official shall amend the City's land development order application forms in accordance with this ordinance, and the permitting official shall amend the City's schedule of permitting and land development order application fees in accordance with this ordinance.

SECTION 4. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 5. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 7. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, the _____ day of _____, 2015.

DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2015.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

ORDINANCE NO. 2015-11

319
320
321
322

City Attorney

[Remainder of page intentionally left blank.]