

ORDINANCE NO. 3186-20

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING ARTICLE VI "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS OF CHAPTER 58 "LAND DEVELOPMENT CODE" TO AMEND THE PROCEDURES FOR FINAL PLATS AND LOT SPLITS AND TO PROVIDE REGULATIONS FOR THE PERMITTED FLOOR AREA RATIO RELATED TO SUBDIVISIONS AND LOT SPLITS RESULTING IN FOUR OR LESS LOTS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that there are requests from applicants for subdivision or lot split approvals as the single-family neighborhoods of the City undergo redevelopment; and

WHEREAS, the City Commission recognizes that there are occasions where such lot splits are granted including variances to the lot dimensions required by the underlying zoning; and

WHEREAS, the City Commission also recognizes that the expected result of two homes where one was previously permitted may result in the cumulative home sizes of the two homes that are developed that exceed the maximum floor area ratio that was allowed for the property prior to the subdivision or lot split; and

WHEREAS, the City Commission recognizes limitations are necessary to the floor area ratio for compatibility with the surrounding neighborhood; and

WHEREAS, the City desires to amend its final plat and lot split procedures to be more specific in the application requirements and in a manner to be consistent with the City's current practices for reviewing final plat and lot split applications; and

WHEREAS, in accordance with section 163.3174, Florida Statutes, the City's local planning agency, which is the designated Planning and Zoning Board, has reviewed and made recommendations as to the amendments set forth herein;

WHEREAS, the City Commission has determined that this Ordinance is in the best interest of the health, safety and welfare of the citizens of Winter Park and is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK, FLORIDA:

SECTION I: The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings of the City Commission of the City of Winter Park.

SECTION II: Chapter 58, Land Development Code, Article VI, Subdivision and Lot Consolidation Regulations, Section 58-374 "Procedures for approval of final plat, Section 58-375.- Procedure for approval of plats (four lots or less), and Section 58-379. - Specifications for final plat and plans" are hereby amended as shown below (words that are ~~stricken out~~ are deletions; words that are underlined are additions; sections and provisions not included are not being revised):

Sec. 58-374. - Procedure for approval of final plat.

- (a) The final plat shall conform substantially to the preliminary plats as approved and the requirements of this division and F.S. chapter 177, and if desired by the applicant subdivider, it may constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- (b) The following minimum information and documentation must be submitted with an application for final plat:
 - (i) The proposed plat complying with the requirements of this article and F.S. chapter 177.
 - (ii) A title opinion from a licensed attorney or property information report from a title company certified to the city showing the ownership, easement, mortgage, and other lien and encumbrance information for the property proposed to be subdivided. The legal description used shall match the legal description on the proposed plat. The effective date of the title opinion or property information report must be within sixty (60) days from the date of the plat application. The city may require an update of the title opinion or property information report before the approval and recording of the plat.
 - (iii) A boundary survey of the property proposed to be subdivided prepared by a professional surveyor and mapper. The boundary survey shall show the location of all existing easements and encumbrances. The legal description of the boundary survey shall match the legal description on the proposed plat.

(iv) Proposed declaration of covenants, conditions and restrictions and/or instruments creating proposed easements including those as may be needed for access to and from public rights-of-way and utilities, if applicable.

(v) Proposed joinders and consents from mortgage holder(s) to plat, declaration of covenants, conditions and restrictions and/or proposed easements, if applicable.

(vi) Proposed deed(s) to convey tract(s) created by the plat and proposed partial release of mortgages for such tract(s), if applicable. If applicable, the city may require that common area tracts proposed to be created by the plat to be quit-claimed to a homeowners' association or property owners' association. If applicable, the city may require any lift station, public right-of-way, public park tract or other public tract created by a plat and intended to be owned by the city to be deeded to the city by special warranty deed.

(vii) Other documentation or instruments as needed to address conditions of development approval, if applicable.

~~(bc)~~ One copy and one electronic submission ~~Twelve copies~~ of the final plat and other exhibits required for approval shall be prepared as specified in this article and shall be submitted to the planning and zoning board ~~commission~~ within one year after approval of the preliminary plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the planning and zoning board ~~commission~~.

~~(ed)~~ After the report and recommendation of the planning and zoning board ~~commission~~ is made and filed, such plats shall be submitted to the city commission for its approval or disapproval. If disapproved by the city commission, the final plat shall be returned to the subdivider together with a statement setting forth the grounds for its disapproval. Should either the preliminary or final plat be disapproved by the planning and zoning board ~~commission~~, the subdivider may petition the city commission for its approval of the plat notwithstanding such disapproval by the planning and zoning board ~~commission~~, and the city commission shall either approve, approve with conditions, or disapprove such plat.

~~(e)~~ After a plat is approved by the city commission and the conditions required to be satisfied before to plat recording are met, the plat and plat related documents to be recorded should be promptly recorded in the public records at the applicant's expense. The applicant shall pay in full all real estate taxes relating to the property to be subdivided before the plat is recorded. The applicant shall, at applicant's expense, provide the city with recorded copies of the plat and plat related documents.

Sec. 58-375. - Procedure for approval of lot splits or plats (four or less lots).

