

BCC Mtg. Date: September 24, 2024

Effective Date: October 1, 2024

ORDINANCE NO. 2024-26

AN ORDINANCE PERTAINING TO LAND USE IN ORANGE COUNTY; AMENDING CHAPTER 34 OF THE ORANGE COUNTY CODE (“SUBDIVISION REGULATIONS”) TO COMPLY WITH SECTION 177.073, FLORIDA STATUTES (“EXPEDITED APPROVAL OF RESIDENTIAL BUILDING PERMITS BEFORE A FINAL PLAT IS RECORDED”); BY AMENDING SECTION 34-5 (“DEFINITIONS”); CREATING SECTION 34-75 (“EXPEDITED PROCESS FOR ISSUING RESIDENTIAL BUILDING PERMITS BEFORE A FINAL PLAT IS RECORDED”); CREATING SECTION 34-76 (“QUALIFIED CONTRACTORS”) TO ESTABLISH A REGISTRY OF QUALIFIED CONTRACTORS; 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, the legislation also requires counties with 75,000 residents or more to establish a registry of qualified contractors whom the county can use to help process and expedite the review of applications for preliminary plats; and

WHEREAS, Chapter 34 of the Orange County Code regulates the development of all residential, commercial, and industrial subdivisions in the unincorporated areas of Orange County; and

WHEREAS, the Board finds that it is in the public's interest to amend Chapter 34 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 34-5 ("Definitions"). Section 34-5 is amended to read as follows with additions being shown by underlines and deletions being shown with strike-throughs:

Sec. 34-5. Definitions.

Final plat shall mean the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, as recorded in the official records of Orange County, Florida.

Master Building Permit Plan shall mean a site plan indicating not more than seventy-five (75) percent of the lots proposed for vertical permitting depicting the proposed structure, footprint, setbacks, and proposed easements encumbering the respective lots.

Preliminary plat shall mean a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to be in compliance with the requirements of part I, chapter 177, Florida Statutes.

Qualified contractor shall mean an engineer or engineering firm licensed under chapter 471, Florida Statutes; a surveyor or mapper or a surveyor's or mapper's firm licensed under chapter 472, Florida Statutes; an architect or architecture firm licensed under part I, chapter 481, Florida Statutes; a landscape architect or landscape architecture firm registered under part II, chapter 481, Florida

Statutes; or any other qualified professional who is certified in urban planning or environmental management.

Section 2. Creation of Section 34-75 of Chapter 34. Section 34-75, presently

“Reserved” under Article III, Division 2 of Chapter 34, is created to read as follows:

Sec. 34-75. Expedited process for issuing residential building permits before a final plat is recorded.

(a) The county engineer, or authorized representative, shall review the preliminary subdivision plan for compliance with section 34-67. If pertinent information is missing on the preliminary subdivision plan, the county engineer shall contact the developer or project engineer. The developer may be required to submit a revised preliminary subdivision plan. If the review by the county engineer determines that the plan is sufficient, then the preliminary subdivision plan shall be forwarded to DRC for further review. As part of the Sufficiency Review under this section and application, a Master Site Permit Plan must also be submitted and evaluated by Orange County.

(b) Upon completion of sufficiency review, as required by section 34-67, the developer shall submit to the DRC a digital Portable Document Format (“PDF”) file in 24” x 36” format of the sufficient preliminary subdivision plan pursuant to section 30-84 and the receipt for the required fee. The developer must include an application to identify the percentage of planned homes, not to exceed seventy-five (75) percent of planned residential subdivision, or the number of building permits that the governing body must issue across all phases of the residential subdivision.

(c) Upon completion of the PSP review, the developer shall submit to the development engineering division a digital PDF file in 24” x 36” format of subdivision construction plans prepared as specified in section 34-132. Review of the construction plans shall be completed by the county engineer or by a qualified contractor under the direction of the county engineer.

(d) Associated off-site infrastructure including, but not limited to, connecting roadways, roadway improvements, and public utilities or any other proposed improvements within a county roadway, must be submitted to development engineering as an engineering plan for review and approval by the county engineer in

accordance with section 21-196 of the code. The submittal of a surety, pursuant to section 21-202, and warranty, pursuant to section 21-208, are also required prior to the issuance a certificate of completion prior to the final plat being recorded in the official records of Orange County, Florida.

