2	BCC DRAFT 10/04/2024			
4	10/04/2024			
	ORDINANCE NO. 2024			
6	AN ORDINANCE PERTAINING TO LAND USE IN ORANGE COUNTY; AMENDING SECTION 30-83 ("PLATS;			
8	VERTICAL CONSTRUCTION PRIOR TO PLAT APPROVAL; VACATION") TO PROVIDE A PROCESS FOR			
10 12	EXPEDITED APPROVAL OF RESIDENTIAL HOMES PRIOR TO FINAL PLAT; AND PROVIDING AN EFFECTIVE DATE.			
14	WHEREAS, pursuant to Article VIII, Section l(g), Florida Constitution; Section 125.01, Florida Statutes; and the Orange County Charter, the Orange County Board of County			
16	Commissioners (the "Board") is authorized to enact ordinances not inconsistent with general law and to establish development and zoning regulations as are necessary for the protection of the			
18	public; and			
20	WHEREAS, well-designed subdivisions of land protect the most important investment the			
22	average home-buyer will make in their lifetime, and for the community assures attractive residential and commercial areas that will prove enduring assets, and developments that can be economically and easily serviced; and			
24				
26	WHEREAS, subdivisions of land for residential and commercial purposes generally will remain in existence as long as the community itself, and if they are wisely designed, will continue to enhance the community; and			
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30	WHEREAS, on May 29, 2024, Governor DeSantis executed Senate Bill 812, which created Section 177.073, Florida Statutes, and requires counties with 75,000 residents or more to establish			
32	an expedited process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded; and			
34	WHEREAS, Section 30-83 of the Orange County Code ("Code") regulates the process for			
36	vertical construction prior to plat approval; and			
38	WHEREAS, the Board finds that it is in the public's interest to amend Section 30-83 of the Orange County Code to comply with the new requirements of Section 177.073, Florida Statues.			
40	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF			
	ORANGE COUNTY:			

42	Section 1. Amendment to Section 30-83 ("Plats; vertical construction prior to plat				
	approval; vacation"). Section 30-83 is amended to read as follows with additions being shown				
44	by underlines and deletions being shown by strike-throughs:				
46	Sec. 30-83. Plats; vertical construction prior to plat approval; vacation.				
48	* * *				
50	(b) With the exception of developments and model homes authorized by subsections 30-83(c) and (d), (c), (d) and (e),				
52	respectively, vertical construction shall not be permitted to commence at a development requiring a plat unless and until the plat				
54	has been approved and recorded. However, for single-family development, where it is expected or determined that the plat for a				
56	particular development cannot be approved and recorded through no fault of the developer's before vertical construction is ready to				
58	commence, the development review committee may approve vertical construction in advance of platting pursuant to terms and				
60	conditions that are acceptable to the DRC, provided that in no event may a temporary or permanent certificate of occupancy be issued				
62	for such vertical construction before the plat is approved and recorded.				
64	* * *				
66	(e) For residential vertical permit applications pursuant to				
68	section 177.073, Florida Statutes, vertical permits on not more than seventy-five (75) percent of the lots in a single-family residential				
70	development with an approved subdivision plan pursuant to section 34-75 shall be permitted, provided that under no circumstances shall				
72	a temporary or permanent certificate of occupancy be issued for such vertical construction before the final plat is approved and				
74	recorded. The vertical permits under this section shall be situated on contiguous lots or clustered within a readily identified area. No more				
76	than five (5) of the vertical permits, or one (1) six-unit structure, shall be listed as model homes, as provided for in section 30-83(d).				
78	(1) An applicant requesting a vertical permit				
80	under this section shall submit a complete and sufficient Master				

Building Permit Plan, with the applicable application fee, to the

Zoning Division Manager and to the county engineer, or their

respective designees, and include the following documents:

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86	a. The site plan depicting not more than seventy-five (75) percent of the lots proposed for the vertical permits
88	being requested, depicting the proposed structure, footprint, setbacks, and proposed easements encumbering the respective lots;
90	b. An electronic copy (in portable document
92	format [PDF], GIS shapefile, or similar format) of the preliminary subdivision plan (or plat), identifying the proposed lot lines,
94	indicating where the vertical permits will be located, and reflecting street names and addresses which have been approved by Orange County; and
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98	c. An executed, notarized, hold harmless and indemnification agreement, in a form acceptable to the county,
100	which shall include, among other things, an acknowledgment by the applicant that it understands and agrees that it shall comply with all
102	applicable permitting restrictions, requirements and conditions, including those set forth in section 30-83(c)(3) and section 34-75.
104	(2) The following permitting restrictions,
106	requirements, and conditions shall apply for a vertical permit under this section:
108	a. Permitting is at the risk and expense of the
110	applicant, including any changes which may need to be made with respect to the final plat;
112	b. Under no circumstances shall the county
114	issue a temporary or permanent certificate of occupancy until a final plat is recorded;
116	c. All construction is at the applicant's own
118	risk and expense;
120	d. stabilized road bases must be installed, at a minimum, from the project entrance to within 50 feet of each
122	vertical permit, and must meet the approval of both the Orange County Public Works Department and the Orange County Fire Marshal;
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126	e. Fully functional, readily accessible, county-approved fire hydrants shall be in place within the requisite distance of the lot line of the proposed vertical permits, in
128	accordance with the Florida Fire Prevention Code. The foregoing notwithstanding, in the event the applicant is unable, through no

130	fault of its own, to obtain permanent water to serve the fire hydrants,
132	the Orange County Fire Marshal may approve the use of a temporary water supply during construction of the vertical permits if he or she
102	determines such temporary water supply meets the fire flow
134	requirements of the Florida Fire Prevention Code for the proposed
	size of the structures would not endanger public safety; provided,
136	however, that fully functional fire hydrants, as set forth above, shall
	be required before the issuance of any temporary or permanent
138	certificate of occupancy of a permitted structure;
140	f. The water system serving the proposed
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142	vertical permit shall be partially or fully cleared for service by the Florida Department of Environmental Protection (FDEP). In cases
142	where fire protection is approved through the use of temporary water
144	supply for the construction of any vertical permit, as provided in
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146	subsection (f) above, FDEP clearance of the water system, as set
140	forth herein, shall be required before the issuance of any temporary
148	or permanent certificate of occupancy of a permitted structure;
140	g. An original, fully executed version of the
150	hold harmless and indemnification agreement referenced in section
130	34-75, shall be recorded in the official records of Orange County,
152	Florida, and a recorded copy of the hold harmless and
132	indemnification agreement shall be provided to the zoning division
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134	and to the county engineer.
156	h. Temporary or permanent street signs and a
	clearly visible street address number for each proposed model home
158	shall be in place to facilitate emergency response, as determined by
	the Orange County Fire Marshal; and
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	i. Applicant shall have complied with all
162	i. Applicant shall have complied with all other Orange County Code provisions, including any applicable
	zoning regulations.
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	(3) A certificate of occupancy shall not be issued
166	for a model home until a certificate of completion for infrastructure
	has been issued for the subdivision, or phase thereof, and a final plat
168	has been recorded in the official records of Orange County.
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170	(e) (f) The board of county commissioners may order the
470	vacation and reversion to acreage of all or any part of a plat or
172	subdivision in the manner and subject to the restrictions provided by
474	law; provided that no reversion can occur where the subdivision
174	street and drainage improvements have been completed.

176	Section 2. Effective date. This ordinan	ce shall take effect pursuant to general law.			
	ADOPTED THIS DAY OF	, 2024.			
178					
180		ORANGE COUNTY, FLORIDA By: Board of County Commissioners			
182		By:			
184		Jerry L. Demings Orange County Mayor			
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188	ATTEST: Phil Diamond, CPA, County Comptroller As Clerk of the Board of County Commissioners				
190	By: Deputy Clerk				
192	Deputy Clotk				