

*Board of County Commissioners*

**Updates to Chapter 34 - Subdivision Regulations  
to comply with SB 812 “Expedited Approval of  
Residential Building Permits”**

**September 24, 2024**



# Presentation Outline

- Purpose
- Background
- Current Process
- Proposed Optional Process
- PZC/LPA Recommendation
- Summary
- Action Requested



# Purpose

- Respond to legislative mandate for the creation of an optional process for developers to receive expedited approval of residential building permits for certain qualifying residential developments, and updating Orange County Code as necessary



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# Background

- **SB 812 - Expedited Approval of Residential Building Permits**
  - Requires certain local governments to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain circumstances, **by October 1, 2024**
  - A local government must update its expedited building permit program with certain increased percentages by December 31, 2027
  - Approved by the Governor on May 29, 2024



# Background

- **Bill outlines a two-step process**

- **Step 1** – Develop requirements to issue up to 50% of residential permits (then up to a max of 75% by 2027) when the following criteria are met:

- Approval of a “Preliminary Plat”
- Receipt of 130% surety for anticipated construction
- Notice to utility providers, and
- Approval of Hold Harmless & Indemnification Agreement

Note: The Statute does not restrict the governing body from issuing more than 50% of the building permits for the residential subdivision or planned community.

- **Step 2** – Provide a Master Building Permit process consistent with FS 553.794



# Background

- **Staff assessment of mandated process changes**
  - **Residential building permits are not typically released until:**
    - **Needed infrastructure is in place**
    - **Site addressing is established**
    - **Fire and EMS access to the construction site is available**
    - **Financial assurance and liability protections for the County to ensure viability of the project**
  - **Platting process guarantees all needed requirements are in place**
  - **New statutory term “Preliminary Plat” is not synonymous with Preliminary Subdivision Plan (PSP)**
  - **Issuing permits prior to platting will require a carefully coordinated new process**



# Presentation Outline

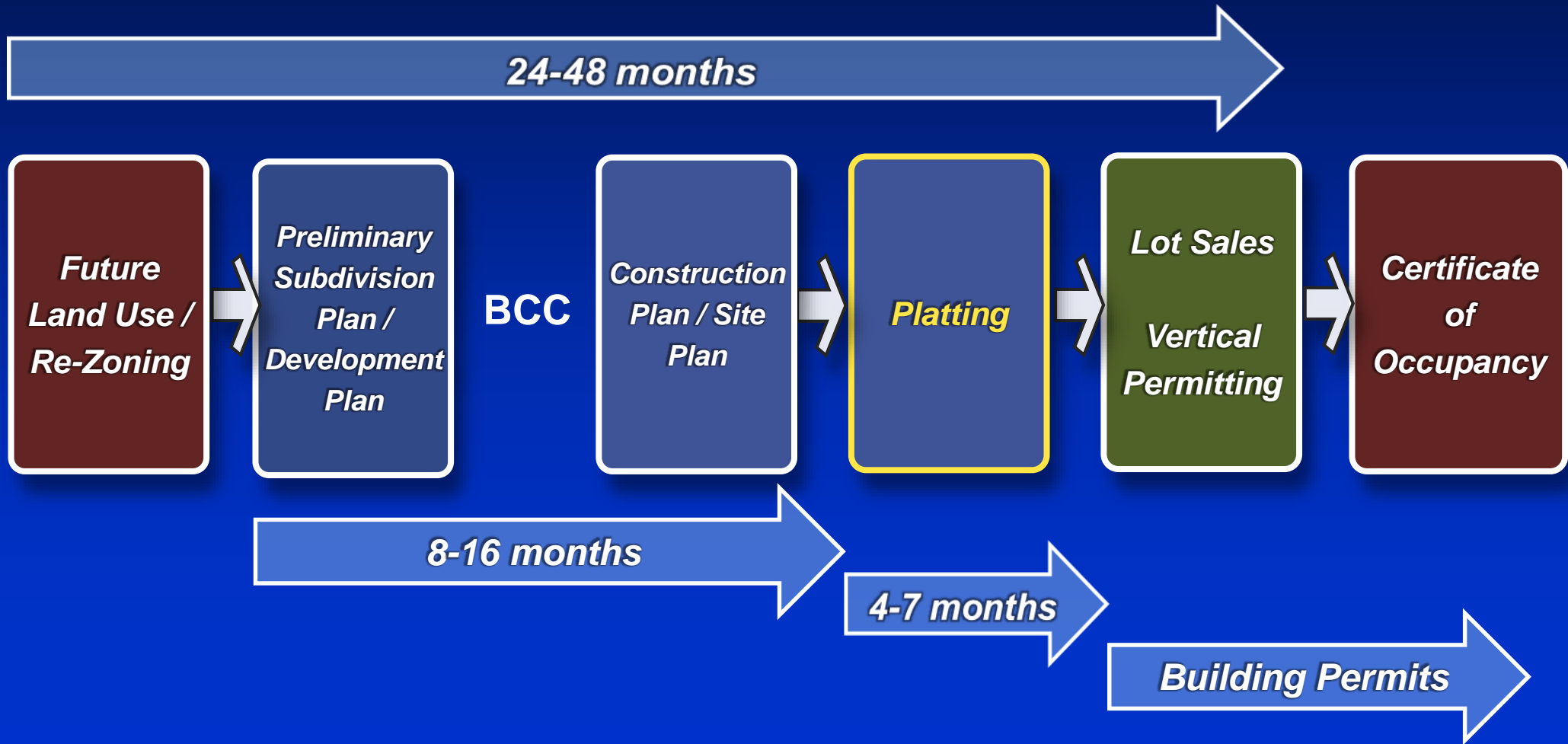
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# Current Process

## Residential development process overview





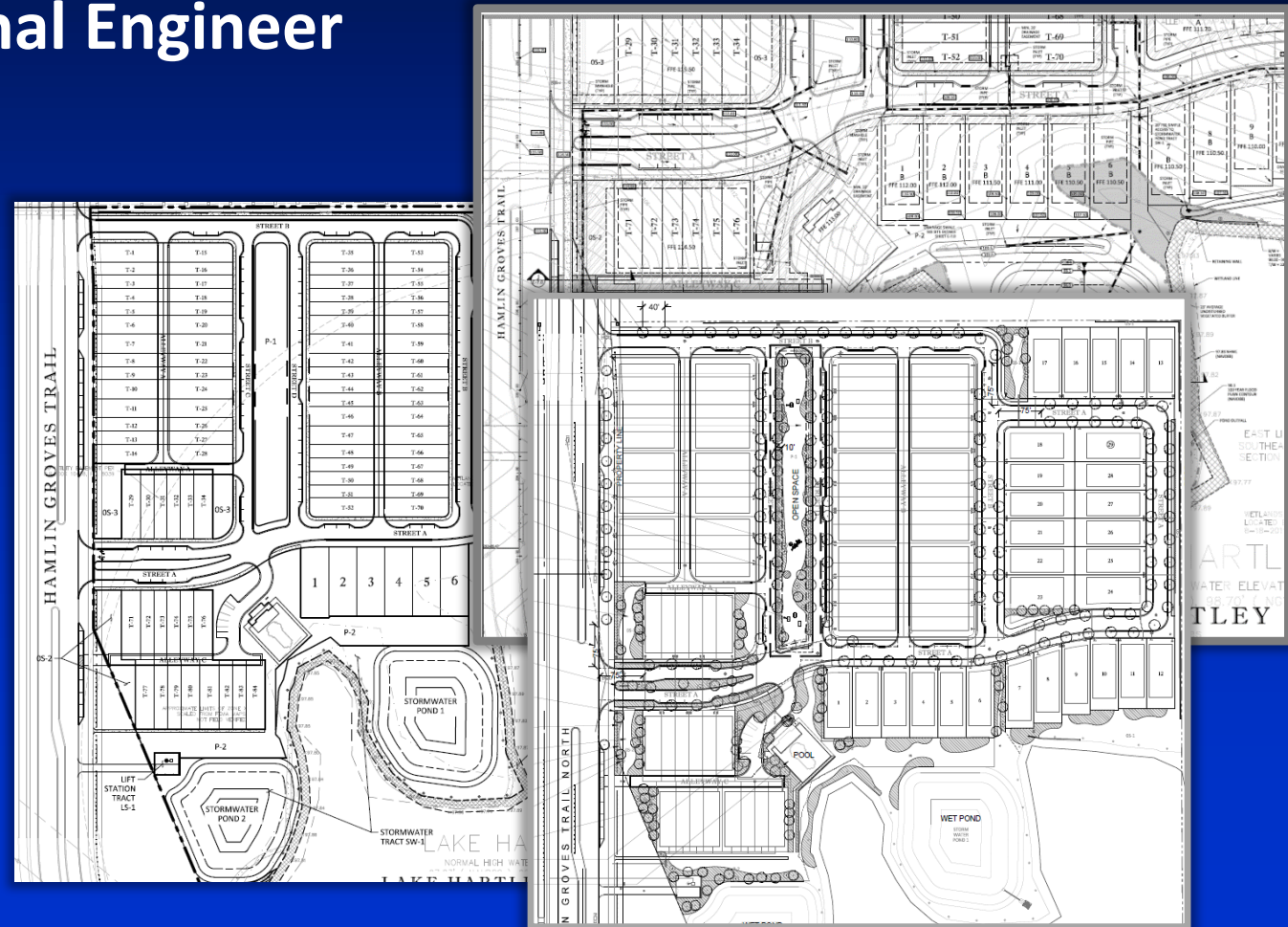
# Current Process

## ▪ What is a Preliminary Subdivision Plan (PSP)?

– Typically created by a Professional Engineer

– Generally depicts:

- Lots, Streets, Setbacks
- Various Tracts:
  - Lift Station
  - Stormwater
  - Open Space/Recreation/Park
  - Conservation
- Proposed Infrastructure
- Signage & Marking Plan
- Landscape Plan





# Current Process

- OC Code Sec. 34-5 defines a PSP as a plan with supporting data for a proposed subdivision developed for the purpose of establishing the general layout and provision of streets, lots, blocks, drainage and utilities, but does not define ***“Preliminary Plat”*** or ***“Final Plat”***
- Board approves new PSPs and Substantial Changes
- Chapter 34-48(c) delegates authority to County Mayor to approve and record the plat





# Current Process

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## ▪ What is a Plat?

- Generally, a map, drawing or delineated representation of the division or subdivision of lands, being a complete and exact representation of the division or subdivision and other information in compliance with Part I, Chapter 177, Florida Statutes
- A residential plat depicts the location of all lots, tracts, streets, easements, and other major features to allow for conveyance and construction of homes and infrastructure necessary to support the development. Other binding criteria may also be incorporated as the plat is a legal document of record.
- Approval of the plat authorizes the vertical construction of homes





# Current Process

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- **Does the County ever allow the issuance of building permits prior to a residential plat?**
  - **Chapter 30 - Planning and Development, Article III - Land Development and Use Ordinance provides that vertical permits may be issued:**
    - **After recording of the plat in the public records; or,**
    - **Extenuating circumstances that are through no fault of the developer; and/or,**
    - **Model Home process**



# Current Process

- **Model Home process last updated in 2023:**
  - **30-83 (d) - Model homes may be permitted on not more than twenty (20) percent 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 residential units or one 6–unit townhome (single-family detached and townhomes cannot be combined)**
  - **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**



# Current Process

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- **Model Home process last updated in 2023:**
  - Provides for site plan, proposed lots, street names & signs, hold harmless & indemnification agreement, curb & stabilized road base, drainage infrastructure, fire hydrant, and water service cleared by FDEP
  - Hold Harmless and Indemnification Agreement
  - Temporary or Permanent street signs and addresses
  - A Temporary Certificate of Occupancy (90 days) may be issued under certain conditions
  - No final Certificate of Occupancy is issued until after Certificate of Completion is issued for the subdivision site



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# Proposed Optional Process

- **Definitions**
- **Criteria of Approval**
- **Financial Assurance / Hold Harmless Agreements**
- **Review and Approval Process**



# Proposed Optional Process

## New Definitions

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- **New Definitions as stipulated in FS 177.073**
  - “Preliminary Plat” – new process prepared by professional surveyor versus conceptual subdivision plan prepared professional engineer
  - ***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.



# Proposed Optional Process

## New Definitions

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- **New Definitions as stipulated in FS 177.073**
  - “Final Plat” – new definition for existing process not previously defined
    - ***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.



# Proposed Optional Process

## New Definitions

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### ▪ New Definitions as stipulated in FS 177.073

– “Qualified contractor” – defines third party professional reviewers

- ***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.



# Proposed Optional Process

## New Definitions

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- **New Definitions as stipulated in FS 177.073**
  - “**Master Building Permit Plan**” – site plan to identify location of up to 75% of the requested residential permits.
  - ***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.



# Proposed Optional Process

## Criteria for Approval

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- **Criteria to allow expedited approval of residential permits**
  - **Standard items that are part of the existing process:**
    - **Preliminary Subdivision Plan (PSP) reviewed by staff**
    - **Final Construction Plan approved by County Engineer**
  - **New “Preliminary Plat” prepared by professional surveyor per FS 177 and in compliance with the Final Construction Plan as contemplated by the PSP**
  - **Addresses and temporary parcel identification numbers issued**
  - **Proof that applicant has provided a copy of the preliminary plat and approved final construction plans to relevant utility providers**
  - **Construction cost estimates based on Final Construction Plans for installation of all improvements & financial assurance**



# Proposed Optional Process

## Financial Assurance / Hold Harmless

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### ▪ Requirements for financial assurance

- Surety for 130% of the necessary improvements based upon recent bid information from the Final Construction Plans approved by the County Engineer
  - Improvements may include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), monuments, or any other improvement required by a governing body. [FS 177.031(9)]
- Examples: Cash Escrow or Letter of Credit (LOC)
- Execute Hold Harmless and Indemnification Agreement in favor of County



# Proposed Optional Process

## Review and Approval Process

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### ▪ Requirements for financial assurance

- Conduct a Public Hearing for approval by the BCC of the PSP and Preliminary Plat
- Residential building permit issuance may commence after all of the above pursuant to applicable conditions
  - Submit Master Building Permit & Plan depicting not more than 75% of the lots proposed for vertical permits, depicting proposed structure, footprint, setbacks, and any proposed easement locations
  - Certain infrastructure (water service, signage, drainage) must be completed prior to vertical construction
  - Once all construction is complete as evidenced by a Certification of Completion, the Final Plat may be recorded, lots may be sold, and Certificates of Occupancy issued

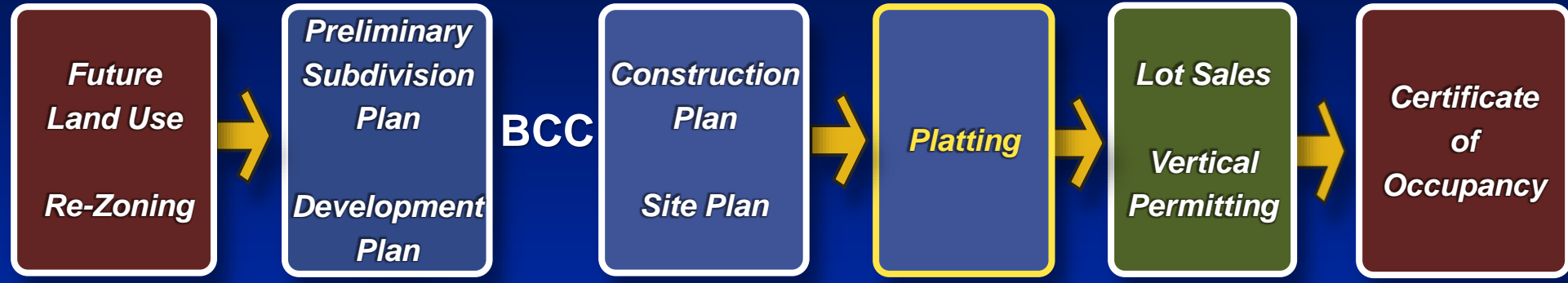




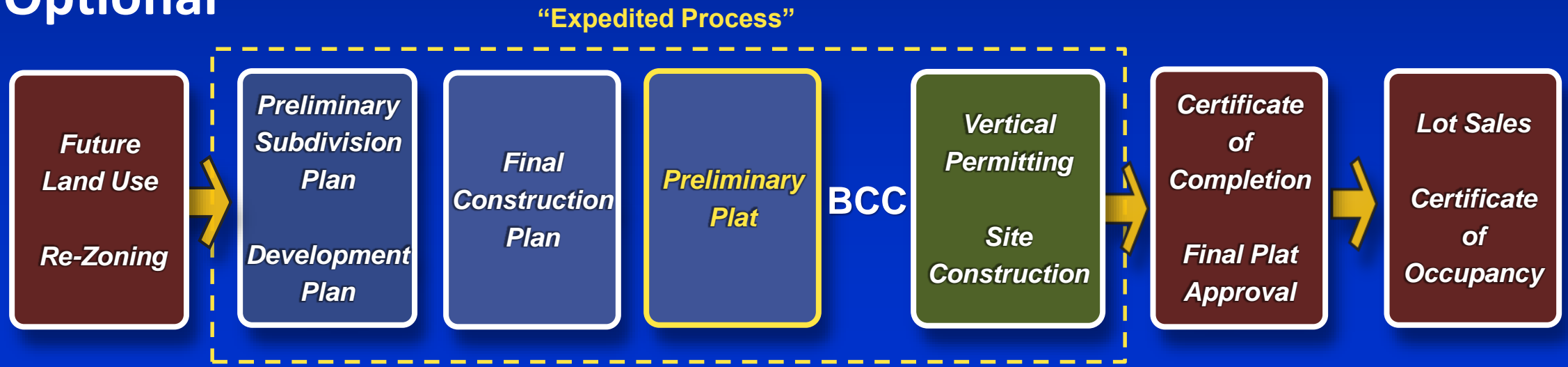
# Proposed Optional Process

## Review and Approval Process

### Current



### Optional

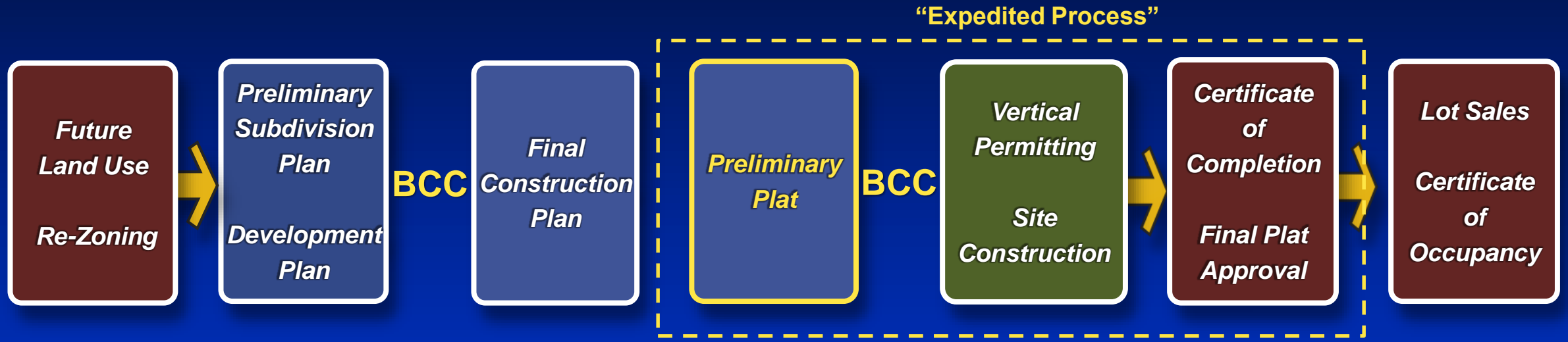




# Proposed Optional Process

## Review and Approval Process

### Hybrid for In-house Applications





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## **PZC/LPA Recommendation**

- **On September 19, 2024, the Planning and Zoning Commission made a finding of consistency with the Comprehensive Plan, and,**
- **A recommendation of approval regarding proposed changes to Chapter 34 – Subdivision regulations, to comply with statutory requirements for an expedited permitting process, along with establishment of a registry for staff augmentation for expedited permitting**



# Presentation Outline

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- **The County is required to create a process for “Expedited Approval of Residential Building Permits ” for certain residential developments by October 1, 2024**
- **New processes propose to release up to 75% of building permits upon approval of a Preliminary Plat by the BCC**
- **Required updates to Chapter 30 related to expedited residential building permits should follow in October 2024, including a form HH&I agreement**
- **Staff are working to develop a registry of companies as required by the Statute**



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## Action Requested

- **Make a Finding of Consistency with the Comprehensive Plan, and**
- **Approval of 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.**