



RESIDENTIAL REPLAT PROCESSES

SUMMARY

Owner N/A	Description of the Request: Amend Section 58.1153 of the Land Development Code to establish consistent standards and review criteria for residential replat, revert to original plat, and the plat with modifications processes.	Public Comment Staff posted this item on the City's website, and placed a classified ad in the Orlando Sentinel. No public comments have been received as of the date of the Staff Report.
Applicant City of Orlando		
Project Planner Shannan Stegman	Staff's Recommendation: Approval of the request.	
Updated: June 11, 2020		

ANALYSIS

Overview.

Currently, if a homeowner desires to redevelop their parcel, they are typically required to subdivide or better define the property through the *Replat* process. If a property owner desires to split a legally conforming residential parcel into two lots, either a *Revert to Original Plat* (when the lots are shown on a Plat recorded prior to February 4, 1959) or a *Plat with Modifications* when the normal required area, width, or depth cannot be met. If approved through the proper procedures, all three processes result in new lots that are eventually developed. However, the existing review requirements and procedures are inconsistent between these three processes, which is confusing to applicants as well as staff.

Existing Regulations.

Replat. While nonconforming lots of record are allowed to be developed with single family houses, the City typically requires property owners to *Replat* the lots prior to significant redevelopment when the quality of the underlying plat is poor. Section 58.1152 of the LDC places some limitations on any of these properties that don't meet the minimum dimension or area requirements. The limitations include:

- Building height limits of two stories.
- Maximum FAR of 0.50.
- Requirements for the location of required parking.
- Appearance review.
- Prohibition on modifications for development standards (small variances).

Revert to Plat. When two or more whole platted lots have been joined together to form a conforming parcel, the process to split the parcel back to the original lot configuration is a *Revert to Plat*. LDC Section 58.1152 contains provisions for this process.

- Final plat is not required by Code, but is often requested by Site Engineering if the underlying plat is old (prior to 1950).
- Staff analyzes the predominant residential development pattern within the block face and may recommend approval when more than 50% of the analyzed lots are non-conforming.

Plat with Modifications. If a proposed parcel contains pieces and parts of different lots, if the parcel has never been platted, or if the property owner desires a different lot configuration than the original plat, the owner may need to request a *Plat with Modifications* when the proposed dimensions or total minimum area doesn't meet the typical requirements.

- Applicant must show some sort of hardship.
- Analysis of neighborhood is not required, but usually occurs.

Summary of Proposed Changes.

Staff is proposing to establish and adopt standard review criteria and procedures for all three processes. The criteria includes:

- Maximum building height.
- Maximum FAR.
- Limiting the location of required parking.
- Requiring Appearance Review.
- Conducting block face neighborhood analysis.

In addition, all three processes will have the same submittal requirements and will include a prohibition on modifications to development standards (small, administrative variances)

Proposed Code Language.

The draft code changes are as follows and are subject to final review and approval by the City Attorney's Office. New language is underlined and eliminated language is ~~struck through~~.

Sec.58.1153—Development of Non-conforming Residential Lots.

Existing platted Non-conforming residential lots. When a platted residential lot or Lot of Record is nonconforming in lot area, lot width, or lot depth, the following regulations ~~shall~~ apply:

- (a) *Height.* The maximum building height shall be two stories.
- (b) *FAR.* The maximum floor area ratio shall be 0.50.
- (c) *Location of Required Parking.* All required parking spaces and garage door elevations shall be set back a minimum of five (5) feet from the principle façade of the principle building. For each lot, the combined width of all garage door(s) facing a street shall not exceed fifty percent (50%) of the combined width of all building elevations facing the same street. Garage accessory structures in the rear half of the lot shall not be included in this calculation, except when the garage accessory structure is located on a corner lot and faces a side street. When a garage accessory structure is located on a corner lot and faces a side street, the garage accessory structure shall be set back a minimum of twenty (20) feet from the street side property line and the combined width of all garage door(s) facing a street shall not exceed thirty-five percent (35%) of the combined width of all building elevations facing a street, including the garage accessory structure.
- (d) *Appearance Review.* Appearance review shall be required pursuant to the requirements and procedures provided in Sec. 62.300.
- (e) *Modification of Standards Prohibited.* Modifications to development standards on nonconforming residential lots under Chapter 65, Part 2F of this Code are prohibited, with the exception of the following:
 - Single story accessory structures and screen room setbacks.
 - Fence height.
 - Driveway regulations, and
 - Single story “in-line” additions to principle structures that are not a substantial improvement or substantial enlargement.

