

**SEMINOLE COUNTY
LOCAL PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA
BOARD CHAMBERS, ROOM 1028**

**WEDNESDAY, SEPTEMBER 4, 2024
6:00 PM**

MINUTES

CALL TO ORDER AND ROLL CALL

Present (6): Chairman Dan Lopez, Vice Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Richard Jerman, and Commissioner Brandy Ioppolo

Absent (1): Commissioner Tim Smith

ACCEPT PROOF OF PUBLICATION

A motion was made by Commissioner Carissa Lawhun, seconded by Vice Chairman Mike Lorenz to approve the Proof of Publication. The motion passed unanimously.

Ayes (6): Chairman Dan Lopez, Vice Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Richard Jerman, and Commissioner Brandy Ioppolo

APPROVAL OF MINUTES

A motion was made by Commissioner Richard Jerman, seconded by Commissioner Lourdes Aguirre to approve the July 5, 2024 Minutes, as submitted. The motion passed unanimously.

Ayes (6): Chairman Dan Lopez, Vice Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Richard Jerman, and Commissioner Brandy Ioppolo

PUBLIC HEARING ITEMS

Expedited Building Permits (SB 812) – Consideration of an ordinance creating a process for expediting the issuance of building permits for residential subdivisions before a Final Plat is recorded to obtain compliance with Senate Bill 812.

Joy Giles, Principal Planner, presented this item as reflected in the Staff report as follows:

* The Florida Legislature passed Senate Bill 812, which requires Seminole County to initiate a program no later than October 1, 2024, to expedite building permits allowing up to 50% of the lots within the subdivision to obtain permits prior to the approval and recording of the Final Plat.

* Seminole County must issue the expedited permits providing that these conditions are met as follows:

- 1) the Preliminary Subdivision Plan and the Final Engineering Plan must be approved
- 2) all applicable utility companies must review the subdivision plan and the applicant must provide proof of that review
- 3) permits must be in accordance with the Florida Building Code
- 4) emergency access and a water supply plan must be approved by the Fire Marshall
- 5) Street signs must be installed
- 6) the applicant must provide a Performance Bond for up to 130% of the necessary improvements.

* Staff has determined that the associated Ordinance amending Chapter 35 of the Seminole County Land Development Code complies with the requirements of Senate Bill 812.

Neysa Borkert, Deputy County Attorney, stated that she reviewed the SB812 and has been helping the Planning & Zoning staff with implementation of the requirements under the Florida Statutes. Before the final plat is recorded, applicants can ask for 50% of the lots be issued building permits. The platting process works with a preliminary plat, all infrastructure installed, and everything in place. Then you go to the Final Plat process and the developer/owner can start selling off lots afterwards. Typically, with the exception of model homes, houses are not constructed on those lots at that time. This new Statute changes that substantially, which allows for a developer to get building permits for 50% of the lots. Staff made sure the following were done; Preliminary Site Plan approval, Final Engineering Plan, Addressing, Emergency Access, a water source plan, and Pre-addressing for emergency services to get to the construction site. The performance bond is required to be at 130%, because there's more risk involved in issuing permits before Final Plat. A Hold Harmless Agreement is required, which holds Seminole County harmless from any liabilities that may occur by issuing these building permits prior to Final Plat. There are restrictions in the Ordinance which mirror those restrictions in the Statute. The developer/owner cannot: 1) transfer ownership of the lots, 2) obtain a Certificate of Occupancy (CO), nor 3) allow occupancy of the structure until the Final Plat is recorded. The County is required to implement this change, therefore we have integrated it into our Code with requirement standards. There is an added requirement for applicants to submit a "Plot" plan for each lot that shows where the structures will be located, so that the County has this information prior to building permit issuance and to ensure building setbacks are in compliance, as well as other items we need to know for the property.

