

ORDINANCE NO. 2024-__

AN ORDINANCE PERTAINING TO LAND USE IN ORANGE COUNTY; AMENDING SECTION 30-83 (“PLATS; VERTICAL CONSTRUCTION PRIOR TO PLAT APPROVAL; VACATION”) TO PROVIDE A PROCESS FOR EXPEDITED APPROVAL OF RESIDENTIAL HOMES PRIOR TO FINAL PLAT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1(g), Florida Constitution; Section 125.01, Florida Statutes; and the Orange County Charter, the Orange County Board of County 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 public; and

WHEREAS, well-designed subdivisions of land protect the most important investment the 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

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

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 an expedited process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded; and

WHEREAS, Section 30-83 of the Orange County Code (“Code”) regulates the process for vertical construction prior to plat approval; and

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 Statutes.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

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a. The site plan depicting not more than seventy-five (75) percent of the lots proposed for the vertical permits being requested, depicting the proposed structure, footprint, setbacks, and proposed easements encumbering the respective lots;

b. An electronic copy (in portable document format [PDF], GIS shapefile, or similar format) of the preliminary subdivision plan (or plat), identifying the proposed lot lines, indicating where the vertical permits will be located, and reflecting street names and addresses which have been approved by Orange County; and

c. An executed, notarized, hold harmless and indemnification agreement, in a form acceptable to the county, which shall include, among other things, an acknowledgment by the applicant that it understands and agrees that it shall comply with all applicable permitting restrictions, requirements and conditions, including those set forth in section 30-83(c)(3) and section 34-75.

(2) The following permitting restrictions, requirements, and conditions shall apply for a vertical permit under this section:

a. Permitting is at the risk and expense of the applicant, including any changes which may need to be made with respect to the final plat;

b. Under no circumstances shall the county issue a temporary or permanent certificate of occupancy until a final plat is recorded;

c. All construction is at the applicant's own risk and expense;

d. stabilized road bases must be installed, at a minimum, from the project entrance to within 50 feet of each vertical permit, and must meet the approval of both the Orange County Public Works Department and the Orange County Fire Marshal;

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 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
134 water supply during construction of the vertical permits if he or she
136 determines such temporary water supply meets the fire flow
138 requirements of the Florida Fire Prevention Code for the proposed
size of the structures would not endanger public safety; provided,
however, that fully functional fire hydrants, as set forth above, shall
be required before the issuance of any temporary or permanent
certificate of occupancy of a permitted structure;

140 f. The water system serving the proposed
142 vertical permit shall be partially or fully cleared for service by the
144 Florida Department of Environmental Protection (FDEP). In cases
146 where fire protection is approved through the use of temporary water
148 supply for the construction of any vertical permit, as provided in
subsection (f) above, FDEP clearance of the water system, as set
forth herein, shall be required before the issuance of any temporary
or permanent certificate of occupancy of a permitted structure;

150 g. An original, fully executed version of the
152 hold harmless and indemnification agreement referenced in section
154 34-75, shall be recorded in the official records of Orange County,
Florida, and a recorded copy of the hold harmless and
indemnification agreement shall be provided to the zoning division
and to the county engineer.

156 h. Temporary or permanent street signs and a
158 clearly visible street address number for each proposed model home
160 shall be in place to facilitate emergency response, as determined by
the Orange County Fire Marshal; and

162 i. Applicant shall have complied with all
164 other Orange County Code provisions, including any applicable
zoning regulations.

166 (3) A certificate of occupancy shall not be issued
168 for a model home until a certificate of completion for infrastructure
has been issued for the subdivision, or phase thereof, and a final plat
has been recorded in the official records of Orange County.

170 ~~(e)~~ (f) The board of county commissioners may order the
172 vacation and reversion to acreage of all or any part of a plat or
174 subdivision in the manner and subject to the restrictions provided by
law; provided that no reversion can occur where the subdivision
street and drainage improvements have been completed.

176 **Section 2. Effective date.** This ordinance shall take effect pursuant to general law.

ADOPTED THIS ____ DAY OF _____, 2024.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners
By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk