

ORDINANCE NO. 2024-____

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, AMENDING PART 2 (PROCEDURES FOR SECURING APPROVAL OF PLATS), CHAPTER 35 (SUBDIVISION REGULATIONS), SECTION 35.16 (HOME CONSTRUCTION PRIOR TO PLAT RECORDING) OF THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY TO ESTABLISH AN EXPEDITED BUILDING PERMIT ISSUANCE PROCESS FOR RESIDENTIAL SUBDIVISION PLATS PURSUANT TO SECTION 173.073, FLORIDA STATUTES AND AMENDING SECTION 35.44 (REQUIRED SUBMITTALS FOR FINAL PLAT) TO REQUIRE AS-BUILT ENGINEERING PLANS FOR EXPEDITED RESIDENTIAL BUILDING PERMITS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature passed Senate Bill 812 during the 2024 legislative session which requires that local governments establish a process to expedite the issuance of building permits for residential subdivisions prior to recording a final plat; and

WHEREAS, Senate Bill 812 established Section 177.073, Florida Statutes, which provides that by October 1, 2024, the governing body of a county with 75,000 or more residents must create a program to expedite the issuance of building permits for residential subdivisions in accordance with Florida Building Code and this statute before a final plat is recorded; and

WHEREAS, this Ordinance is intended to ensure that the County is in compliance with the requirements of Senate Bill 812 and that the mandated expedited process is established; and

WHEREAS, the Seminole County Local Planning Agency held a public hearing, with all required public notice on September 4, 2024, for the purpose of providing recommendations to the Board of County Commissioners with regard to this Ordinance and recommended that the Board of County Commissioners adopt the Ordinance amending the Land Development Code to establish

a process for issuance of building permits for residential subdivisions prior to recording the final plat.

WHEREAS, the passage of this Ordinance will ensure the County is in compliance Section 177.073, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of the Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as the Expedited Residential Subdivision Building Permit Process Land Development Code Amendment.

Section 3. Intent and Purpose. The intent and purpose of this Ordinance is to amend the Seminole County Land Development Code to establish a process for issuance of building permits for residential subdivisions prior to recording the final plat.

Section 4. Part 2 (Procedures for Securing Approval of Plats) of Chapter 35 (Subdivision Regulations) of the Land Development Code of Seminole County is hereby amended to read as follows:

Chapter 35 - SUBDIVISION REGULATIONS

* * *

PART 2. PROCEDURES FOR SECURING APPROVAL OF PLATS

* * *

Sec. 35.16. Home construction prior to plat recording.

(a) Model Homes. Notwithstanding any provision of this part to the contrary, building permits for homes may be issued for the construction of model homes within a

subdivision prior to plat recording if an estoppel letter, in a form acceptable to the County Attorney, is ~~provided to~~ submitted and the Development ~~Review Manager and the Development~~ Review Manager Services Director or designee determines that the model homes are to be located at appropriate locations with appropriate and adequate safeguards to the public health, safety and welfare. The estoppel letter shall be in recordable form and contain a covenant that no conveyance of the lots or parcels upon which the model homes are located shall occur until after the plat for the subdivision is approved and recorded.

(b) *Expedited Residential Subdivision Building Permits.*

(1) *Purpose.* The purpose of this section is to establish a process, pursuant to Section 177.073, Florida Statutes, as amended, to expedite issuance of building permits for residential subdivisions prior to final plat recording if certain requirements are met, as set forth herein.

(2) *Submittal Requirements.* Submittals for the expedited residential subdivision building permit process are required to include the following:

(A) *An Expedited Residential Subdivision Building Permit Application.* The application must include identification of the percentage of planned homes or the number of building permits, not to exceed the thresholds set forth in Section 177.031, Florida Statutes, to be issued prior to recording of the final plat for the residential subdivision.

(B) *Application Fee.* As per adopted Fee Schedule.

(C) *Ownership Disclosure Form and supporting documents.*

(D) *Owner Authorization Form.* Required if the applicant is not the property owner.

74 (E) Plot Plan. For the purposes of this section, “plot plan” means a
scaled plan showing the existing and proposed improvements within the boundary of a lot,
76 including, but not limited to, structures, infrastructure, utilities, and boundary lines of the lot in
relation to each other. A separate plot plan is required for each individual lot requesting an
78 expedited building permit.

