

BCC Mtg. Date: July 13, 2021

EFFECTIVE DATE: August 1, 2021

ORDINANCE NO. 2021-32

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA, RELATED TO LAND DEVELOPMENT BY AMENDING THE ORANGE COUNTY CODE, CHAPTER 30 (“PLANNING AND DEVELOPMENT”), ARTICLE III (“LAND DEVELOPMENT AND USE ORDINANCE”) AND ARTICLE VIII (“SITE DEVELOPMENT”); AND CHAPTER 34 (“SUBDIVISION REGULATIONS”), ARTICLE I (“IN GENERAL”), ARTICLE III, (“SUBDIVISION REVIEW PROCESS”) AND ARTICLE IV (“SPECIFICATIONS FOR PLANS AND PLATS”); AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendments; In General. Chapter 30 (“Planning and Development”) and Chapter 34 (“Subdivision Regulations”) of the Orange County Code are amended as set forth in Section 2 and Section 3 below, respectively, with additions being shown as underlines and deletions being shown as ~~struck through~~:

Section 2. Amendments to Chapter 30, Planning and Development. Chapter 30 (“Planning and Development”), Article III (“Land Development and Use Ordinance”) and Article VIII (“Site Development”), of the Orange County Code is hereby amended by the following changes to Section 30-78, Section 30-254; and the creation of Section 30-255:

[Rest of page intentionally blank]

A. Chapter 30, Article III (“Land Development and Use Ordinance”),

Section 30-78 is amended as follows:

Sec. 30-78. Definitions and title.

* * *

Subdivision shall mean the division ~~of a parcel~~ of land, whether improved or unimproved, into ~~three~~ ~~two~~ (2) or more lots, ~~or~~ parcels, tracts, tiers, blocks, sites, units, or any other division of land for the purpose, whether immediate or future, of transfer of ownership or building development where the subdivider advocates, proposes, suggests or exhibits a proposed plan, map or plat of development of the land; ~~or~~ and includes where the subdivider proposes to establish ~~create a new~~ streets, and alleys, additions, and resubdivisions, or a right-of-way or easement that joins or connects to an existing public street for ingress and egress, or to change an existing public street.

Survey shall mean the result of any professional service or work resulting from the practice of Surveying and Mapping, as defined in Chapter 472, Florida Statutes, which includes As-built/Record Surveys, Boundary Surveys, Construction Layout Surveys, Condominium Surveys, Construction Control Surveys, Control Surveys, Elevation Surveys, Hydrographic/Bathymetric Surveys, Tidal or non-tidal Water Boundary Surveys, Photogrammetric Surveys (including Orthorectified Imagery), Quantity Surveys, Topographic Surveys, and Surveys prepared for Wetland/Conservation Area Determination activities as defined in Chapter 15 of the Orange County Code, whether it is measured by direct or remote sensing methods. Any such survey shall indicate and clearly state that it has been prepared in accordance with Rule 5J-17, Florida Administrative Code, as amended from time to time.

* * *

B. Chapter 30, Article VIII (“Site Development”), Section 30-254 of

is amended to read as follows:

Sec. 30-254. ~~Solid-w~~ Waste/recycling collection and storage containers.

(a) All multifamily residential projects, with greater than four (4) units per structure which units are not individually owned

in fee simple shall be required to provide centralized facilities with separate containers (e.g., dumpster) for the deposit of solid waste and recycling from the individual living units. Such containers shall provide four one-hundredths (0.04) cubic yards of capacity per week per bedroom for solid waste and recycling each. The containers shall be located or screened in such a way that they are not readily visible from adjacent properties.

(b) Waste collection containers and activities, including recycling and construction dumpsters, serving residential projects shall not be placed in or obstruct County roadways and associated County-owned rights-of-way and shall meet all requirements of Sec. 21-241.

C. Section 30-255 of Chapter 30, Article VIII (“Site Development”) is created to read as follows:

Sec. 30-255. Reserved Curb zone management.

(a) At a preapplication conference or during the review of a proposed land use plan, to improve pedestrian, bicycle, automobile, and/or transit circulation and safety, a curb zone management strategy or strategies may be required and may include, but not be limited to, designated passenger loading zones, staging areas for shared mobility services, and/or short-term parking spaces for curbside delivery or delivery services, and may be centralized within a shopping center or shared by multiple users within a development.

(b) Appropriate dimensions and signage, curb ramps and other ADA accessibility requirements, and safety features (such as bollards, pavement markings, curb ramps, truncated domes), shall be required. The site design shall only allow forward motion of vehicles for safety.

(c) A project that has a County-approved curb zone management strategy or strategies may receive a reduction of its corresponding required off-street parking of up to ten percent, as determined by Sec. 38-1476, administratively, without the need for a parking study.