Ms. Giles stated that Staff has determined the associated Ordinance amending Chapter 35 of the Seminole County Land Development Code complies with the requirements of Senate Bill 812, therefore Staff requests that the Board of County Commissioners approve the Ordinance amending Part II of Chapter 35 of Section 35.6 of the Land Development Code of Seminole County to establish an Expedited Residential Subdivision building permit issuance process pursuant to Section 173.073 Florida Statutes and Section 35.44 of the Seminole County Land Development Code to require "As-Built" Engineering Plans for

expedited building permits.

Commissioner Richard Jerman asked questions about the way the Ordinance was written and that he didn't feel it was clear in some sections. Neysa Borkert provided responses to his specific questions in the Code and in the Ordinance. She further stated that the underlined portions in the Ordinance are new and the asterisks shown denote sections not shown, but haven't changed in the Code. The strikethroughs are to change the subsection numbers.

Chairman Dan Lopez stated that there is an eagerness to expedite the permitting process and it's his understanding that the developer can start selling off or entering into contracts with individual platted lots prior to the final approval of the plat, but cannot transfer ownership of those individual platted lots. Ms. Borkert responded yes, that is correct. Chairman Lopez further stated that there is no standard contract in new development and asked what protections there are for consumers, if any, should a final plat never be approved. Ms. Borkert responded that she assumes in the contract between the developer and the buyer that there would be provisions in the contract. There's a risk involved, but that risk is to the developer, not to the County. She further stated that they can sell the lot, but they can't have a deed that references the lot, because the deed describes the lot referenced in a recorded plat. They could enter into a contract and then the home might never be built, or any other circumstance when a developer enters into a contract with a buyer and doesn't do what they're supposed to under the contract.

Commissioner Jerman stated that they can close by metes and bounds and they don't have to have the plat noted on the deed. Ms. Borkert responded yes, you can. She further stated that they tried to require, as much as we can, to protect the County and the purchaser without requiring more than the Statute allows us with this Ordinance.

Board discussion ensued.

Commissioner Jerman asked about Part 4 and did we lift that from another Ordinance and just put into this Ordinance or was it written just for this Ordinance. Ms. Borkert responded that Part 4 exists now as written. She further stated that the only thing that was added was Subsection (e) on page 7 of Section 35.44 – Required submittals for final plat.

Commissioner Brandy Ioppolo stated that if all of the changes were included like a redline, then it would make more sense to understand it. Ms. Borkert responded that they can do that, but for the sake of length, the sections are very, very long and sometimes it is hard to go through all of it to see where the changes are being made. She added that this is typically how Ordinances are done.

Commissioner Jerman stated that he cannot provide section Subsection (e) if he's platting and he hasn't finished the improvements. He further stated that if he bonds the improvements, he can record his plat. He doesn't have As-Builts, because he hasn't finished building it yet. Ms. Borkert responded right, this is for the Final Plat. Commissioner Jerman responded that at Final Plat he can bond his improvements and record the Final Plat. If his improvements are only half done, he can bond the rest (130% of improvements remaining) and record the plat, so he doesn't have any As-Builts. Ms. Borkert responded yes, that's correct. She further stated, however, when the developer is using the Expedited Residential

Subdivision Permit process, it is different than the normal platting process. Commissioner Jerman stated that if you're using an Expedited Permit process, they haven't platted yet, so they don't have any As-Builts and he doesn't understand it.

Jose Gomez, Chief Administrator, County Manager's Office, stated that the requirement for the As-Builts will only be when the Final Plat is recorded, and that is why it is in the section for the Final Plats. The reason is that the County is at risk in allowing the building permit to go forward before the Plat is recorded, because if the lines change then the setbacks might be off. That is why it's in this section to require the structures meet the requirements at Final Plat. Commissioner Jerman stated that it is allowed to record a Final Plat if it's bonded and Mr. Gomez responded yes, that's correct. Commissioner Jerman asked then, if his improvements are not completed, how does he have As-Builts. Mr. Gomez responded that you'll have As-Builts for the lot. Commissioner Jerman stated that before he gets his bond back and before he gets Engineering and Public Works to sign off, he has to provide As-Builts, but he can still plat without As-Builts. Mr. Gomez responded yes, that's correct. Commissioner Jerman said that in the Ordinance it says it's a requirement. Mr. Gomez responded only if you're using the Expedited Building Permit process. Commissioner Jerman responded that he can't use the Expedited Building Permit process because he's expediting his building permit without platting.

