



## CITY OF BELLE ISLE, FL

### PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Ave, Belle Isle, FL 32809

Held the 4th Tuesday of Every Month

Tuesday, June 23, 2026 \* 6:30 PM

### AGENDA

#### Planning and Zoning Board Members

District 3 member – Randy Holihan, Chairman

Vice Chairman – District 4 member – Vinton Squires

District 1 member – Robert Agrusa | District 2 member – OPEN | District 5 member – Rainey Conduff | District 6 member – Andrew Thompson | District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning Board (P&Z) meeting. Agendas and supporting materials for each agenda item are available at the City Clerk's office or on the city's website at [www.belleislefl.gov](http://www.belleislefl.gov). Any person desiring to appeal a Board recommendation should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

Notice is hereby given that the P&Z shall consider the requests listed below. Public hearings will be held in the City Hall Chambers, 1600 Nela Avenue, Belle Isle, FL 32809, at 6:30 p.m. or as soon thereafter as possible. The public hearings are quasi-judicial. As such, any verbal or written communication with a member of the Board before these quasi-judicial hearings should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication. Para más información sobre esta vista pública, favor de comunicarse con la ciudad al (407) 851-7730.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Dr. Hobbs, District 7
3. **Public Hearings - NA**
4. **Recommendation to Council**
  - a. **ORDINANCE NO. 26-03:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NON-CONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.
5. **Adjournment**

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APPEALS: Please be advised that Section 286.0105, Florida Statutes, states that "if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, they will need a record of the proceedings, and that for such purpose, may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made. "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting (Belle Isle's City Code Section 42-71). --Page 1 of 1

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**ORDINANCE NO. 26-03**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50-32 AND 50-33 OF THE CITY CODE TO AMEND THE PROVISIONS GOVERNING SUBDIVISIONS AND LOT SPLITS AND DEFINITIONS, AND AMENDING CHAPTER 54, ARTICLE I, SECTION 50-3 OF THE CITY CODE GOVERNING NON-CONFORMING USES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City has the authority under Section 2(b), Article VIII of the Florida Constitution, Section 166.021(1), Florida Statutes, and the City Charter to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City Council finds it necessary to amend the City Code to amend the lot split approval and non-conforming use provisions of the code as proposed herein; and

WHEREAS, the City Council of the City of Belle Isle finds that this Ordinance is in the interests of the public health, safety, and welfare and consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

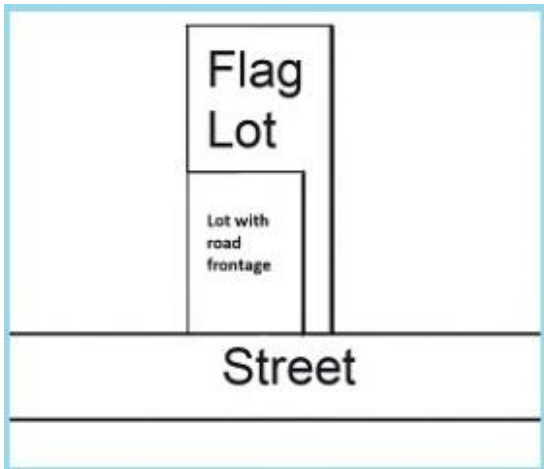
1 SECTION 2. City Code Amendment. Chapter 50, Article II, Sections 50-32 and 50-33 of the City Code of  
2 Ordinances are hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are  
3 underlined are additions; provisions not included are not being amended):

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5 Sec. 50-32. Definitions

6 The following terms, phrases, words, and their derivations shall have the meaning given in this section. Words  
7 used in the present tense include the future tense; words in the plural tense include the singular tense and  
8 vice versa. The word "shall" is considered mandatory, and the word "may" is considered permissive.

9 *Director* means a city employee designated by the city manager to process the preliminary application and plat  
10 reviews pursuant to the provision of this article.

11 Flag-shaped lot describes the shape of a certain type of lot, where the ingress and egress to and from  
12 the public right-of-way (or private road right-of-way) is provided along the long narrow “flag pole” portion of  
13 the lot with width less than the minimum lot width required in a zoning district and the remaining shape of the  
14 lot is generally rectangular in shape. A diagram showing an example of a flag-shaped lot is below:



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1           *Gross residential acre* means an acre of land zoned and/or used for residential purposes, including, but  
2 not limited to, land which provides access or contributes to the amenities of residents of the subdivision such  
3 as streets, parks, and usable open spaces. Land devoted to nonresidential uses other than those listed above,  
4 including, but not limited to, environmentally sensitive lands, shall not be included as part of gross residential  
5 acreage.