Secs. 30-255—30-275. - Reserved.

Section 3. Amendments to Chapter 34, Subdivision Regulations. Chapter 34 (“Subdivision Regulations”), Article I (“In General”), Article III (“Subdivision Review Process”), and Article IV (“Specifications for Plans and Plats”), of the Orange County Code is hereby amended by the following changes to Sections 34-5, 34-48, and 34-133:

A. Chapter 34, Article I (“In General”), Section 34-5 is amended as follows:

Sec. 34-5. Definitions.

* * *

Legal entity, as used in this Article, shall mean an entity that holds a certificate of authorization issued under Chapter 472, Florida Statutes, whether the entity is a corporation, partnership, association, or person practicing under a fictitious name.

* * *

B. Chapter 34, Article III (“Subdivision Review Process”), Section 34-48 is amended to read as follows:

Sec. 34-48. Plat approval and recording.

(a) The eCounty eEngineer shall process a plat for approval and recording. A plat shall comply with sSection 34-133 and, to the extent that it is not inconsistent with this section and section 34-133, pPart I, eChapter 177, Florida Statutes. In the event of any inconsistency, Florida Statutes shall control. Also, pursuant to Section 177.061, Florida Statutes, the plat shall be signed and sealed by a Professional Surveyor and Mapper licensed in the state of Florida.

(b) For lands located within unincorporated Orange County which have not been the subject of a public hearing before the bBoard of eCounty eCommissioners on a preliminary subdivision plan, such as a commercial plat or one (1) lot plat, the plat shall not be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and

until such plat has been approved by the ~~b~~Board of ~~e~~County ~~e~~Commissioners at a public meeting.

(c) For lands located within unincorporated Orange County which have been the subject of a public hearing before the ~~b~~Board of ~~e~~County ~~e~~Commissioners on a preliminary subdivision plan or on a substantial amendment to an approved preliminary subdivision plan, the ~~b~~Board of ~~e~~County ~~e~~Commissioners hereby delegates to the ~~e~~County ~~m~~Mayor the authority to approve such plat, and the plat shall not be recorded unless and until it has been approved by the ~~e~~County ~~m~~Mayor.

Secs. 34-49—34-66. - Reserved.

C. Chapter 34, Article IV (“Specifications for Plans and Plats”),

Section 34-133 is amended to read as follows:

Sec. 34-133. Platting requirements.

(a) *Prerequisites.* The ~~e~~County ~~e~~Engineer:

(1) shall not approve a residential subdivision plat until construction plans and related documents are approved.

(2) shall not approve a plat until any and all underlying condominiums of record as prescribed by Chapter 718, Florida Statutes, have been terminated.

(3) shall not, with the exception of properties held as tenants in common, tenants by the entirety, or joint tenants with rights of survivorship, approve a plat where a platted lot or tract will have more than a single owner of record upon the recordation of the plat.

(b) *General.* The plat shall meet all the requirements of ~~F.S. ch. Chapter~~ 177, ~~p~~Part I, Florida Statutes, and shall be certified by a land surveyor registered in the State of Florida. In addition, the plat shall be drawn with permanent black drawing ink on ~~linen tracing cloth,~~ mylar, or equally durable material, using sheets twenty-four (24) inches by thirty (30) inches. Each sheet shall have a marginal line completely around the sheet placed to leave a three-inch binding margin on the left and a one-inch margin on the other three (3) sides. If a government survey corner is used to conduct the surveys for the plat, a copy of the corner record shall be resubmitted along with the plat for approval. The title opinion or property

information report required per Section 177.041, Florida Statutes, shall also be submitted for recording along with the plat. All plats to be recorded shall contain the required plat certificates. Prior to filing an affidavit confirming an error or correction on a recorded plat, the surveyor who was responsible for the survey and the preparation of the plat shall first submit the affidavit along with a copy of the recorded plat to the eCounty eEngineer and County Surveyor for approval. Such affidavit shall meet the requirements of F.S. §Section 177.141, Florida Statutes.

