

INDIAN RIVER COUNTY, FLORIDA
M E M O R A N D U M

TO: Jason E. Brown; County Administrator

THROUGH: Stan Boling, AICP; Community Development Director

THROUGH: John W. McCoy, AICP; Chief, Current Development

FROM: Ryan Sweeney; Senior Planner, Current Development

DATE: April 24, 2017

SUBJECT: Consideration of a Proposed Land Development Regulation Amendment to Chapter 913 (Subdivisions and Plats) Allowing Lot Splits for Commercial Property

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of May 2, 2017.

BACKGROUND

At its meeting of February 14, 2017, the Board of County Commissioners (BCC) directed staff to draft an amendment to the Subdivision Ordinance (Chapter 913) to provide a streamlined process for splitting commercial property (see attachment 1). During discussion at the February 14 BCC meeting, staff noted that many jurisdictions have minor subdivision processes and that staff could support a code change that would allow for commercial property splits with criteria.

The current Subdivision Ordinance provides an allowance for a “one-time” split (i.e. from one parcel into two parcels) of property, regardless of zoning designation, that has not been previously split since July 23, 1983. However, if a property has been divided via a one-time split after July 23, 1983, then any further division of the resulting parcels must be reviewed and approved through the subdivision platting process. In order to allow for additional divisions of commercial property without going through the formal subdivision platting process, the Subdivision Ordinance needs to be amended.

In response to the BCC’s direction, staff has drafted a proposed amendment to the Subdivision Ordinance (Chapter 913). The proposed amendment provides for additional division of commercial property by filing an administrative approval (AA) site plan application, instead of the division(s) being reviewed and approved through the formal subdivision platting process. The proposed amendment will allow a commercial parcel or parcels to be divided regardless of whether the previous parcel or parcels were split after July 23, 1983, if certain criteria are met and site plan approval is granted (see the analysis section of this report for more details).

PLANNING AND ZONING COMMISSION ACTION

At its April 13, 2017 meeting, the Planning and Zoning Commission (PZC) conducted a public hearing and considered the proposed ordinance. The PZC voted 4-0 to recommend that the BCC adopt the proposed ordinance with a minor revision to add one additional comma for clarification (see attachment #2). The suggested revision has been made to the proposed ordinance.

The BCC is now to conduct a public hearing, consider the proposed ordinance, and approve, approve with modifications, or deny the proposed ordinance.

ANALYSIS

The current subdivision platting process is a multi-step process, and applies to both commercial and residential property. The first step is the pre-application conference meeting which involves review of the subdivision's conceptual layout and a determination of overall "big picture" requirements that may apply. The next step is the preliminary plat which provides the general layout and design of the subdivision, and requires Planning and Zoning Commission (PZC) review and approval. The third step is the Land Development Permit (LDP) which involves submittal of a detailed set of construction plans for all required infrastructure (e.g. roads, drainage improvements, utilities, and landscaping/buffering), and is reviewed and approved at the staff level. The final step is review and approval of the final plat which is a legal document that legally describes and divides the property into separate lots and tracts, and establishes easements, ownership and access rights, and maintenance obligations. Final plats require BCC approval. That approval is not granted until required infrastructure is either completed or substantially completed with remaining items guaranteed by a posted security.

The proposed regulation provides an optional site plan review process (see attachment #2) for commercial lot splits that will be an alternative to the subdivision platting process. Residential properties are not affected by the proposed amendment. For residential property, the expected end-product is a number of independent, buildable lots that are fully-served and supported by all necessary infrastructure; those items will continue to be addressed through the current platting process. Unlike conventional single-family residential property, development of commercial property is controlled by the site plan review and approval process. Thus, under the proposed amendment, commercial lot splits and associated layout and infrastructure requirements will be reviewed through the site plan review process, without the need for a full subdivision plat review, subject to certain conditions.

As structured, the ordinance change will continue to allow a commercial property owner to go through the full subdivision platting process which can be advantageous for establishing common areas and easements, and for legally describing and marketing commercial building lots. If adopted, the new regulation will allow county staff to review and approve certain divisions of commercial properties through the site plan process, instead of the full subdivision platting process. It should be noted that the proposed commercial lot split site plan alternative will not completely replace formally platted commercial subdivisions. In practice, most divisions of large commercial properties will still be reviewed and approved through the subdivision platting process. Also, most changes or

modifications to a previously platted common area (e.g. a stormwater tract) will require replatting through the subdivision replat process, per Florida's statutory plat requirements.

The proposed regulation is separated into two subsections. One subsection governs the division of a platted commercial lot or tract (i.e. parcels that were previously created through the subdivision platting process), and the other subsection governs the division of an unplatted commercial parcel of record (i.e. existing parcels that were not previously created through the subdivision platting process). In both cases, each resulting parcel must meet applicable land development regulation (LDR) requirements for lot size, lot dimensions, and paved road frontage. For the division of platted lots or tracts, the resulting parcels must be served by existing adequate infrastructure (e.g. roads, drainage improvements, utilities) as provided with the original subdivision improvements, and development will be controlled via the lot split site plan and any subsequent site plan for development of the commercial lot.

The other subsection addresses the division of unplatted commercial property. For unplatted parcels of record, each resulting parcel must exceed 1 (one) acre in size and be served by existing adequate infrastructure (such as provided by a previous site plan development) or by future infrastructure, including shared infrastructure, that will be identified during review of the lot split site plan and committed to via a recorded covenant that cannot be terminated or modified without County consent. As structured, development of unplatted commercial properties that go through the proposed process will be governed by the approved lot split site plan and any associated covenant deemed necessary to ensure future provision of adequate infrastructure at the time of development of the commercial lot.

RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed commercial lot split ordinance.

ATTACHMENTS

1. February 14, 2017 BCC Agenda Item and Minutes
2. Draft April 13, 2017 PZC Minutes
3. Proposed Ordinance