6           *Lot depth* means the distance measured along a straight line drawn from the midpoint of the front  
7 property line of the lot to the midpoint of the rear property line, or to the most distant point on the lot  
8 located on any other lot line if there is no rear lot line. In the event that the rear property line, or if there is no  
9 rear lot line then the most distant point on the lot located on any other line, is located fully or partially below  
10 the normal high water line of an abutting body of water, then lot depth shall be measured along a straight line  
11 drawn from the front property line and parallel to the side lot line(s) to the point on the normal high water  
12 line located closest to the front property line.

13           *Lot split* means the division of a lot or parcel that is not located within the boundaries of a planned  
14 unit development into no more than two parcels or lots and shall include any change in boundary lines  
15 between two parcels or lots.

16           *Lot width* means the distance between the side lot lines, along a line drawn parallel to the front lot  
17 boundary line abutting the public right-of-way measured at a distance from the front lot boundary line  
18 abutting the public right-of-way equal to the greater of: (i) the minimum front yard setback required for the  
19 applicable zoning district, and (ii) a front yard setback established with city council approval at a greater  
20 distance than required by the applicable zoning district and that ensures a proper building setback from  
21 development on adjacent lots pursuant to a deed restriction with terms acceptable to the city granted by the  
22 property owner in favor of the city, which the city council has discretion to accept or reject.

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1           *Net residential acre* means an acre of land zoned and/or used for residential purposes and which does  
2 not include areas such as streets, parks, environmentally sensitive lands, and usable open spaces. Land  
3 devoted to nonresidential uses shall not be included as part of net residential acreage.

4 *Tract* mean any land in a subdivision which is designated as, but not limited to, recreation areas, water  
5 detention facilities, landscape buffers or conservation areas, and not meant for use as a residential or  
6 commercial lot.

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8 **Sec. 50-33. Procedures.**

9 The following procedures are for subdivision plan submittals:

10 (1) *General.*

11 a. *Amendments.* All amendments or changes to an approved preliminary plat shall be noted on the  
12 final plat and engineering plans. All amendments or changes to an approved final plat shall require  
13 the approval of the council after receiving the recommendation of the board.

14 b. *Vacating plats.* Plats or integrated portions of plats of lands heretofore or hereafter platted, which  
15 lie within the corporate limits of the city, may be vacated only upon the resolution of the council  
16 after a public hearing and only under following conditions:

17 1. The filing with the council of a petition requesting the vacation of the plat or portion of plat,  
18 duly signed, witnessed and acknowledged by all persons having an interest in all lots, blocks,  
19 tracts, pieces, and parcels of land, however designated, shown on the plat or portion of plat  
20 sought to be vacated. Sufficient evidence that all the persons having an interest in the lands  
21 have joined in such petition shall be furnished to the council. Any such petition shall be in a  
22 form or forms required by the city and shall be presented with the following minimum  
23 information:

24 (i) A legal description of the property subject to the petition.

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- 1 (ii) The plat or other instrument that identifies the title or interest, which is the subject of
- 2 the petition.
- 3 (iii) A recent boundary survey of the property subject to the petition.
- 4 (iv) Sketch and legal description of the area proposed to be vacated and abandoned.
- 5 (v) A listing of the names and addresses of record owners of all abutting properties.
- 6 (vi) A recent title opinion from a licensed attorney or property information report from a
- 7 title company showing ownership of and any easements, mortgages and other liens
- 8 and encumbrances on the property subject to the petition.
- 9 (vii) In the case of vacation and abandonment of city or publicly dedicated rights-of-way, a
- 10 certification by the applicant that the vacation and abandonment proposed will not
- 11 deprive other property owners of access to and from their property.
- 12 (viii) In the case of vacation and abandonment of city or publicly dedicated rights-of-way or
- 13 utility easements, written correspondence from public utility companies that they
- 14 have no objection to the proposed vacation and abandonment.
- 15 (ix) A statement of reasons why the petition should be granted.

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17 2. If all the requirements of subsection (1)b.1 of this section have been complied with, and the

18 evidence presented to the council establishes by a preponderance of the evidence that the

19 vacating of such plat or portion of plat will not be contrary to the public interest, then the

20 council may adopt resolutions vacating the same; whereupon the plat or portion of plat shall

21 have no further force or effect. Provided however, the city council shall have complete

22 discretion on whether to vacate and abandon public rights-of-way and other public

23 dedications on plats. All resolutions that may be adopted vacating plats as herein provided

24 shall be recorded in the official records of the county; and the clerk of the circuit court shall be

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1 requested to make a notation on the recorded plat appearing in the plat book to the effect  
2 that the same has been vacated by resolution of the council, which notation shall further  
3 show the book and page wherein the resolution is recorded.

4 3. Nothing contained herein shall be deemed to prevent a replatting of platted lands and the  
5 recording of a new plat thereof, if done in accordance with this Land Development Code.

6 c. *Subdivision determination.*

7 1. *Review.* The applicant shall submit to the director a survey of the property showing the  
8 proposed lots and a letter requesting a subdivision determination. The director shall have five  
9 business days to determine if the proposed division of land constitutes a formal subdivision,  
10 ~~informal subdivision~~ or lot split. The applicant will then follow the procedures set forth in this  
11 Land Development Code for the appropriate subdivision.

12 2. *Appeal.* The applicant may appeal the director's determination to the city manager. The  
13 appeal must be submitted in writing within 15 days from the date of the decision. The  
14 applicant shall submit to the city manager a scaled drawing of the proposed property division  
15 indicating existing public streets and the proposed means of ingress and egress, a legal  
16 description of the property, the current zoning of the property and any other pertinent  
17 information either at the applicant's initiative or upon the mayor's request. The city manager  
18 will have ten working days to decide whether to uphold or reverse the determination of the  
19 director. The applicant will then follow the procedures set forth in this Land Development  
20 Code for the appropriate subdivision.

21 d. *Public hearing.* All public hearings held in relation to this article shall be subject to the following  
22 regulations:

23 1. A notice stating the time, place, and date of the hearing shall be duly published once in a  
24 newspaper of general circulation in the city at least seven days before the hearing. However,  
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1 in the case of plat vacations (including public right-of-way and public easement vacations) the  
2 newspaper advertisement must be published in at least two weekly issues of the newspaper  
3 prior to the hearing.

4 2. A notice stating the time, place, and date of the hearing shall be given to the abutting  
5 property owners within 300 feet of the subject property at their last known address by  
6 United States mail, postage prepaid, at least seven days before the hearing.

7 3. The testimony of witnesses in support of or in opposition to the proposed plan shall be  
8 heard, and the council may receive and consider other evidence. The mayor, or in his  
9 absence the vice-mayor, may administer oaths and compel the attendance of witnesses.

10 4. Substantial compliance with the requirements for notice in this section shall be sufficient.

11 5. The public hearing conducted constitutes a quasi-judicial hearing and the final decision  
12 made by the city may only be challenged by a petition for writ of certiorari filed with the  
13 circuit court within 30 days of written rendition of the decision on the application.

14 (2) ~~Informal subdivision.~~

15 ~~a. Submission requirements. The applicant shall submit a completed application form, payment as set~~  
16 ~~forth in this Land Development Code, and five copies of the proposed informal subdivision plat to the city~~  
17 ~~planning and development department. The plat shall be prepared in accordance with section 50-34(a). If the~~  
18 ~~application or plat is incomplete, the director shall notify the applicant of the incompleteness. The applicant~~  
19 ~~shall provide the city with the required information. The director shall not process any application until all~~  
20 ~~requirements are met.~~

21 ~~b. Review procedure. The director shall distribute copies of the proposed plat to the city manager, the~~  
22 ~~city engineer and the city attorney for review and comment. The plat may also be distributed to county,~~  
23 ~~regional or state agencies as necessary or appropriate in the director's discretion. The applicant shall be~~

1 notified in writing within 14 days whether the proposed plat is satisfactory or needs revisions or that further  
2 review is necessary.

3 c. ~~Nonconforming plans.~~ When a proposed plat does not conform to all applicable regulations, the  
4 director shall forward a composite report of the findings to the applicant. The composite report shall  
5 reference the specific sections of the applicable regulations to which the proposed plat does not conform. The  
6 applicant may revise the proposed plat and resubmit or withdraw the proposed plat. The applicant will have  
7 up to 180 days from the date of the original submittal to resubmit a revised plat. After 180 days the proposed  
8 plat shall be deemed to be withdrawn.

9 d. ~~Approval and plat recording.~~ If the proposed plat is found to conform with the above requirements  
10 the applicant shall be required to submit 16 copies of the proposed plat to the city. Then the proposed plat  
11 shall be placed on the agenda for review by the board for compliance with this article. The board shall  
12 recommend to the council the approval, approval with conditions or denial of the proposed plat. The council  
13 shall uphold, uphold with conditions or reverse the recommendation of the board at a public hearing. The  
14 public hearing shall conform to the requirements set forth in subsection (1)d of this section. All approved plats  
15 shall be recorded with the county in accordance with subsection (4) of this section. If the approved plat is not  
16 recorded within one year of the date of approval, the approved plat shall become null and void. In denying any  
17 plat the council or the board shall provide reasons for such action making reference to specific sections in  
18 these regulations.

19 ~~(3)~~ *Formal subdivision.*

20 a. *Preliminary plat application.*

21 1. *Submission requirements.* The applicant shall submit a completed application form, payment as set  
22 forth in this Land Development Code, and an electronic copy and ten copies of the preliminary plat to the city  
23 planning and development department. The plat shall be prepared in accordance with section 50-34(b)(1). If  
24 the application or plat is incomplete, the director shall notify the applicant of the incompleteness. The

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1 applicant shall provide the city with the required information. The director shall not process any application  
2 until all requirements are met. The preliminary plat shall be submitted no later than the third Monday of the  
3 month prior to the planning and zoning board meeting.

4 2. *Review procedure.* The director shall distribute copies of the preliminary plat to the city reviewing  
5 surveyor, city manager, the city engineer and the city attorney for review and comment. The plat shall also be  
6 distributed to county, regional or state agencies as necessary or appropriate in the director's discretion. The  
7 applicant shall be notified in writing within 21 days whether the preliminary plat is satisfactory or needs  
8 revisions or whether further review is necessary.

9 3. *Nonconforming plans.* When a preliminary plat does not conform to all applicable regulations, the  
10 director shall forward a composite report of the findings to the applicant. The composite report shall  
11 reference the specific sections of the applicable regulations to which the preliminary plat does not conform.  
12 The applicant may revise the preliminary plat and resubmit or withdraw the preliminary plat. The applicant  
13 will have up to 180 days from the date of the original submittal to resubmit a revised plat. After 180 days the  
14 preliminary plat shall be deemed to be withdrawn.

15 4. *Approval of preliminary plat.* If the preliminary plat is found to conform to the above requirements,  
16 the applicant shall be required to submit an electronic copy and 16 copies of the preliminary plat to the city.  
17 Then the preliminary plat shall be placed on the agenda for review by the board for compliance with this  
18 article. The board shall recommend to the council the approval, approval with conditions, or denial of the  
19 preliminary plat. The council shall uphold, uphold with conditions, or reverse the recommendation of the  
20 board at a public hearing. The public hearing shall conform to the requirements set forth in subsection (1)d of  
21 this section. In denying any preliminary plat, the council or the board shall provide reasons for such action  
22 making reference to specific sections in these regulations.

23 5. *Authority granted by approval.* Approval of the preliminary plat shall be construed as authority for  
24 submitting the final plat. Approval of the preliminary plat shall not be construed as authority for the transfer  
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1 of title of lots in reference to said preliminary plat, nor as authority for obtaining building permits, nor for the  
2 recording of a plat with the county.

3 6. *Time limit.* Preliminary plat approval by the council shall be automatically voided if (i) the final plat is  
4 not submitted for approval to the city within one year after the date of the council's action on the preliminary  
5 plat, or if site improvement construction in conformance with the preliminary plat has not commenced within  
6 nine months of council approval of the preliminary plat. The council or its designee may grant a time extension  
7 upon written request by the applicant to the city manager.

8 7. *Professional service fees.* In addition to any application fee, the applicant for a preliminary plat shall  
9 be required to reimburse the city for contracted professional services of the city surveyor, city engineer, city  
10 planner, and city attorney fees incurred by the city related to the review and comment on the preliminary plat  
11 and related documents, which the city may require payment (or an estimate thereof) prior to approval of the  
12 preliminary plat by the city council.