A Boundary Survey prepared within the previous twelve (12) months of plat submittal and prepared by the relevant legal entity or sole Professional Surveyor and Mapper, must accompany the plat submittal and be in accordance with Florida Administrative Code 5J-17. This requirement does not restrict a legal entity from employing one Professional Surveyor and Mapper to perform and prepare the Boundary Survey and another Professional Surveyor and Mapper to prepare the plat. The plat boundary shall be tied to at least the nearest two Government Land Section Corners, and all corners tied to the plat boundary must be shown and described on the plat. If the new plat boundary is within a multiple phase project, then the plat may be described using the Section Corners of the previously platted and recorded phase of the overall project, and the description of the new phase should be relative to the original boundary of the overall multiple phase project. The Professional Surveyor and Mapper shall be responsible for filing an updated Certified Corner Record (CCR) when the corner found and used on the plat does not match the latest CCR. A “DRAFT” copy of the CCR shall also be submitted with the next plat submittal for the County Surveyor to review. If the new CCR is not filed with the responsible state agency by the time the plat is ready for recording, then a note on the plat stating the “CCR is Pending” will be acceptable. The Professional Surveyor and Mapper preparing the plat shall determine if a meeting should be scheduled with the County Surveyor when boundary circumstances are questionable, and a resolution of calls is needed. A Sectional breakdown of the corners found/calculated, and other corners found shall be submitted at the meeting and/or at plat submittal. The County Surveyor and/or Platting Section may schedule a meeting at any time with the preparing Professional Surveyor and Mapper to discuss issues preventing acceptance of the plat. The plat boundary shall be field tied to the nearest government land office section line whose section corners are shown and described on the plat. Additionally, the plat boundary shall be tied to geodetic control (providing, however, that geodetic control exists within one (1) mile, as measured along an existing open public right-of-way, of the plat boundary). Two (2) coordinated certified corners

~~could be used to meet both these sectional and geodetic control requirements. One (1) of the four (4) methods outlined below shall be used to tie the plat boundary to geodetic control:~~

~~(1) — Self-closing (looped) traverse(s) shall be conducted between two (2) geodetic control points and the plat boundary with a minimum precision of no less than one (1) part in twelve thousand (12,000) before adjustment.~~

~~(2) — Self-closing (looped) traverse(s) shall be conducted between one (1) geodetic control point, the plat boundary and a line whose azimuth has been determined by astronomic observation or global position system (GPS) with a minimum precision of no less than one (1) part in twelve thousand (12,000) before adjustment. Astronomic or GPS observation shall be performed in accordance with third order, class II requirements set forth in Standards and Specifications for Geodetic Control Networks, Federal Geodetic Control Committee, September, 1984, or as subsequently amended.~~

~~(3) — Three (3) geodetic control points tied to the plat boundary such that the field observations agree with the published coordinate values with a minimum precision of no less than one (1) part in twelve thousand (12,000).~~

~~(4) — Two (2) geodetic control points and a line whose azimuth has been determined by astronomic or GPS observation tied to the plat boundary such that the field observations agree with the published coordinate values with a minimum precision of no less than one (1) part in twelve thousand (12,000). Astronomic or GPS observation shall be performed in accordance with third order, class II requirements set forth in Standards and Specifications for Geodetic Control Networks, Federal Geodetic Control Committee, September, 1984, or as subsequently amended.~~

~~Geodetic control points that are used shall be shown on the plat by graphically identifying their location, name and number. The final, adjusted direct tie (bearing and distance) shall be shown between those geodetic control points and specific point(s) on plat boundary. If only one (1) geodetic control point was located as in method (2) above, a bearing diagram shall be shown on the plat relating the bearing structure shown on the plat to astronomic or grid north. If computer aided design and drafting (CADD) methods were used in the preparation of the subdivision plat, a copy of the associated electronic data file shall be made available to the county upon request in order to expedite entering the subdivision into the~~

county's records. In the event of a discrepancy with county records, other survey data showing the field observations, reductions and adjustments shall be made available to the county upon request.

(c) *Estimated cost.* A construction cost estimate shall be submitted, 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. As an alternative, bids of at least two ~~(2)~~ reputable contractors, or a copy of an executed contract, for the installation of the improvements may be submitted.

(d) *Surety for improvements.* When platting is proposed prior to completion of construction, the subdivider shall submit to the ~~e~~County a developer's agreement, a cash deposits, an irrevocable letter of credit, or any other evidence or alternatives acceptable to the ~~b~~Board of ~~e~~County ~~e~~Commissioners. The above form of surety ~~sureties~~ shall cover the cost of all improvements. One ~~(1)~~ or more of the following four ~~(4)~~ alternatives may be used upon approval by the ~~b~~Board of ~~e~~County ~~e~~Commissioners:

(1) ~~Record a~~ recorded developer's agreement acceptable to the ~~b~~Board of ~~e~~County ~~e~~Commissioners which commits the developer and/or financial institution to comply with these regulations.

(2) A cash ~~D~~deposit ~~cash~~ in an escrow account in an amount equal to one hundred fifteen (115) percent of the estimated cost.

(3) ~~Submit a~~ An irrevocable letter of credit per ~~section~~ Section: 34-203. ~~Such irrevocable letter of credit shall be in~~ the penal sum of one hundred fifteen (115) percent of the estimated cost.

