



Marion County

Board of County Commissioners

Public Hearing Meeting

Meeting Agenda

Monday, December 9, 2024

5:30 PM

McPherson Governmental
Campus Auditorium

Public Hearing to Consider an Ordinance to Amend the Marion County Land Development Code

INTRODUCTION OF PUBLIC HEARING BY CHAIR KATHY BRYANT

PLEDGE OF ALLEGIANCE

ROLL CALL

PROOF OF PUBLICATION

STAFF PRESENTATION

1. [PUBLIC HEARING to Consider Revisions to the Marion County Land Development Code Section 6.8.6. - Technical Standards and Requirements Regarding Landscaping, Table 6.8-2 Land Use Categories for Buffers](#)
2. [PUBLIC HEARING to Consider Revisions to the Marion County Land Development Code Amendments as a Result of the Passing of Senate Bill 812 to Revise Section 2.18.4. Construction, Completion, and Close Out](#)

PUBLIC COMMENT

BOARD DISCUSSION AND CLOSING COMMENTS



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2024-17428

Agenda Date: 12/9/2024

Agenda No.: 1.

SUBJECT:

PUBLIC HEARING to Consider Revisions to the Marion County Land Development Code Section 6.8.6. - Technical Standards and Requirements Regarding Landscaping, Table 6.8-2 Land Use Categories for Buffers

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Attached is the proposed update to Land Development Code (LDC) Section 6.8.6 - Technical Standards and Requirements, Table 6.8-2 Land Use Categories for Buffers. The changes are intended to improve consistency and efficiency with identifying and implementing buffer requirements. Staff along with the Board of County Commissioners (BCC) have identified the need to clarify the best buffers to be applied in various instances. Staff hopes to achieve this with the proposed table update.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on October 16, 2024, per LDC Section 1.4.3.A and B. The LDRC voted to recommend approval of an amended version of the proposed LDC amendments. Attached are Staff's and LDRC's final proposed Ordinance materials to be considered by the BCC in public hearings. The first of two public hearings with the BCC took place on November 19, 2024, during which time the Board took public comment and considered the different versions. The public hearing on December 9, 2024, is the second of two public hearings with the BCC (per LDC Section 1.4.3.A and B).

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Take public comment then make a motion to approve one of the two proposed language changes, approve alternate language, or deny all proposed changes regarding the proposed update to Land Development Code (LDC) Section 6.8.6 - Technical Standards and Requirements, Table 6.8-2 Land Use Categories for Buffers.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO DIVISION 6.8.6 – TECHNICAL STANDARDS AND REQUIREMENTS (LANDSCAPING), TO UPDATE TABLE 6.8-2 LAND USE CATEGORIES FOR BUFFERS

A public hearing conducted by the **Marion County Board of County Commissioners** will be held on **Monday, December 9, 2024 at 5:30 p.m.** at the **McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL, 34471**, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 6, in Marion County, Florida.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 forty-eight hours in advance of the hearing, so appropriate arrangements can be made.

A copy of the proposed ordinance is available for public inspection at the Growth Services Department, 2710 East Silver Springs, Ocala, FL 34470. Any person who decides to appeal any decision of the Board of County Commissioners with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made. For more information:

<https://www.marionfl.org/legalnotices>

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: <https://www.marionfl.org/agencies-departments/departments-facilities-offices/public-relations/business-impact-estimate-5541>

PLEASE BE GOVERNED ACCORDINGLY.

Dated this 1st day of November, 2024

BOARD OF COUNTY COMMISSIONERS

MARION COUNTY, FLORIDA

MICHELLE STONE, CHAIRMAN

Buffer Table Proposed by Staff

Proposed Use	Permitted or Existing Use							
	AG	SFR	MF	COM	IND	PUB	ROW	
AG	-	-	-	-	-	-	-	
SFR	E	- <u>C/D</u> ²	C	A	B	C	C	
MF	E	A ³	-	A	B	C	C	
COM	D	B	B	-	B	C	C	
IND	B	B	B	B	-	B	C/D ^{*1}	
PUB	E	B	C	C	C	-	C	

¹ D Type Buffer if residential adjacent to ROW

² Type D Buffer is required if new SFR is adjacent to an age restricted community.

³ Modified Type A Buffer with a wall that is at least 10' in height.

Note: At the first Board of County Commissioners' Public Hearing on November 19, 2024, the Multifamily adjacent to Single-family buffer proposal was changed from a Type B to a Type A buffer. The modification of a 10' high wall remains the same.

Buffer Table Proposed by Staff

Proposed Use	Permitted or Existing Use							
	AG	SFR	MF	COM	IND	PUB	ROW	
AG	-	-	-	-	-	-	-	
SFR	E	C/D ²	C	A	B	C	C	
MF	E	A ³	-	A	B	C	C	
COM	D	B	B	-	B	C	C	
IND	B	B	B	B	-	B	C/D ¹	
PUB	E	B	C	C	C	-	C	

¹ D Type Buffer if residential adjacent to ROW

² Type D Buffer is required if new SFR is adjacent to an age restricted community.

³ Modified Type A Buffer with a wall that is at least 10' in height.

Note: At the first Board of County Commissioners' Public Hearing on November 19, 2024, the Multifamily adjacent to Single-family buffer proposal was changed from a Type B to a Type A buffer. The modification of a 10' high wall remains the same.