Ms. Borkert stated that what we're trying to avoid is if, for example, you have a 100 lot subdivision and you built 50 of those 100 houses, you don't get a Final Plat first. If there are no As-Builts as to where that structure is on the lot, before the Final Plat, it can be fixed. Commissioner Jerman stated that the Ordinance says "As-Built Engineering Plans" and that's totally different than the As-Builts for structures that have been built. As-Built Engineering Plans are for where he puts his sewer, water and drainage. Now this is saying something totally different. He understands what is being asked is an As-Built "survey" for the lot of what's been built on that lot, but that's not what this is saying. Ms. Borkert read the Ordinance stating that *submittal of an As-Built Engineering Plan herein defined as a post-construction survey signed and sealed by a registered Land Surveyor in the State of Florida identifying all property lines and locations of all utility easements and construction improvements shall be required for each lot within a residential subdivision.* Commissioner Jerman stated it's not really an Engineering Plan, but that's okay.

Ms. Borkert asked Commissioner Jerman what he suggests would be a better name for it. Commissioner Jerman responded that it is an As-Built survey for the structure that's been constructed and it's not Engineering Plans. Ms. Borkert stated that we're willing to work with you and want your feedback. Commissioner Jerman stated that it's an As-Built Construction Survey of the existing residential improvements of the houses built. That's what you're after, not the Engineering Plans. Mr. Gomez responded yes, that's correct.

Ms. Borkert stated that we'll take this feedback and go back to Staff for them to think more about the language, as well as look throughout the Code to make sure whatever we decide is referenced in other places. We don't have to decide the name today, but you can suggest a name, and we can go back to see if it's referenced anywhere else in the Code to make sure we're consistent.

Commissioner Carissa Lawhun asked what we need to do tonight and do we table it until the next meeting. Ms. Borkert responded that it can't be tabled in this case, as it has to be done

by October 1, 2024, which is a hard deadline and a state law.

Commissioner Lourdes Aguirre stated that we can make a recommendation to the BCC. Ms. Borkert responded yes. Ms. Borkert further stated that the recommendation would say this Board is recommending approval with the comments as provided by the Board, before it goes to the Board of County Commissioners on September 24, 2024.

Commissioner Jerman asked about the Submittal Requirements on page 3 of the Ordinance, (B) Application Fee, as per adopted fee schedule as it isn't clear to him. He asked if that includes paying Impact Fees at this point or not. Ms. Borkert responded that Impact Fees are paid when Building Permits are issued. This is the application fee for the Expedited Building Permit Application only. Ms. Borkert added that the Adopted Fee Schedule is done by Resolution by the Board of County Commissioners, which we'll have a new fee for this application type.

No one from the audience spoke in favor or in opposition to this request.

A motion was made by Commissioner Lourdes Aguirre, seconded by Vice Chairman Mike Lorenz to approve and refer the Expedited Building Permits (SB 812) Ordinance proposal to the Board of County Commissioners, ***with the condition for Staff to review the clarifications requested by the P&Z Board at the meeting regarding Part II of Chapter 35, Sections 35.16 and 35.44 of the Seminole County Land Development Code prior to the BCC meeting on September 24, 2024.*** The motion passed unanimously.

Ayes (6): Chairman Dan Lopez, Vice Chairman Mike Lorenz, Commissioner Lourdes Aguirre, Commissioner Carissa Lawhun, Commissioner Richard Jerman, and Commissioner Brandy Ioppolo

CLOSING BUSINESS

Board Workshop – presented by Neysa Borkert and Joy Giles. This workshop provided the Planning & Zoning Commissioners information on the fundamentals of planning and zoning, an overview of the County's review processes, and the nuances of legal issues; such as Sunshine Law, Public Records Requirements, and Ethics.

ADJOURNMENT

Having no further business, the meeting adjourned at 7:25 P.M.