

**ORDINANCE NO. 2011 - 02**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN OF SOUTHWEST RANCHES UNIFIED LAND DEVELOPMENT CODE (ULDC) ARTICLE 115. ENTITLED "PLATTING AND SUBDIVISION OF LAND"; PROVIDING FOR A WAIVER OF PLAT APPROVAL PROCESS; AMENDING SECTION 115-010. ENTITLED "APPLICABILITY"; AUTHORIZING THE TOWN COUNCIL TO REVIEW AND TO APPROVE THE SUBDIVISION OF TWO OR LESS SINGLE-FAMILY DWELLINGS THROUGH THE WAIVER OF PLAT PROCESS, CONSISTENT WITH THE TOWN OF SOUTHWEST RANCHES COMPREHENSIVE PLAN AND THE BROWARD COUNTY LAND USE PLAN; AMENDING SECTIONS 115-070. THROUGH 115-100. OF THE ULDC TO PROVIDE FOR THE WAIVER OF PLAT PROCESS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the platting requirements in the Town's ULDC mirror the county-wide minimum platting requirements of the Broward County Land Use Plan as they existed until June, 2008; and

**WHEREAS**, on June 24, 2008, the Broward County Board of County Commissioners amended the county-wide minimum platting requirements to reduce the number of instances in which construction of a single-family dwelling requires platting prior to issuance of a building permit; and

**WHEREAS**, the Comprehensive Plan Advisory Board evaluated the County's revised standards and recommended that the Town Council adopt a modified, more restrictive version of the County's minimum standard, which is permissible under the Broward County Land Use Plan; and

**WHEREAS**, the Town adopted a modified, more restrictive version of the County's minimum platting requirement for single-family dwellings when it recently amended its Comprehensive Plan; and

**WHEREAS**, the Town desires to create a public hearing process by which the Town Council reviews and approves all subdivisions to ensure consistency with the Town Code of Ordinances; and

**WHEREAS**, the Town wishes to implement a waiver of plat process consistent with the requirements contained in the Comprehensive Plan.

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

**Section 1:** That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That Section 115-010 of the ULDC is hereby amended as follows:

(A) No parcel of land, whether platted or unplatted, shall be subdivided unless a "Waiver of Plat" certificate of conformity has been approved by the Town in accordance with Division 2, "Waiver of Plat" "Certificate of conformity" of this Article.

(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, or if applicable a Waiver of Plat, including such parcel of land has been approved by the Town Council, ~~where applicable~~, and where applicable the County Commission, and where applicable recorded in the official records of the county subsequent to June 4, 1953, which commences with Plat Book 32, Page 15, Official Records of Broward County, Florida. The only exceptions to the mandatory platting rule are as follows:

~~If the application for a building permit is for the construction of a single-family dwelling unit on a plot which plot was of record as such in the official records of the county as of March 1, 1989, then a building permit may be issued without platting.~~

- (1) Single-family. Building permits for construction of two (2) or less single-family dwelling units, provided that the permit is for property that has been approved through the "Waiver of Plat" process and meets either of the following criteria:
  - a. 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
  - b. 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.

**Section 3:** That Sections 115-070 through 115-100 are hereby amended as follows:

Division 2. CERTIFICATES OF CONFORMITY WAIVER OF PLAT

**Sec. 115-070. Purpose.**

It shall be unlawful to subdivide land without first platting the property in accordance with the Town of Southwest Ranches ULDC, the Broward County Code of Ordinances, when authorized by Broward County, or obtaining a Waiver of Plat approval ~~obtaining certificate of conformity from the Town.~~ Waiver of Plats ~~Certificates of Conformity~~ are required in order 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.

**Sec. 115-090. Process for review and approval.**

Review and approval shall be through the Town Council. ~~administrative.~~ The Town Council shall review and approve a Waiver of Plat at a quasi-judicial public hearing and upon determination that the proposed subdivision satisfies all applicable ULDC requirements.

a) Waiver of Plats shall be recorded by the applicant in the official County records. A copy of the recorded documents shall be submitted to the Town.

b) Prior to filing an application with the Town, the applicant should have a preconference with the Town to obtain application forms and to receive general information regarding the Waiver of Plat process. Following the preconference, the applicant may submit a Waiver of Plat application for review by the appropriate Town divisions.

c) A Waiver of Plat application shall be presented to the Town Council after the Town finds that the proposed Waiver of Plat is in conformity with any applicable zoning codes, or other land use controls which are known to exist.

**Sec. 115-100. Expiration.**

All Waiver of Plat approvals ~~certificate of conformity~~ shall expire six (6) months from the date of approval unless the requisite documents effecting the subdivision, as approved, have been recorded.

**Section 4: Inclusion in the Town Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions. The Town Clerk is hereby authorized and directed to cause said codification.

**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.

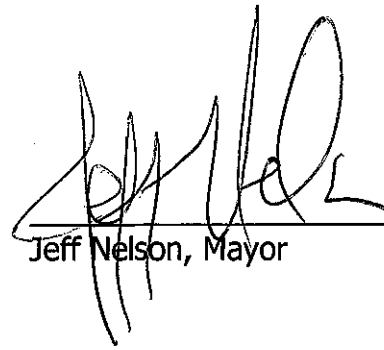
**Section 7: Effective Date.** This Ordinance shall take effect immediately upon adoption.

**PASSED ON FIRST READING** this 20<sup>th</sup> day of October, 2010 on a motion made by Council Member McKay and seconded by Council Member Fisikelli.

**PASSED AND ADOPTED ON SECOND READING** this 3<sup>rd</sup> day of November 2010, on a motion made by Council Member McKay and seconded by Council Member Jablonski.

Nelson	<u>AYE</u>	Ayes	<u>5</u>
Fisikelli	<u>AYE</u>	Nays	<u>0</u>
Breitkreuz	<u>AYE</u>	Absent	<u>0</u>
Jablonski	<u>AYE</u>	Abstaining	<u>0</u>
McKay	<u>AYE</u>		

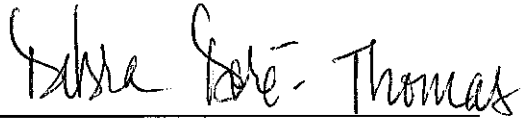
**[Signatures on next page]**



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Jeff Nelson, Mayor

Attest:



Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Keith M. Poliakov, J.D., Town Attorney

ACTIVE: 3109449