- (a) Application for approval of lot splits or subdivision plats resulting in containing four or less divisions, parcels, or lots, etc. shall be prepared by the applicant subdivider, and submitted with the applicable information and documentation set forth in subsection 58-374(b)(ii)-(vii) and sketches and legal descriptions prepared by a professional surveyor and mapper showing the lots and easements after the proposed lot split, or a proposed plat (or replat) meeting the requirements of F.S. chapter 177 and the requirements of this article. ~~Plats and data shall combine those features required for both the preliminary and final plats.~~
- (b) ~~Application for approval shall be submitted in writing to the planning and zoning commission at least 30 days prior to the meeting at which it is to be considered.~~
- (c) ~~Twelve copies of the plat and other exhibits required for approval shall be prepared.~~
- (d) ~~(b)~~ Review by the planning and zoning board ~~commission~~ shall be at a public hearing pursuant to the notice requirements of this article. After ~~report and~~ recommendation of the planning and zoning board ~~commission~~ is made, such lot splits or plats shall be submitted to the city commission for its approval or disapproval as is required for all final plats.
- (e) ~~(c)~~ The city commission review shall be a public hearing with appropriate notice published in a newspaper of general circulation within the city at least 15 days in advance of the hearing. In addition, written notice of the time and place of such meeting and proposed action to be taken shall be mailed to all owners of record of property within 500 feet of the subdivision, at least 15 ~~ten~~ days prior to the public hearing.
- (d) Any approval for a lot split or plat resulting in four lots or less that includes a companion request for a variance to the lot dimensions as required by the underlying zoning designation for the subject property, shall automatically restrict and limit the maximum permitted floor area ratio of the resultant lots (on a pro-rata basis) to no more than the existing current maximum floor area ratio of the subject property prior to being the subdivided or split. The city may condition the approval of a lot split or plat on the execution and recording of a deed restriction with terms acceptable to the city and binding upon the subject property to give

record notice of such maximum permitted floor area ratio restriction. This limitation shall not be eligible for a variance as may be permitted by Sec. 58-376.

- (e) The city may condition the approval of a lot split upon the recording in the Orange County public records legal instrument(s), with terms acceptable to the city, showing the new boundaries of the lots created by the lot split and instrument(s) creating any easements, conditions and restrictions upon the lots necessary for the orderly and proper development of the lots or to satisfy applicable conditions of development approval.
- (f) The planning and zoning ~~board commission~~ and/or the city commission may elect at a public hearing to require that plats, replats or lot splits ~~resubdivisions~~ of four or less lots conform to the procedures outlined for approval of preliminary plats and final plats.

Sec. 58-379. - Specifications for final plat and plans.

The final plat shall be drawn in ink on linen tracing cloth or other equally durable material approved by the city engineer, using sheets of 24 inches wide by 30 inches and prepared at a scale of 200 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections. The final plat shall show the following:

- (1) Primary control points, approved by the city engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred;
- (2) Tract boundary lines, right-of-way lines of street, easements and other right-of-way and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves;
- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions and purpose of any easements. Recording information for existing easements. The plat notes shall clearly identify the party responsible for operation, maintenance and repair of all easements created by the plat;
- (5) Number to identify each lot or letter for each tract site;

- (6) Purpose for which tract sites, other than residential lots, are dedicated or reserved;
- (7) Location and description of monuments;
- (8) Certification by surveyor certifying to the accuracy of survey and plat;
- (9) Certification of title showing ownership of property;
- (10) Dedication language acceptable to the city Statement by owner dedicating the uses and purposes of tracts, easements, streets, and rights-of-way, and if applicable, dedications to the city and/or to the public any sites for public use;
- (11) Title, scale, north arrow and date.
- (12) All contiguous properties shall be identified by subdivision title, plat book, and page, and date of recording, or, if unplatted, land shall be so designated.
- (13) To the extent there are any private roads or alleys created by the plat, the plat shall contain a plat note stating the following (or similar language approved by the city): "There is hereby granted and dedicated to the City of Winter Park and including other public service and emergency service providers or visitors, a non-exclusive public access easement over and through Tract _____ and any other privately owned internal roads, alleys, paved areas and sidewalks for vehicular and pedestrian ingress and egress access for the purpose of providing access for visitors, and public and emergency services to the subdivision, including but not limited to, postal, express delivery services, fire protection, police protection, emergency medical transportation, code enforcement, garbage, utilities and other public and emergency services."
- (14) To the extent there is a homeowner's association or property owner's association, the plat notes shall disclose such along with a reference to the applicable declaration of covenants, conditions and restrictions (or similar governing document) recorded or to be recorded in the public records.
- (15) Other information as required by F.S. chapter 177 or reasonably inferred therefrom as may be required by the city.

SECTION III: CONFLICTS. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION IV: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or

unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION V: CODIFICATION. Section II of this Ordinance shall be codified and made a part of the City of Winter Park Land Development Code, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION VI: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 14th day of October, 2020.

City of Winter Park

Steven M. Leary, Mayor

Attest:

Rene Cranis, City Clerk