



**Interoffice Memorandum**

04-28-16P02:45 RCVD

04-28-16P02:39 RCVD



April 27, 2016

**TO:** Katie A. Smith, Manager  
Comptroller Clerk's Office

**THROUGH:** Cheryl Gillespie, Supervisor,  
Agenda Development Office

**FROM:** Jon V. Weiss, P.E., Director  
Community, Environmental and Development  
Services Department

**CONTACT PERSON:** **Whitney E. Evers, Assistant County Attorney**  
(407) 836-7321 or [whitney.evers@ocfl.net](mailto:whitney.evers@ocfl.net)

**SUBJECT:** Request for Public Hearing: May 24, 2016 at 2:00 p.m. to adopt the following Ordinance:

**AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO THE ISSUANCE OF VERTICAL PERMITS PRIOR TO PLATTING; 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.**

---

**APPLICANT:** Orange County

**LOCATION:** All Districts

**TYPE OF HEARING:** Amendments to Chapter 30 –Land Development and Use Ordinance of the Orange County Code (Chapter 30, Article III, Section 30-83)

**ESTIMATED TIME REQUIRED FOR PUBLIC HEARING:** 2 minutes

**HEARING CONTROVERSIAL:** No

May 24, 2016  
@  
2pm

Page Two

Request for Public Hearing: May 24, 2016 at 2:00 p.m.

Chapter 30 Ordinance

**CLERK'S ADVERTISING  
REQUIREMENTS:**

Publish display advertisement in the Orlando Sentinel. The advertisement must meet the requirements set forth in Section 125.66(2)(a), Florida Statutes.

**ADVERTISING TIMEFRAMES:** At least ten (10) days prior to the hearing.

**APPLICANT/ABUTTERS  
TO BE NOTIFIED:**

N/A

**BCC PUBLIC HEARING  
REQUIRED BY:**

Section 125.66(2)(a), F.S.

**SPANISH CONTACT PERSON:** Para más información en español acerca de estas reuniones publicas o de cambios por ser efectuados, favor de llamar a la Oficina de los Abogados del Condado, Roberta Alfonso, at 407-836-7320.

**MATERIALS BEING SUBMITTED  
AS BACKUP FOR PUBLIC  
HEARING REQUEST:**

Draft copy of the Ordinance as recommended by the LPA will be submitted under separate cover at least seven (7) days prior to the date of the public hearing.

**SPECIAL INSTRUCTIONS TO  
CLERK (IF ANY):**

Please place this request on the May 24, 2016, BCC public hearing agenda at 2:00 p.m.

**MATERIALS TO BE SUBMITTED  
UNDER SEPARATE COVER:**

Ordinance

JVW/WE:rep

Attachment: Draft Ordinance

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Joel D. Prinsell, Deputy County Attorney  
John Smogor, Planning Administrator, Planning Division

ORDINANCE NO. 2016-\_\_

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO THE ISSUANCE OF VERTICAL PERMITS PRIOR TO PLATTING; 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; approval; vacation").* Section 30-83 ("Plats; 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.**

(a) A plat shall be approved and recorded in the manner provided in sections 34-48, and section 34-133, and, to the extent that it is not inconsistent with sections 34-48 and 34-133, part I, chapter 177, Florida Statutes.

(b) With the exception of developments and model homes authorized by subsections 30-83(c) and (d), 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 anticipated or 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.

(c) For developments having an expected construction duration of six months or more and consisting of commercial, industrial, hotel, office, or multi-family uses, or other non-single family developments which, when platted, will contain three lots or less, the DRC may approve a request to

38 allow vertical construction in advance of plat approval, provided all of the  
40 following conditions are met:

42 (1) The PSP, or DP, as applicable, for such project  
44 has received final approval;

46 (2) A plat has been submitted for review and  
48 approval pursuant to the applicable PSP or DP and has been deemed  
50 sufficient for initial review by the County; and

52 (3) The project landowner has executed and  
54 delivered to the County, and the County has approved, an  
56 indemnification and hold harmless agreement, in form and substance  
58 acceptable to the County, acknowledging:

60 (A) the issuance of building permits prior to  
62 recordation of the plat;

64 (B) the continuing obligation of the owner to record  
66 the project plat;

68 (C) the owner's understanding that under no  
70 circumstances will the County issue a temporary  
72 or permanent certificate of occupancy until the  
74 plat is approved and recorded; and

76 (D) the owner's indemnification of the County from  
78 any damages, costs, or claims arising from the  
issuance of building permits prior to approval  
and recordation of the plat.

(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. The model homes shall be situated  
on contiguous lots or clustered within a readily identified area. Not more than  
one 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,

80 with the applicable application fee, to the Zoning Division Manager,  
82 and include the following documents:

84 (A) three copies of the site plan for the lot proposed  
86 for the model home, depicting the proposed  
structure, footprint, setbacks, and proposed  
easements for the model home being requested;

88 (B) three copies of the subdivision plan (or plat)  
90 indicating where the model home(s) will be  
located; and

92 (C) an executed notarized statement by the  
94 applicant/developer showing that it understands,  
agrees to, and shall comply with all applicable  
96 permitting restrictions, requirements and  
conditions, including those set forth in this  
98 section 30-83.

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

102 (A) the applicant/developer shall utilize a  
104 preliminary final plat with street names  
approved by the Zoning Division for issuance of  
a permanent street address (fee required);

106 (B) permitting is at the risk and expense of the  
108 applicant/developer, including if any changes  
are made with respect to the final recorded plat;

110 (C) no certificate of occupancy shall be issued until  
112 an amended building permit (additional fee  
required) for a final permanent address is  
114 issued;

116 (D) all construction and permitting is at the  
118 applicant/developer's own risk and expense;

120 (E) curb and stabilized road base shall have been  
installed to the satisfaction of the Public Works  
122 Department;

124  
126  
128  
130  
132  
134  
136  
138  
140  
142  
144  
146  
148  
150  
152  
154  
156  
158  
160  
162  
164  
166

- (F) drainage infrastructure shall have been completed for the development to the satisfaction of the Public Works Department;
- (G) a fully functional, readily accessible, County-approved fire hydrant shall be in place within five hundred (500) feet of the lot line of the proposed model home;
- (H) the water and wastewater systems serving the proposed model home shall have been partially or fully cleared for service by the Florida Department of Environmental Protection;
- (I) a risk affidavit and indemnification and hold harmless agreement satisfactory to the Risk Management Division shall have been executed and provided;
- (J) 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
- (K) 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 proposed model home(s);

- 168 (B) The Public Works Department shall have  
170 verified completion of installation of the  
drainage infrastructure and its functionality, and  
172 all inspections shall have been satisfactorily  
completed;
- 174 (C) All required traffic control signs and devices  
shall be in place from the nearest public road  
176 right-of-way to the lot line of the proposed  
model home(s), as determined by the Public  
178 Works Department;
- 180 (D) All permits issued by the Division of Building  
Safety for the model home(s) have received  
182 approved final inspections;
- 184 (E) A permanent, fully functional public restroom is  
located in an easily accessible place within the  
186 proposed model home(s);
- 188 (F) Sufficient and clear access for emergency  
vehicles shall be available, as determined by the  
190 Orange County Fire Marshal; and
- 192 (G) The applicant shall have complied with any and  
all other applicable Orange County Code  
194 provisions, including platting.

196 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  
198 shown and acceptable to the County.

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

204 (e) The board of county commissioners may order the  
206 vacation and reversion to acreage of all or any part of a plat or subdivision in  
208 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.