(4) Any other alternative acceptable to the ~~b~~Board of ~~e~~County ~~e~~Commissioners.

(e) *Environmental audit.* A ~~p~~Phase I environmental site assessment (ESA) must be conducted in accordance with the latest edition of the American Society for Testing and Materials (ASTM) standard E-1527 (Phase I ESA Process). The ~~e~~County will require a specified minimum off-site search distance of one-quarter ($\frac{1}{4}$) mile. The minimum search distance may include areas outside the adjoining properties and shall be measured from the nearest property boundary. The ESA must be performed and signed by a Florida

registered professional engineer or geologist who is able to demonstrate competence (i.e., education and previous experience) in producing ESA reports.

A previous ~~p~~Phase I ESA may be used if it meets or exceeds the requirement of ASTM E-1527 (except as modified herein) and if the conditions of the property and area surrounding the property are not likely to have changed materially since the previous ~~p~~Phase I ESA. Should more than one (1)-year have passed since the completion of the last ~~p~~Phase I ESA, a current site reconnaissance and records review will be required at a minimum. All supplemental ~~p~~Phase I ESA documents must also be signed by a Florida licensed engineer or geologist.

The results shall be provided to the ~~e~~County prior to acceptance of all dedicated lands. Should environmental conditions requiring any remedial activity, monitoring or regulatory action be identified as a result of the ESA(s), the ~~e~~County will not accept any dedications of such land until the conditions on the land are fully addressed to the satisfaction of the ~~e~~County and all applicable regulatory agencies.

(f) *Dedication.* All dedications of land required for public purposes shall be ~~dedicated-made~~ at no cost to the ~~e~~County or other appropriate jurisdictional authority, provided that any grantee of such a dedication is a signatory to the plat; or provides the County with a separate duly executed, witnessed, and notarized joinder in recordable form. If the property is encumbered by a mortgage, the owner and mortgagee shall join in the dedication or in some other manner subordinate the mortgagee's interest to the dedication of the public property.

Should environmental concerns be identified as a result of ~~the a study(ies)~~, the ~~e~~County will not accept any dedications of such land until the conditions on the site are remediated to the satisfaction of the ~~e~~County and all regulatory agencies.

(g) *Certification of payment of taxes.* Certification shall be required showing that all due taxes have been paid in full and all tax certificates against the land have been redeemed.

(h) *Certificate of title and encumbrances.* A current title opinion prepared by an attorney at law licensed in Florida or a property information report prepared by a Florida-licensed title insurer, title agent, or title agency in accordance with Section 177.041, Florida Statutes, searched within ninety (90) days of the

initial plat submittal, shall be provided to the County. The title opinion or property information report as specified herein shall, at a minimum, identify all owners, mortgages, easements, encumbrances, servitudes, and liens recorded in the public records, and shall be certified to be true and correct. Title certification shall be provided as required by F.S. ch. 177, pt. I. The title opinion shall also include all easements and any other encumbrances.

(i) *MSTU/MSBU requests.* Letters requesting creation of municipal service taxing units (MSTU's) and/or municipal service benefit units (MSBU's) for street lights, retention ponds or other uses shall be submitted if required.

(j) *Outstanding liens.* Any capital improvement liens existing on a parcel being subdivided must be paid in full as a prerequisite of plat approval.

(k) *Deed restrictions.* The developer shall provide the proposed declaration of covenants, conditions, and restrictions (CC&R's) ~~one (1) copy of all deed restrictions~~ affecting the subdivision for the County's review prior to the recording of the plat, ~~which~~ The CC&R's shall include language providing that the landscape plan submitted with the preliminary subdivision plan shall be maintained in compliance with this Code. This landscape plan compliance language cannot be changed without ~~e~~County approval and such landscape plan compliance enforcement shall be the responsibility of the homeowners' association.

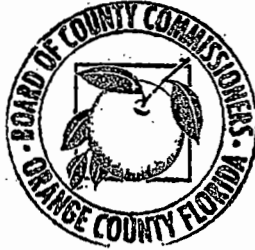
(l) *Concurrency.* The developer shall provide one ~~(1)~~ copy of either a concurrency vested rights certificate or a capacity reservation certificate.

Secs. 34-134—34-150. Reserved.

[Rest of page intentionally blank]

Section 4. Effective Date. This ordinance shall become effective on August 1, 2021.

ADOPTED THIS 13th DAY OF July, 2021.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

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

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

By: *Katie Smith*
Deputy Clerk

s:\stone\ordinances\code changes\pw ordinance - chapters 30 & 34\submitted\ordinance amending chapters 30 and 34 bcc approved.docx