13 8. *Waiver.* The city manager may waive the requirement for a preliminary plat for a subdivision of land  
14 containing five or fewer lots that does not any common or shared utility, access or stormwater infrastructure  
15 improvements and with all proposed lots having frontage on and access to a public right-of-way. A final plat is  
16 still required in the event of the waiver of the preliminary plat requirement.

17 b. *Final plat application.*

18 1. *Compliance with the preliminary plat.* The final plat shall conform substantially to the preliminary plat  
19 as approved, may constitute only that phase of the approved preliminary plat and other necessary  
20 improvements which the subdivider proposed to record and develop. The final plat shall also conform to all  
21 requirements of F.S. chapter 177, and this Land Development Code and other adopted city regulations.

22 2. *Submission requirements.* The applicant shall submit: (i) an electronic copy and five full sized hard  
23 copies of the proposed final plat and all supporting documents to the director, (ii) a recent title opinion from a  
24 licensed attorney or property information report from a title company showing the ownership, easement,

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1 mortgage, and other lien and encumbrance information for the property being subdivided and with the legal  
 2 description matching the legal description on the proposed plat, (iii) an original "Statement of Lien Settlement  
 3 - Requirement For Current Year Of Payable Taxes, Tax Sale, and Capital Improvements" from the Orange  
 4 County Property Appraiser's Office [or the equivalent replacement form] showing that all due taxes have been  
 5 paid in full and all tax certificates, if any, against the land have been redeemed; (iv) joinder and consent of  
 6 mortgagees to the plat and to the declaration of restrictive covenants, if applicable (v) proposed declaration of  
 7 restrictive covenants for subdivisions with common or shared infrastructure improvements such as  
 8 stormwater system or access improvements; (vi) boundary survey showing all improvements and easements  
 9 matching the legal description used on the proposed plat; (vii) performance bond or letter of credit and  
 10 guarantee agreement with terms acceptable to the city guaranteeing completion of the subdivision  
 11 infrastructure improvements if such improvements are not completed at the time of intended final plat  
 12 approval. The director shall distribute the proposed final plat and supporting documents to the city reviewing  
 13 surveyor, city engineer, the city attorney and the city manager. The director shall not find the proposed final  
 14 plat satisfactory until the engineering plans and specifications, which satisfactorily comply with these  
 15 regulations, are approved by the city engineer. The director shall notify the applicant within 14 days whether  
 16 or not the proposed final plat is satisfactory. The proposed final plat shall be submitted no later than the third  
 17 Monday of the month prior to the planning and zoning board meeting.

18 3. *Nonconforming plans.* When the proposed final plat does not conform to all applicable regulations or  
 19 to the approved preliminary plat, the director shall forward a composite report of the findings to the  
 20 applicant. The composite report shall reference the specific sections of the applicable regulations or the  
 21 portions of the approved preliminary plat to which the proposed final plat does not conform. The applicant  
 22 may revise the proposed plat and resubmit or withdraw the proposed plat. The applicant will have up to 180  
 23 days from the date of the original submittal to resubmit a revised proposed final plat. After 180 days the  
 24 proposed final plat shall be deemed to be withdrawn, and if the one year from approval date of the  
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1 preliminary plat has lapsed, the approved preliminary plat shall become null and void. If one year has not  
2 lapsed, the preliminary plat shall be valid until the year has lapsed, after which time it shall be null and void.

3 4. *Approval of final plat.* If the proposed plat is found to conform to the above requirements, the  
4 applicant shall be required to submit an executed recordable mylar of 16 copies of the proposed final plat to  
5 the city. In accordance with F.S. sec. 177.071 a final plat is subject to administrative approval by the city  
6 manager. ~~The proposed final plat shall then be reviewed by the board for compliance with this article. The~~  
7 ~~board shall recommend to the council the approval, approval with conditions, or denial of the proposed final~~  
8 ~~plat. The council shall uphold or reverse the recommendation of the board. In denying any proposed final plat,~~  
9 ~~the council or the board shall provide reasons for such action, making reference to specific sections in these~~  
10 ~~regulations.~~

11 5. Professional Service Fees. In addition to any application fee, the applicant for a final plat shall be  
12 required to reimburse the city for contracted professional services of the city surveyor, city engineer, city  
13 planner, and city attorney fees incurred by the city related to the review and comment on the final plat and  
14 related documents, which the city may require payment (or an estimate thereof) prior to execution of the final  
15 plat by the city manager. ~~Time limit. Approved preliminary and final plats shall be automatically voided if a~~  
16 ~~construction conference has not commenced within one year from the date of final plat approval. The council~~  
17 ~~may grant a time extension of up to one year upon a written request from the applicant.~~