(e) All construction plans shall meet the floodplain management provisions of chapter 19 of the Orange County Code including, but not limited to, obtaining any necessary Letters of Map Change as required by the Federal Emergency Management Agency (“FEMA”). All construction plans shall meet the provisions of Chapter 15, Article X of the Orange County Code including, but not limited to, obtaining any Board of County Commissioners approval for mitigation of adverse development under this section prior to initiating any construction activities.

(f) A construction cost estimate shall be submitted upon acceptance and stamping of the subdivision construction plan(s) and any related engineering plan(s), which provides the estimated cost of installing all improvements. Such estimates shall be prepared by the project engineer and shall be based upon recent bid information.

(g) Upon the acceptance and stamping of the subdivision construction plans by the county engineer, the developer shall submit the preliminary plat to the county engineer for processing, as provided in section 34-48. The review of the preliminary plat for compliance with chapter 177 of the Florida Statutes may be by the county surveyor or by a qualified contractor under the direction of the county engineer. The processing of the preliminary plat including, but not limited to, compliance with chapter 177 of the Florida Statutes, will be at the direction of the county engineer and may include other reviewing agencies not governed by section 177.073(1)(f), Florida Statutes.

(h) Street names shall be provided on the preliminary plat, in compliance with section 34-178, and must be approved by the managers of the 911 system and zoning division.

(i) The applicant must provide proof that the applicant has provided a copy of the approved preliminary plat, approved subdivision construction plans, and approved engineering plans to the relevant electric, gas, water, reclaimed water, and wastewater utility providers.

(j) The project landowner must provide a properly executed indemnification and hold harmless agreement to the

county in form and substance acceptable to the county pursuant to section 30-83(c)(3).

(k) Upon completion of processing the reviews of preliminary subdivision plan, subdivision construction plan(s) and engineering plan(s) and respective cost estimates for each, preliminary plat, along with evidence of no objections by the utility providers as outlined in paragraph (g) above, then a meeting shall be scheduled by the DRC and the developer to review the preliminary subdivision plan, subdivision construction plans, engineering plans, hold harmless indemnification agreement, and preliminary plat for consistency with the provisions of the Orange County Code. Upon review and approval, along with the recommended conditions of approval, by the DRC the public hearing scheduling shall proceed per section 34-69. All subsequent sections of chapter 34 shall apply.

(l) The subdivider shall submit to the county either a cash deposit, or an irrevocable letter of credit. The above form of surety shall cover the cost of all improvements. One or more of the following two alternatives may be used upon approval by the board of county commissioners:

(1) A cash deposit in an escrow account in an amount equal to one hundred thirty (130) percent of the estimated cost of construction, as described in section 34-75(f) above.

(2) An irrevocable letter of credit per section 34-203 in the penal sum of one hundred and thirty (130) percent of the estimated cost of construction, as described in section 34-75(f) above.

(m) Contract for sale and certificate of occupancy.

(1) An applicant may contract to sell, but shall not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the official records of Orange County.

(2) No temporary or final certificate of occupancy shall be issued until the final plat is recorded in the official records of Orange County.

(n) All required improvements must comply with article VI of chapter 34, Subdivision Regulations.

(o) Final plat approval and recording shall occur pursuant to section 34-48(c) after the certificate of completion has been issued pursuant to section 34-204.

Section 3. Creation of Section 34-76 of Chapter 34. Section 34-76, presently

“Reserved” under Article III, Division 2 of Chapter 34, is created to read as follows:

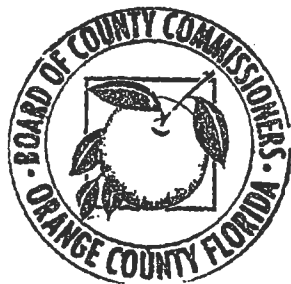
Sec. 34-76. Qualified Contractors.

(a) The county shall establish a registry of at least three (3) qualified contractors to supplement staff resources in ways determined by the county for processing and expediting the review of an application for a preliminary plat or any plans related to such application. A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest with the applicant. For purposes of this paragraph, the term “conflict of interest” has the same meaning as in section 112.312, Florida Statutes.

(b) County shall establish a registry of contractors that are qualified to provide a cost estimate of the construction project in accordance with section 34-75(f).

Section 4. Effective date. This ordinance shall take effect on October 1, 2024.

ADOPTED THIS 24TH DAY OF SEPTEMBER, 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: *Phil Diamond*
Deputy Clerk