

APPROVED BY ORANGE
COUNTY BOARD OF
COUNTY COMMISSIONERS

BCC Mtg. Date: October 29, 2024

Effective Date: November 7, 2024

ORDINANCE NO. 2024-31

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:**

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 by underlines and deletions being shown by strike-throughs:

Sec. 30-83. Plats; vertical construction prior to plat approval; vacation.

* * *

(b) With the exception of developments and model homes authorized by subsections 30-83(e) ~~and (d), (c), (d) and (e),~~ respectively, vertical construction shall not be permitted to commence at a development requiring a plat unless and until the plat has been approved and recorded. However, for single-family development, where it is expected or determined that the plat for a particular development cannot be approved and recorded through no fault of the developer's before vertical construction is ready to commence, the development review committee may approve vertical construction in advance of platting pursuant to terms and conditions that are acceptable to the DRC, provided that in no event may a temporary or permanent certificate of occupancy be issued for such vertical construction before the plat is approved and recorded.

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(e) For residential vertical permit applications pursuant to section 177.073, Florida Statutes, vertical permits on not more than seventy-five (75) percent of the lots in a single-family residential development with an approved subdivision plan pursuant to section 34-75 shall be permitted, provided that under no circumstances shall a temporary or permanent certificate of occupancy be issued for such vertical construction before the final plat is approved and recorded. The vertical permits under this section shall be situated on contiguous lots or clustered within a readily identified area. No more 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).

(1) An applicant requesting a vertical permit 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:

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

fault of its own, to obtain permanent water to serve the fire hydrants, the Orange County Fire Marshal may approve the use of a temporary water supply during construction of the vertical permits if he or she determines such temporary water supply meets the fire flow 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;

f. The water system serving the proposed vertical permit shall be partially or fully cleared for service by the Florida Department of Environmental Protection (FDEP). In cases where fire protection is approved through the use of temporary water 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;

g. An original, fully executed version of the hold harmless and indemnification agreement referenced in section 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.

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

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

(3) A certificate of occupancy shall not be issued for a residential 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.

(e) (f) The board of county commissioners may order the vacation and reversion to acreage of all or any part of a plat or 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.

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

ADOPTED THIS 29TH DAY OF OCTOBER, 2024.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

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

By: *Jennifer Ann - Kline*
Deputy Clerk