18 (43) *Recording of final plat.* The applicant shall have the approved final plat recorded with the county  
19 comptroller. The applicant shall provide the director with a copy of the recorded plat and any recorded  
20 instruments (such as declaration of restrictive covenants and mortgagee joinders and consents) to be  
21 recorded with the plat. No plat in the city subject to these regulations shall be recorded, whether as an  
22 independent instrument or by attachment to another instrument entitled to record, unless and until such plat  
23 has been approved by the council. In addition, all fees related to the recording of the plat shall be paid by the  
24 applicant.

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1 (54) Fees. All fees associated with the review of a proposed subdivision shall be due at the time of  
2 application and are payable to the city. Said fees shall be in accordance with chapter 54, article IV, division 4.

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4 (65) Lot split.

5 a. Submission requirements. The applicant shall submit (i) a boundary survey (showing all improvements  
6 and easements) and legal description both certified by a registered state surveyor of the property as it is to be  
7 divided, (ii) payment as set forth in this Land Development Code or as otherwise prescribed by the city council  
8 or city manager, (iii) proof of payment of all outstanding ad valorem taxes, and (iv) a recent title opinion from  
9 a licensed attorney or property information report from a title company showing the ownership, easement,  
10 mortgage, and other lien and encumbrance information for the existing lot or parcel~~proof of ownership~~  
11 acceptable to the city.

12 b. Requirements. With the prior approval of the city council after conducting a quasi-judicial public  
13 hearing, any lot or parcel not located within a planned unit development may be divided by lot split so long as  
14 the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly  
15 created lots or parcels and the proposed development of the resultant lots would comply with the Land  
16 Development Code and Comprehensive Plan. No lot or parcel nor any portion of any lot or parcel which has  
17 been created by a lot split shall be further divided by lot split. The creation of new flag-shaped lots is  
18 prohibited unless allowed by waiver approved by city council subject to (i) the creation of a recorded deed  
19 restriction, with terms acceptable to and enforceable by the city, establishing a front yard setback along the  
20 public right-of-way at a greater distance than required by the applicable zoning district, (ii) a determination  
21 that no traffic safety or vehicle access issues are being created, (iii) a determination of compatibility of the  
22 proposed development on the resultant lots with the surrounding neighborhood, and (iv) a determination that  
23 no non-conforming uses will exist on the resultant lots after the lot split approval. No lot or parcel that has a  
24 non-conforming use is eligible for a lot split unless the non-conforming use is eliminated as condition of the lot

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1 split. No variance will be given for any lot split that results in a lot or parcel that does not conform in every  
2 respect to the Land Development Code's requirement for newly created lots or parcels and in development of  
3 the resultant lots that is not fully compliant with the Land Development Code and Comprehensive Plan. For  
4 example, no variance will be given for any lot split that results in a substandard lot.

5 c. *Notice*. A notice of no further lot split shall be fully executed by the owner of the property submitted  
6 for lot split which notice must be approved by the city and such notice shall be recorded in the public records  
7 of the county prior to the issuance of any building permit for lots or parcels created by lot split. The form of  
8 the notice shall be in recordable form and in substance substantially in accordance be with the following: "The  
9 property described on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida,  
10 and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split  
11 procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be  
12 allowed."

13 d. Professional Service Fees. In addition to any application fee, the applicant for a lot split shall be  
14 required to reimburse the city for contracted professional services of the city surveyor, city engineer, city  
15 planner, and city attorney fees incurred by the city related to the review and comment on the lot split  
16 application and related documents, which the city may require payment (or an estimate thereof) prior to  
17 approval of the lot split by the city council.

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19 **SECTION 3. City Code Amendment**. Chapter 54, Article I, Section 54-3 of the City Code of Ordinances is  
20 hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions;  
21 provisions not included are not being amended):  
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1 Sec. 54-3. Nonconforming uses.

2 (a) *Intent.* It is the intent of this article that the lawful use of any building, structure or land existing at the  
3 time of adoption of this Land Development Code may be continued although such use does not conform with  
4 the provisions of this Land Development Code, provided the conditions of this section are met.

5 (b) *Unsafe structures or buildings.* Any structure or building or portion thereof declared unsafe must be  
6 restored to a safe condition or demolished. Reconstruction to begin within 180 days after being declared  
7 unsafe.

