

ORDINANCE NO. 2022-007

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA; AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE ("ULDC"), ARTICLE 115, "PLATTING AND SUBDIVISION OF LAND," DIVISION 1., "PLATTING," SECTION 115-010, "APPLICABILITY," AND DIVISION 2., "WAIVER OF PLAT," SECTION 115-070, "PURPOSE," TO RESTRICT THE USE OF THE WAIVER OF PLAT PROCESS FOR SUBDIVISION AND MAKE CHANGES OF A HOUSEKEEPING NATURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the ULDC requires Town Council approval of all land subdivision through the plat or waiver of plat processes; and

WHEREAS, the ULDC authorizes waivers of plat in cases where platting is not required; and

WHEREAS, the Town Council wishes to establish eligibility criteria to limit the use of waivers of plat in favor of the more thorough process and uniform land record that platting provides; and

WHEREAS, subdivision of land that does not satisfy the eligibility requirements for waiver of plat must be accomplished by platting.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

Section 2. Article 155, "Platting and Subdivision of Land," Division 1, "Platting," Section 115-010, "Applicability" is hereby amended as follows:

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(A) No parcel of land, whether platted or unplatted, shall be subdivided unless a plat or waiver of plat has been approved by the town council in accordance with divisions 1 and 2 of this article, respectively.

(B) No application for a building permit for the construction of a principal building on a parcel of land in the town shall be granted unless a plat including such parcel of land has been recorded in the official records of the county pursuant to county platting requirements subsequent to June 4, 1953, which commences with Plat Book 32, Page 15, Official Records of Broward County, Florida. The only exception to the mandatory platting rule is for building permits for construction of two (2) or fewer single-family dwelling units that meet either of the following criteria and meet the eligibility criteria for waivers of plat set forth in Sec. 115-070:(1) Located at least one thousand (1,000) feet from any lot or portion thereof that was exempted from platting under this paragraph within twenty-four (24) months preceding the submittal of the permit application; or

(2) Has been under different ownership than any such exempted property within one thousand (1,000) feet, at all times during the twenty-four (24) months preceding submittal of the permit application.

And is consistent with the requirements of the comprehensive plan.

(C) No agreement shall be entered into providing for the conveyance, leasing or mortgaging thereof by reference solely to a plat, unless such plat shall have been approved and recorded as provided herein.

(D) No conveyance, lease or mortgage or agreement to convey, lease or mortgage lands in violation of the provisions of this article shall be recorded in the public records. Any and all such conveyances, leases or mortgages, or agreements to convey, lease or mortgage, or attempts to convey, lease or mortgage lands in violation of the provisions of this division, made or attempted to be made hereafter, shall be void ab initio.

Section 3. Article 155, "Platting and Subdivision of Land," Division 2, "Waiver of Plat," Section 115-070, "Purpose," is hereby amended as follows:

(A) It shall be unlawful to subdivide land without first platting the property in accordance with division 1 of this article or obtaining a waiver of plat from the town council pursuant to this division.

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- (B) The waiver of plat is intended as an economical alternative to platting under limited circumstances to ensure that the subdivision of land satisfies all zoning and land development requirements of the ULDC pertaining to plot dimensions, plot area, setbacks where applicable, legal, safe and adequate access, and other basic ULDC requirements.
- (C) Waivers of plat are authorized only in the following circumstances:
- (1) Platting is not otherwise required for issuance of a building permit pursuant to division 1 of this article; and
 - (2) The waiver of plat application is for approval to move a common lot line between two (2) lawfully created lots of record a distance of up to fifty (50) feet without creating an additional lot or parcel; or
 - (3) The waiver of plat application is for approval to subdivide a single tract into two (2) lots, provided that the tract has a net area at least three (3) times the minimum net lot area required in the applicable zoning district, and that the property owner deed restricts the tract to prohibit any further subdivision; or
 - (4) The waiver of plat application is for approval to subdivide a single tract into two (2) lots, provided that:
 - (a) The petitioner owns and permanently resides on the tract, maintains a homestead exemption pursuant to F.S. Chapter 196 and has done so for a period of at least twenty (20) years preceding the date of the application;
 - (b) The Town shall not approve any further waiver of plat application for a tract of land subdivided pursuant to this paragraph.

Section 4 Codification. The Town Clerk shall cause this ordinance to be codified as a part of the ULDC during the next codification update cycle.

Section 5: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6: Severability. If any word, phrase, clause, sentence or section of this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

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Section 7: Effective Date. This Ordinance shall take effect immediately upon passage and adoption.

PASSED ON FIRST READING this 16th day of December, 2021 on a motion made by Vice Mayor Jablonksi and seconded by Council Member Hartmann.

PASSED AND ADOPTED ON SECOND READING this 10th day of February, 2022, on a motion made by Vice Mayor Jablonski and seconded by Council Member Hartmann.

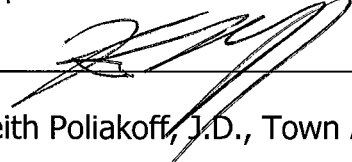
Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Jablonski	<u>Yes</u>	Nays	<u>0</u>
Allbritton	<u>Yes</u>	Absent	<u>0</u>
Hartmann	<u>Yes</u>	Abstaining	<u>0</u>
Kuczenski	<u>Yes</u>		


Steve Breitkreuz, Mayor

ATTEST:


Russell Muñiz, MMC, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:


Keith Poliakoff, J.D., Town Attorney

1001.820.01

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