 (F) An emergency access and water supply plan. The plan is required
80 to show adequate fire department access to the subdivision and sufficient water supply to those
lots seeking expedited building permits and must be approved by the Fire Marshall. The emergency
82 access and supply plan must be complied with throughout construction in accordance with NFPA
1.

84 (4) Bonds. The applicant is required to submit a valid performance bond to
guarantee the installation of necessary improvements, as per Section 177.031(9), Florida Statutes,
86 in the amount of one hundred thirty (130) percent of the construction costs. Cost for construction
shall be: (1) estimated by the applicant’s engineer, or (2) a copy of the contract between the
88 applicant/developer and the contractor. The amount of the performance bond must be approved as
adequate by the County Engineer, the Utilities Department, if applicable or their designees. This
90 bonding requirement may also be met by escrow deposit, cashier’s check, certified check, or an
alternative document as approved by the Board of County Commissioners, which may include an
92 irrevocable letter of credit or developer agreement.

 (5) Addressing. Those lots requesting Expedited Residential Subdivision
94 Building Permits must be pre-addressed after the approval of the Preliminary Plan by the Planning
and Zoning Commission and prior to submission of an Expedited Residential Subdivision Building
96 Permit Application. This can be accomplished by making a request to the Addressing Supervisor,

or designee, with the approved Preliminary Plan at least ten (10) working days prior to the
98 submission of an Expedited Residential Subdivision Building Permit Application. Plans required
by Addressing must include the approved street names, adjacent road names, entrance locations,
100 lot numbers, all possible lot division lines, and north arrow. Assigned addresses are subject to
change until the plat has been recorded. The Addressing Supervisor or designee shall have the
102 authority to deviate from these standards as necessary to ensure the safety of the general public.

(6) Criteria for approval. The following criteria are required to be met for
104 approval and issuance of expedited residential subdivision building permits:

(A) The Preliminary Plan (also referred to as and used interchangeably
106 with “Preliminary Subdivision Plan” and “Preliminary site plan” as per the Land Development
Code and “Preliminary Plat” as per Section 177.073, Florida Statutes), Site Plan, and Final
108 Engineering Plan must be approved and in compliance with this Land Development Code, the
Florida Building Code, the Fire Code and Section 177.031, Florida Statutes.

(B) Proof that the applicant provided the Preliminary Plan, the Site Plan
110 and the Final Engineering Plan to the applicable electric, gas, water, and wastewater utilities
112 servicing the property; and

(C) All proposed structures seeking an expedited building permit must
114 meet the requirements for an approved master building permit or the most recently adopted Florida
Building Code requirements.

(D) The emergency access and water supply plan must be approved by
116 the Fire Marshall in accordance with NFPA 1.

(E) Adequate addressing and installation of street signs in accordance with the requirements outlined in this Chapter and Chapter 40 of the Code of Ordinances must be completed.

(F) Proof that the applicant holds a valid performance bond, approved by the County, for 130 percent of the uncompleted necessary improvements, as defined above; and

(G) Execution of an indemnification and hold harmless agreement in favor of the County, pursuant to Section 177.031(10), Florida Statutes.

(7) Restrictions. Applicants may not:

(A) Transfer ownership of lots until the final plat is approved and recorded in the Public Records of Seminole County, Florida.

(B) Obtain a temporary or final certificate of occupancy until the final plat has been recorded.

(C) Occupy or allow occupation of any structure prior to issuance of a certificate of occupancy.

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PART 4. REQUIRED SUBMITTALS

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Sec. 35.44. - Required submittals for final plat. The required submittals, meeting the legal requirements of platting, of the final plan shall consist of a fully executed correct plat map, meeting all state and County standards, final engineering drawings and auxiliary submittals, to include a boundary survey signed and sealed by a professional surveyor and mapper registered in Florida, and all required legal instruments.

* * *

(e) As-Built Plot Plans. Submittal of an As-Built Plot Plan, herein defined as a post-
142 construction survey signed and sealed by a Registered Land Surveyor in the State of Florida
identifying all property lines and the locations of all utilities, easements, and construction
144 improvements, shall be required for each lot within a residential subdivision that was developed
utilizing the Expedited Residential Subdivision Building Permit process.

146 (f) *Additional Required Legal Submittals.* The approval of the Final Plat shall be made
only pursuant to certification of adequacy of the following list of required submittals by the County
148 Engineer, the Environmental Services Department Director, Development Services Director
and/or County Attorney as appropriate.

150 (1) *Bonds.*

(A) The approval of any plat shall be subject to the subdivider
152 guaranteeing the installation of storm drainage facilities, bulkheads, streets, and water and sewer
lines by filing a performance bond or bonds in the amount of one hundred ten (110) percent of the
154 construction costs, including landfill. Cost for construction shall be 1) estimated by the subdivider's
engineer or 2) a copy of the contract provided. The amount of the performance bond must be
156 approved as adequate by the County Engineer, the Environmental Services Department Director.
In lieu of performance bonding, improvements may be installed following Final Plat approval and
158 preceding Final Plat recording subject to the approval of the County Engineer, the Utilities
Engineering Manager or his or her designee. In cases where improvements are installed prior to
160 recording, a maintenance bond must be submitted to the County Engineer, the Environmental
Services Department Director. The Plat cannot be recorded until the maintenance bond is approved
162 by the County Engineer, the Environmental Services Department Director, and/or their designee.
Said maintenance bond shall only be required when the responsibility for maintenance of said

improvements is to be transferred to the County or homeowners association. Where the improvements will neither be owned or maintained by the County or a homeowners association and ownership is retained by the developer a maintenance bond will not be required.

(B) Bonding requirements may also be met by the following, but not limited to:

(i) Escrow Deposit
(ii) Cashier's Check
(iii) Certified Check
(iv) Others, as approved by the Board of County Commissioners, which may include Developer-Lender-County Agreement for providing public improvements, assignment of Interest-Bearing Certificate of Deposit, Irrevocable Letters of Credit, or Developer's Agreement.

(v) All financial institutions or other sureties executing documents on behalf of the developer for compliance with the conditions hereunder must be acceptable to County.

(2) *Covenants.* Any protective deed covenants to be placed on the property shall be notarized and in a form suitable for recording.

(3) *Title Opinion.* A certificate of ownership, signed by a licensed attorney at law or an abstract company, in form approved by the County Engineer, and showing:

(A) Parties executing plat are owners of the land embraced by the plat.
(B) All mortgages, liens, or other encumbrances.
(C) Payment of Taxes. Prior to authorizing the recording of any plat the Planning and Development Division shall be provided proof that all delinquent ad valorem taxes

and all taxes that are due and payable which relate to the real property which is being platted have
188 been paid.

(D) Description of plat is correct.

190 (E) No conflicting rights-of-way, easements, or plats exist.

(4) *Public Disclosure.* In accordance with Section 286.23, Florida Statutes, or
192 its successor, any person or entity holding real property in any form of representative capacity
including, but not limited to a partnership, a limited partnership, a corporation or a trust, shall,
194 prior to conveying real property to the County, make all disclosures required by Section 286.23,
Florida Statutes, or its successor; provided, however, that if a person or entity claims to be exempt
196 from such disclosure pursuant to State law, an affidavit attesting to said exemption shall be filed
by the said person or entity.

198 (5) *Documents, Deeds, Certificates and Bond Forms.* All documents, deeds,
certificates and bond forms required pursuant to this Section shall be submitted in a form as
200 developed and approved by the County Attorney. Copies of standard forms shall be appended
hereto for informational purposes.

202 ~~(f)~~(g) *Other Required Submittals.*

(1) Arbor Information. The location of all trees within road rights-of-way and
204 easements to be cleared will be submitted to the Arbor Section, Current Planning Office, if
different information than shown on the Preliminary Plat. The Arbor Inspector shall recommend
206 any necessary tree replacement at this stage.

(2) Addresses. Addresses shall be indicated in parentheses on each lot on one
208 (1) separate copy of the Final Plat. Addresses will be obtained by the developer from the Land
Development Division in accordance with the established addressing system.

(3) Letters will be submitted by all appropriate utility companies stating that all easements are adequate.

(4) Copies of all required Florida Department of Environmental Protection Water and Wastewater Permits.

(5) Copy of any required St. Johns River Water Management District Permit.

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Section 5. Conflicts. This Ordinance shall control over any County ordinances or parts of ordinances in conflict herewith.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Land Development Code of Seminole County, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such intention; providing, however, that Sections 5, 6, 7 and 8 of this Ordinance shall not be codified.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 8. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

232 _____ day of _____, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

JAY ZEMBOWER, Chairman

NJB/sjs
9/11/24
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