

BCC Mtg. Date: February 21, 2023

Effective Date: February 23, 2023

ORDINANCE NO. 2023-09

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO MODEL HOME PERMITS; AMENDING THE ORANGE COUNTY LAND DEVELOPMENT AND USE ORDINANCE CODIFIED AT ARTICLE III, CHAPTER 30, OF THE ORANGE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Amendments to Section 30-83 (“Plats; vertical construction prior to plat approval; vacation”). Section 30-83 (“Plats; vertical construction prior to plat approval; vacation”) is amended to read as follows, with any new wording being indicated by underlines and any deleted wording being shown by strike-throughs:

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

* * *

(d) Model homes may be permitted on not more than twenty percent (20%) of the lots in a single-family residential development with an approved preliminary subdivision plan, or phase thereof, but in no event may the number of model homes exceed five (5) per phase for single-family detached, and may not exceed one 6-unit building per phase for single-family attached (each of the model units shall be required to be built out).- The model homes shall be situated on contiguous lots or clustered within a readily identified area. Not more than one (1) model home may be used as a sales office/center, subject to the requirements of subsection 38-79(5).

(1) An applicant/developer requesting a model home permit shall submit a complete and sufficient model home application, with the applicable application fee, to the Zoning Division Manager, or their designee, and include the following documents:

- a. ~~Three (3) copies of t~~The site plan for the lot proposed for the model home, depicting the proposed structure, footprint, setbacks, and proposed easements for the model home being requested;
- b. ~~Three (3) copies of t~~An electronic copy (in portable document format, GIS shapefile, or similar format) of the preliminary subdivision plan (or plat), identifying the proposed lot lines, indicating where the model home(s) will be located, and reflecting street names which have been approved by Orange County; and
- c. An executed, notarized, hold harmless and indemnification agreement, a form of which shall be provided by the county, statement by the which shall include, among other things, an acknowledgment by the applicant/developer showing that it understands, and agrees that it to, and shall comply with all applicable permitting restrictions, requirements and conditions, including those set forth in this section 30-83.

(2) The following permitting restrictions, requirements, and conditions shall apply for a model home permit:

- a. ~~The applicant/developer shall utilize a preliminary final plat with street names approved by the Zoning Division for issuance of a permanent street address (fee required);~~
- ba. Permitting is at the risk and expense of the applicant/developer, including if any changes which may need to be are made with respect to the final recorded plat;
- eb. No Under no circumstances will the County issue a temporary or permanent certificate of occupancy shall be issued until an amended building permit (additional fee required) for a final permanent address is issued a plat is recorded;

~~dc.~~ All construction is at the applicant/developer's own risk and expense;

ed. Curb and stabilized road base shall have been installed, at a minimum, from the project entrance to the model home(s) to the satisfaction of the Public Works Department and the Orange County Fire Marshal;

fe. Drainage infrastructure shall have been completed, at a minimum, for the development of the model home(s) to the satisfaction of the Public Works Department;

gf. ~~a~~ A fully functional, readily accessible, County-approved fire hydrant shall be in place within five hundred (500) feet the distance required by the Florida Fire Prevention Code, as may be amended from time to time, of the lot line of the proposed model home(s). The foregoing notwithstanding, in the event the applicant is unable, through no fault of its own, to obtain permanent water to serve the fire hydrant, the Orange County Fire Marshal may approve the use of temporary water during construction of the model home(s) if he or she determines such temporary water would not endanger public safety; provided, however, that a fully functional fire hydrant as set forth above shall be required before any temporary or permanent certificate of occupancy of a model home(s);

hg. The water system serving the proposed model home shall have been 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 for construction of a model home(s), as provided in (F) above, FDEP clearance of the water system, as set forth herein, shall be required before any temporary or permanent certificate of occupancy of a model home(s);

ih. An original, risk affidavit and fully executed indemnification and version of the hold harmless and indemnification agreement referenced in Section 30-83(d)(1)c., above, satisfactory to the Risk Management Division shall have been executed—recorded in the official records of Orange County, Florida, and such recorded copy shall have been provided to the Zoning Division;

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

kj. Applicant shall have complied with any and all other Orange County Code provisions, including Zoning regulations.

(3) A certificate of occupancy shall not be issued for a model home until a certificate of completion for infrastructure has been issued for the subdivision, or phase thereof. However, a temporary certificate of occupancy (TCO) may be issued by the Division of Building Safety prior to issuance of a certification of completion, provided the following restrictions, requirements, and conditions are met:

- a. The Public Works Department shall have verified completion of installation of an asphalt surface from the nearest public right-of-way to the lot line of the model home(s), in accordance with Section 30-83(d)(2)d. above;
- b. The Public Works Department shall have verified completion of installation of the drainage infrastructure and its functionality, in accordance with Section 30-83(d)(2)e. above, and all inspections shall have been satisfactorily completed;

- c. All required traffic control signs and devices shall be in place from the nearest public road right-of-way to the lot line of the model home(s), as determined by the Public Works Department;
- d. All permits issued by the Division of Building Safety for the model home(s) have received approved final inspections;
- e. A permanent, fully functional public restroom is located in an easily accessible place within the model home(s);
- f. Sufficient and clear access for emergency vehicles shall be available, as determined by the Orange County Fire Marshal;
- g. ~~‡~~The wastewater system serving the model home(s) shall have been partially or fully cleared for service by the Florida Department of Environmental Protection; and
- h. The applicant shall have complied with any and all other applicable Orange County Code provisions, including recording a platting for the development.

A TCO shall be effective for a period not to exceed ninety (90) days. An extension of no more than thirty (30) days may be granted upon good cause shown ~~and~~ as acceptable to the County.

An appeal of a determination related to a model home application or permit shall be filed with the Zoning Manager in writing within fourteen (14) days of the determination, accompanied by the applicable appeal fee. The appeal shall be heard by the Development Review Committee.

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Section 2. This ordinance shall become effective pursuant to general law.

ADOPTED THIS 21st DAY OF February, 2023.



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 Horn-Kline*
Deputy Clerk