8 (c) *Construction approved prior to code.* Nothing herein shall require any change in plans, construction or  
9 designated use of a building or structure for which a building permit has been issued and the construction of  
10 which shall have been diligently carried on within six months of the date of such permit.

11 (d) *Alteration.* A nonconforming building may be maintained and repairs and alterations may be made  
12 that do not increase its nonconformity, except that in a building which is nonconforming as to use regulations,  
13 no structural alterations shall be made except those required by law. Repairs such as plumbing, electrical  
14 systems, ~~or the changing of partitions or other interior alterations are permitted,~~ provided that no such repair  
15 shall have the effect of increasing the nonconformity, or expanding a nonconforming use, nor shall the floor  
16 area of such building or any accessory structure be increased within the area of nonconformity, except in  
17 accordance with the requirements of this chapter.

18 (e) *Extension.* Buildings or structures or uses of land which are nonconforming shall not be extended or  
19 enlarged. Any use may be extended if such conforms with current regulations for the district in which it is  
20 located. The intensity of a non-conforming use shall not be increased.

21 (f) *Abandonment.* When a nonconforming use of land or buildings has been discontinued for 180 days or  
22 more, its future use shall be in compliance with a use permitted in the district in which said land is located. If  
23 there is doubt concerning the discontinuance of a nonconforming use, the city planner or city manager shall  
24 request a determination by the planning and zoning board at a public hearing wherein the legal owner must

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1 provide competent substantial evidence to support a finding that such use has not been discontinued for a  
2 continuous period of 180 days.

3 (g) *Change to another use.* A nonconforming use now existing may be changed to another nonconforming  
4 use of equal or lesser intensity and improved character when approved by the council, upon recommendation  
5 of the planning and zoning board. The city council may condition the approval of such change of use, including  
6 requiring the amortization of the non-conforming uses over a period of time and conditions mitigating the  
7 impacts of the use on the surrounding area.

8 (h) *Restoration.* A nonconforming building or structure which is hereafter damaged or destroyed to the  
9 extent of 75 percent or more of its assessed value by flood, fire, explosion, earthquake, war, reconstruction,  
10 riot, or act of God may not be reconstructed or restored for use except in compliance with the regulations of  
11 this Land Development Code.

12  
13 **SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this  
14 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,  
15 whether for substantive, procedural, or any other reason, such portion shall be deemed a separate,  
16 distinct and independent provision, and such holding shall not affect the validity of the remaining portions of  
17 this Ordinance.

18 **SECTION 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance  
19 or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

20 **SECTION 6. Codification.** Section 2 and Section 3 of this Ordinance shall be incorporated into the Belle Isle  
21 City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or  
22 modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may  
23 be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this  
24 ordinance or City Code may be freely made.

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2 **SECTION 7. Effective date.** This Ordinance shall become effective immediately upon adoption by the City  
3 Council of the City of Belle Isle, Florida.

4 **FIRST READING:** July 7, 2026

5 **SECOND READING:** \_\_\_\_\_.

	YES	NO	ABSENT
7 Ed Gold	_____	_____	_____
8 Holly Bobrowski	_____	_____	_____
9 Karl Shuck	_____	_____	_____
10 Bobby Lance	_____	_____	_____
11 Beth Lowell	_____	_____	_____
12 Christopher Oller	_____	_____	_____
13 Jim Partin	_____	_____	_____

14  
15 **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2026, by the City Council of the City of Belle  
16 Isle, Florida.

17 CITY COUNCIL OF THE  
18 CITY OF BELLE ISLE, FLORIDA  
19  
20 \_\_\_\_\_  
21 Jason Carson, Mayor

22 **ATTEST:**  
23  
24 \_\_\_\_\_  
25 Yolanda Quiceno, City Clerk

1 STATE OF FLORIDA

2 COUNTY OF ORANGE

3 I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document  
4 ORDINANCE 26-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the \_\_\_\_  
5 day of \_\_\_\_\_, 20\_\_\_\_, at which session a quorum of its members were present.

6 \_\_\_\_\_

7 Yolanda Quiceno, CMC-City Clerk

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9 S:\DL\Clients\Belle Isle, City of\General B900-29001\Ordinance - Flag-Shaped Lots\Belle Isle Lot Splits and Non Conforming Use  
10 Ordinance 6-5-2026.docx

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