
SUBJECT: Z25-0037 -- Unified Development Ordinance Text and Map Amendment

Background and Discussion:

The Bay View Beach on the Fox River Subdivision was recorded April 6, 1926, as Document No. 72554. This subdivision included areas labeled, "Lagoon", "Beach", etc. These areas do not have lot numbers nor is there any language on the plat establishing their use or ownership. Given that the County sued an HOA associated with the subdivision in the late 90's for failure to pay taxes, staff assumes that the property was owned and managed by an HOA in the past. In approximately 2009, it appears that the HOA sold these "common areas" to individuals. Since then, the individual owners have further parceled these properties and sold them to more individual owners. The individual owners have improved these parcels with piers. These improvements were completed without building permits.

The Department of Planning and Development Stormwater Division received a complaint from an area property owner, upset about people blocking West Beach Street to access their piers. Stoyan Kolev, Stormwater Engineer, responded to the complaint and made a site inspection. Upon seeing the numerous unpermitted improvements, he opened a violation case and notified the owners that they need to apply for building permits. Many owners have made such applications. As those applications made their way to the Planning Division for review, it was discovered that the platting of these parcels was most likely not legal rendering the parcels "unbuildable". The Planning Division is of the opinion that the newly created lagoon parcels which are directly across the street from improved lots under the same ownership may be improved as they constitute a legal zoning lot with the lot across the street. The Planning Division is of the opinion that the newly created lagoon parcels under separate ownership of an adjacent lot are not buildable in that they are of insufficient size as required by the zoning district.

This text amendment would establish a new overlay district with specific standards which would only apply to these lots, thus granting the unbuildable parcels and the improvements constructed upon them legal conforming status. The improvements could remain on the property, be expanded, and new improvements could be constructed.

Please see the attached "Exhibit A" which provides both the proposed text and graphic representation of the proposed overlay district.