A variance approved by the Board of Zoning Adjustment shall be required for any other modification of development standards for site plan approval.

Splitting a conforming lot or parcel into two or more nonconforming lots.

A. Process. A legally conforming residential lot may request to be split into two or more nonconforming lots according to either of the following:

1. Reversion to Original Plat - Residential Lots. When nonconforming residential lots are shown on a plat recorded prior to February 4, 1959, and any portion of two or more lots have been bound together by any action of the property owner to form a conforming building site, the property ~~shall not be split and so as owner may request~~ to revert to the original plat ~~except~~ in accordance with the standards provided in this subsection and the procedures provided in Chapter 65, Part 3G. A Final Plat pursuant to Chapter 65 Part 3F shall not be required when an application for a reversion to the original plat is submitted. ~~However, the applicant shall submit a boundary survey of the existing conditions of the property, conceptual site and landscaping plans, and conceptual elevations for future buildings on the site. As part of the review of an application for a reversion to the original plat under Chapter 65, Part 3G, the City shall analyze the predominant residential development pattern along both sides of the street on the same block face as the subject property excluding corner lots. A reversion to the original plat may be recommended for approval when more than 50% of the analyzed lots are non-conforming and the the proposed reversion conforms to the standard and intent of the Growth Management Plan and Land Development Code.~~
2. Plat with Modifications. If a residential building site contains part and pieces of lots, has never been platted or is a different lot configuration then the original plat, a Plat with Modifications may be requested in accordance with Chapter 65, Part 3G.

- B. Review of the Request. In addition to the requirements of Chapter 65, Part 3G, the following regulations apply:
- (a) Height. The maximum building height shall be two-stories.
 - (b) Maximum FAR.
 - i. 0.45 if the garage/carport is located on the front 1/2 of the lot.
 - ii. 0.50 if the garage/carport is detached/located in the back 1/2 of the lot.
 - (c) Location of Required Parking. All required parking spaces and garage door elevations shall be set back a minimum of five (5) feet from the principle façade of the principle building. For each lot, the combined width of all garage door(s) facing a street shall not exceed fifty percent (50%) of the combined width of all building elevations facing the same street. Garage accessory structures in the rear half of the lot shall not be included in this calculation, except when the garage accessory structure is located on a corner lot and faces a side street. When a garage accessory structure is located on a corner lot and faces a side street, the garage accessory structure shall be set back a minimum of twenty (20) feet from the street side property line and the combined width of all garage door(s) facing a street shall not exceed thirty-five percent (35%) of the combined width of all building elevations facing a street, including the garage accessory structure.
 - (d) Appearance Review. Appearance Review shall be required pursuant to the requirements and procedures provided in Sec. 62.300 and the Traditional City Design Standards in Sec. 62.600.
 - (e) Block Face Analysis. As part of the review of an application for a reversion to the original plat or plat with modifications under Chapter 65, Part 3G, the City shall analyze the predominant residential development pattern along both sides of the street on the same block face as the subject property excluding corner lots. ~~A reversion to the original plat may be recommended for approval when more than 50% of the analyzed lots are nonconforming and the proposed reversion conforms to the~~ An inventory or pattern of nonconforming lots due to width, depth or area on the block face is considered as justification for request in addition to neighborhood compatibility and consistency with the standards and intent of the Growth Management Plan and Land Development Code.
- C. Submittal Requirements.
- (a) Boundary Survey of the existing conditions of the property.
 - (b) Conceptual site plan.
 - (c) Conceptual landscape plan.
 - (d) Conceptual building elevations of all buildings.
- D. Modification of Standards Prohibited. Modifications to development standards on nonconforming residential lots under Chapter 65, Part 2F of the Code are prohibited. A variance approved by the Board of Zoning Adjustment shall be required for any modification of development standards for site plan approval.

FINDINGS

In review of the proposed LDC amendment, it is found that:

1. The proposed Land Development Code amendment is consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes).
2. The proposed Land Development Code amendment is consistent with the East Central Florida Strategic Regional Policy Plan.
3. The proposed Land Development Code amendment is consistent with the provisions of Chapter 163, Part II, Florida Statutes.
4. The proposed Land Development Code amendment is consistent with the objectives and policies of the City's adopted Growth Management Plan (GMP).

RECOMMENDATION

Staff recommends approval of the proposed amendment to the Orlando Land Development Code.