ORDINANCE NO. C-21-12

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 47-24.5 – SUBDIVISION REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA UNIFIED LAND DEVELOPMENT REGULATIONS TO BRING THE CODE SECTION INTO SUBSTANTIAL CONFORMITY WITH THE BROWARD COUNTY LAND USE PLAN PLATTING REQUIREMENTS; PROVIDING FOR CONFLICTS AND REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 28, 2019, the Broward County Board of County Commissioners adopted Ordinance No. 2019-11 approving the BrowardNext Broward County Land Use Plan ("BrowardNext"); and

WHEREAS, among the changes incorporated in BrowardNext, are changes to Broward County's subdivision and platting requirements; and

WHEREAS, Section 47-24.5 of the City of Fort Lauderdale Unified Land Development Regulations ("ULDR") entitled "Subdivision Regulations" is inconsistent with the new Broward County's subdivision and platting requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. 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. Section 47-24.5 – Subdivision regulations of the City of Fort Lauderdale ULDR is hereby amended as follows:

Sec. 47-24.5. – Subdivision regulations.

A. *Subdivision approval.*

1. *Applicability of subdivision regulations.* No person shall create a subdivision of land nor develop land in the city unless it conforms to these regulations. A subdivision shall be defined as the division of land into two (2) or more lots, sites,

tracts, parcels, tiers, blocks, units or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided ~~other designations whether by recorded plat, unrecorded plat, or by metes and bounds description~~.

2. *Platting required.* Plat or replat means a map or delineated representation of the subdivision of lands. No building permit shall be issued ~~nor shall a certificate of occupancy be issued~~ for the construction of a principal building on a parcel of land unless a plat including the parcel or parcels of land has been recorded in the official public records of Broward County subsequent to June 4, 1953 (Commencing at Plat Book 32, page 15), except as provided herein.

3. *Exceptions to platting.* The requirements in subsection A.2, shall not apply to an application for a building permit which meets any one (1) or more of the following criteria:

~~a. Construction of one (1) single family dwelling unit or duplex on a lot or parcel which lot or parcel was of record as such in the official records of the county as of March 1, 1989;~~

a. Construction of two or fewer residential dwelling units. Applications for two or fewer residential dwelling units on property under the same ownership, within 500 feet of property exempted within the past twelve (12) months, shall not be exempt.

b. Construction of any principal structure for a multifamily or nonresidential use on a lot or parcel which is less than ~~five (5)~~ ten (10) acres in size and the majority of which is specifically delineated on a plat recorded on or before June 4, 1953;

~~c. A building permit may be issued for a parcel of land for which plat approval has been given by the city commission and the county although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the city and the county. Such agreements shall, at a minimum, require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The city and the county shall be required to make a finding~~

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~~that facilities and services will be available at the adopted level of service standards, concurrent with the issuance of the building permit;~~

c. Construction of a replacement building in which the proposed reconstruction will be utilized for the same general use, is equal to or less than the gross area of the original principal building and will be located within the same general footprint. (For the purpose of this guideline, "original building" means the total gross floor area devoted to the principal use on a parcel as of November 22, 1978. November 22, 1978 was the effective date of the 1977 Broward County Land Use Plan countywide platting requirement.)

~~d. A building permit may be issued for an essential governmental facility after plat review by the city where the city and county finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the city and county determines that public facilities and service standards will be available concurrent with the impact of the development of the governmental facility. Such a finding of adequacy shall be made by agreement between the city and the county. A certificate of occupancy shall not be issued until the plat is recorded. In addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:~~

~~i. Compliance with the applicable land development regulations; and~~

~~ii. Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan and the city's street width provisions provided in this section has been conveyed to the public by deed or grant of easement.~~

d. Construction of single-family, infill development that is deed-restricted to affordable housing for a time period of at least fifteen (15) years. For the purposes of this exemption, infill development shall be defined as, "the development of new housing on scattered vacant sites in a built-up area."

e. A building permit may be issued for a parcel of land for which plat approval has been given by the City Commission and the Board of County Commissioners although the plat has not yet been recorded, provided such authorization is granted in an agreement among the developer, the City and

the County. Such agreements shall at a minimum require compliance with the applicable provisions of plat approval and shall prohibit the issuance of a certificate of occupancy until the plat is recorded. The municipality and county shall be required to make a finding that facilities and services will be available at the adopted level of service standards concurrent with the issuance of the building permit; or

f. A building permit may be issued for an essential governmental facility after preliminary plat review where the Broward County Commission finds that immediate construction of the governmental facility is essential to the health, safety, or welfare of the public and where the Board determines that public facilities and services will be available at the adopted level of service standards concurrent with the impact of the development of the governmental facility. Such a finding shall be made in a resolution if Broward County is the government seeking to construct the facility and issue the permit; and by agreement with the affected units of local government in other circumstances. A certificate of occupancy shall not be issued until the plat is recorded. In addition to meeting the above criteria, the issuance of the building permit shall be subject to all of the following:

i. Compliance with the applicable land development regulations; and

ii. Any land within the lot or parcel which is necessary to comply with the Broward County Trafficways Plan and the city's street width provisions provided in this section has been conveyed to the public by deed or grant of easement.

. . .

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this 16th day of March, 2021.
PASSED SECOND READING this 6th day of April, 2021.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI

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