

SD21-0012

SUBDIVISION EXEMPTION APPLICATION

(Land Development Code, Section 106-27, Deltona Code of Ordinance, Ord. No. 19-2011 adopted Nov. 7, 2011)

After completing the application, submit this to the Planning and Development Services Department.

TO BE SUPPLIED AT THE TIME OF SUBMISSION:

- ☒ Current sealed survey or plat map with legal description showing the existing property boundaries and easements (You may be required to supply two (2) sealed surveys).
- ☒ Copy of the proposed Subdivision Plan/Site Plan including new legal description(s).
- ☒ Title Opinion or Certificate of Title.
- ☒ Proof of Payment of Taxes (copy of receipt of payment of current property taxes).
- ☒ Notarized Authorization of Owner (if applicant is other than the owner).
- ☐ Prior to completing and submitting this application, it is advised that you contact the Department of Health & Rehabilitative Services to determine possible septic tank permitting requirements.
- ☒ Please Note: After the Application has been approved, the owner is required to complete a Property Agreement with the City of Deltona as part of the Subdivision Exemption Request.

SUBJECT PROPERTY INFORMATION:

Property Address: 9101000000014 2.5 acres

Tax Parcel Number(s): See Attachment A Size: 15 Acres

Size: _____

Property Owner's Name(s): Susan McCaskill

Owner's Mailing Address: 5075 ISLEWORTH COUNTRY CLUB DR

City/State Zip: Windermere, FL 34786

Phone: 407-694-7372 E-mail: smccaskill21@gmail.com

Or ☒ see attached list of properties (multiple owners and/or properties)

APPLICANT INFORMATION:

(All communication related to this application will be directed to the below listed contact person(s).)

Applicant's Name: Scott McGrath

Applicant's Status: ☐ Owner ☒ Agent for Owner ☐ Attorney for Owner ☐ Other _____

Applicant's Mailing Address: 210 Willowbay Ridge St

City/State Zip: Sanford, FL 3271

Phone: 407-729-9849 E-mail: s.mcgrath.r323@gmail.com

Please Note: The applicant is responsible for submitting all information and exhibits in such form and completeness that will allow all reviewers to judge whether or not the subject development complies with all applicable regulations. **If the applicant is not the property owner, proper authorization must accompany this application.**

Applicant's Signature:  Date: 10-29-21

Floodplain

TYPE OF EXEMPTION – Determination of Exemption or Vested Rights (check one)

_____(1) Subdivision of an existing lot as defined in this chapter into two or more lots where all resulting lots are consistent with the comprehensive plan and contain 25 acres or more in area and where no new streets or access easements are planned to be dedicated and accepted by the public. Deeds and other conveyances shall include in bold capital letter ten-point type or greater the following statement:

"NO GOVERNMENTAL AGENCY, INCLUDING THE CITY OF DELTONA, SHALL EVER BE RESPONSIBLE FOR THE MAINTENANCE, UPKEEP OR IMPROVEMENT OF ANY PRIVATE DRIVES, ROADS, STREETS, EASEMENTS OR RIGHTS-OF-WAY PROVIDING INGRESS AND EGRESS TO THE PROPERTY HEREIN CONVEYED."

_____(2) Conveyance of lands to another without division.

_____(3) Any division by inheritance (whether testate or intestate), or by partition or other order of the court, including divisions of land for distribution to immediate family members and to living trusts in preparation for inheritance.

_____(4) Acquisition of property for public purposes.

_____(5) The division of air space into units within a building wherein said building is held in common, undivided, ownership.

_____(6) Subdivision of an existing lot as defined in this chapter into not more than four lots where all resulting lots are consistent with the comprehensive plan only if all of the following conditions are met:

- a. The original parcel was created from a division allowed by the city regulations in effect at the time of the creation.
- b. The property to be divided is zoned for agricultural or single-family uses.
- c. All proposed lots shall meet the minimum lot width and area requirements of the Deltona Zoning Code, as it may be amended from time to time (chapter 110, Code of Ordinances) but shall not be less than one acre in area.

_____(7) The following types of combinations of lots:

- a. Combinations of all or portions of previously exempted, platted, or unrecorded lots where no new lots contain less area, depth, and width than the original lots, and where the number of new lots created does not exceed the number of lots existing prior to the combination.
- b. Combinations of previously exempted whole platted lots or previously exempted whole unrecorded lots with non-exempted whole platted lots for the purpose of creating a unified building site to meet zoning requirements provided all resulting combined lots abut for a distance of at least 35 feet at least one publicly maintained street or road that has been opened legally as of October 29, 1976, and which is capable of being traversed by an ordinary two-wheel drive privately-owned passenger vehicle. The separated portions of lots that have been severed by a publicly dedicated street may be considered whole lots for the combining purposes of this exemption.

_____(8) Divisions of land for purposes of conveyances, where such divisions were lawful under regulations in effect at the time such divisions were made, and where vested rights have been acquired by the subdivider (developer) in reliance upon previous regulations where the following criteria have been met:

- a. A platted subdivision or unrecorded map or survey illustrating the division of the lands, which plat, unrecorded map or survey was in existence prior to October 29, 1976; and
 - 1. Substantial physical on-site development prior to October 29, 1976; or
 - 2. Streets legally opened as of October 29, 1976, which are capable of being traversed by an ordinary two-wheel drive privately-owned passenger vehicle, and at least 25 percent of the lots have been sold by bona fide contracts to different owners in parcels of not more than four lots each.
 - 3. Portions of existing subdivisions meeting the above criteria may be exempted.

____(9) Adjustment of the lot lines of only previously exempted unrecorded lots upon a showing that:

- a. The adjustment does not reduce any lot to a size less than that permitted by the zoning of the lot; and
- b. The adjustment does not reduce any lot to a size less than the average size of comparable building sites within a radius of 500 feet from the boundary of the lot for which exemption is sought; and
- c. The adjustment does not increase the number of lots.

X

____(10) Any approved "division having no substantial impact," any "minor subdivision", or any "summary review of division of land" into ten lots or less in accordance with the previous subdivision regulations, as amended, is hereby exempt from provisions of this article, but not from other applicable provisions of the Code of Ordinance, City of Deltona, including but not limited to chapter 96, Improvements, chapter 98, Natural Resources, chapter 86, Concurrency Management, and chapter 110, Zoning, provided that any application for above-described divisions was received by the appropriate governmental agency on or before January 19, 1988.

____(11) Divisions created by purchase contracts or conveyances which occurred prior to January 19, 1988, which would have met the "legal exemption and vested rights" or "divisions having no substantial impact" or the "summary review process" of the subdivision Regulations, as amended.