Buffer Table Proposed by LDRC

Proposed Use	Permitted or Existing Use							
	AG	SFR	MF	COM	IND	PUB	ROW	
AG	-	-	-	-	-	-	-	
SFR	E	E **	C	A	B	C	C	
MF	E	A D	-	A	B	C	C	
COM	D	B	B	-	B	C	C	
IND	B	B	B	B	-	B	C/D*	
PUB	E	B	C	C	C	-	C	

*D Type Buffer if residential adjacent to ROW

** A 6' opaque fence may be used in lieu of a vegetative buffer

4.2.11.E Addition to Multiple Family Dwelling (R-3)

When multiple-family residential uses are provided within 100 feet of the boundary edge of the parcel, the following shall apply to that development when the abutting existing use is a single-family use or the zoning classification that permits only single-family residential uses:

- a. A multiple-family structure may not exceed a height that is twice the height of the closest existing single-family residence; however, the height of the multiple-family structure shall also not exceed the maximum height allowed in the abutting residential zoning classification.
- b. If single-family residential classification zoned land directly adjacent to the parcel is vacant land, then the height of a multiple-family structure within the parcel shall not exceed the maximum height allowed in the abutting residential single-family residential classification.



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO DIVISION 6.8. – TECHNICAL STANDARDS AND REQUIREMENTS (LANDSCAPING), TO UPDATE TABLE 6.8-2 LAND USE CATEGORIES FOR BUFFERS

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 8th day of November, 2024:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO DIVISION 6.8. – TECHNICAL STANDARDS AND REQUIREMENTS (LANDSCAPING), TO UPDATE TABLE 6.8-2 LAND USE CATEGORIES FOR BUFFERS**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

- **To go from a Type A buffer to a Type A buffer with a 10-foot wall for Multi-Family to Single-Family is estimated to cost an additional \$31,700 per 100-foot buffer segment.**

- **To require a Type C buffer for single-family use next to single-family use is estimated to cost an additional \$9,692 per 100-foot buffer segment.**

- **To require a Type D buffer for single-family use next to single-family use of an age-restricted community is estimated to cost an additional \$27,992 per 100-foot buffer segment.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: **Buffers requiring a 10-foot wall will need to pay a building permit fee of \$150 for residential and \$300 for commercial.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs: **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance enacts adjustments for buffers between some neighboring development.**



Marion County Board of County Commissioners

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO DIVISION 6.8. – TECHNICAL STANDARDS AND REQUIREMENTS (LANDSCAPING), TO UPDATE TABLE 6.8-2 LAND USE CATEGORIES FOR BUFFERS

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- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 8th day of November, 2024:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO DIVISION 6.8. – TECHNICAL STANDARDS AND REQUIREMENTS (LANDSCAPING), TO UPDATE TABLE 6.8-2 LAND USE CATEGORIES FOR BUFFERS**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

- **To go from a Type A to a Type D buffer for Multi-Family to Single-Family is estimated to cost an additional \$12,337 per 100-foot buffer segment.**

- **To require a Type E buffer for single-family use next to single-family use is estimated to cost an additional \$4,050 per 100-foot buffer segment.**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: **No new charges or fees are estimated under the ordinance.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs: **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The proposed ordinance enacts adjustments for buffers between some neighboring development.**

Sec. 6.8.6. - Buffers.

- A. It is the intent of this section to eliminate or reduce the negative impacts of the adjacent uses upon each other such that the long term continuance of either use is not threatened by such impacts and the uses may be considered compatible.
- B. Buffers shall provide a year-round screen and provide an aesthetic quality, especially along public rights-of-way, which enhance travel corridors and screen unsightly areas from public view.
- C. Plant species shall be mixed to provide diversity and appeal.
- D. Buffers may consist of landscaping, buffer walls, fencing, berms, or combinations thereof which work cohesively to achieve the intent of buffering.
- E. Every development, with the exception of the construction of an individual single-family residence or duplexes on an individual parcel of record, shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening.
- F. If buffers are required, the length shall be measured along each property line, and shall exclude driveways and other access points.
- G. No buildings, structures (other than buffer walls or buffer fences), storage of materials, or parking shall be permitted within the buffer area.
- H. Buffers shall not be located on any portion of an existing or dedicated right-of-way.
 - I. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties, avoid damage to existing trees and plant material, and take mature growing sizes into consideration regarding shade, root damage, and interference with nearby utilities.
- J. Required buffer types between land uses.
 - (1) Specialized Commerce Districts include a mix of both commercial and industrial land uses, therefore, buffer requirements shall apply only to lots on the perimeter of the district.
 - (2) Buffer installation and maintenance shall be provided concurrently with the development of the more intense land use, with the following deviations:
 - (a) When a new but less intense land use is developed adjoining a pre-existing developed site with a higher intensity use, the new use is subject to providing the required land use buffer.
 - (b) When a new but less intense land use is responsible for providing the required land use buffer, the developer may reduce the required buffer by one buffer type with acknowledgement of the buffer reduction clearly noted on the development plan.
 - (c) The development of an individual single family residence or duplex is exempt from providing the required buffer
 - (3) In interpreting and applying the provisions of buffers, development is classified into categories shown in Table 6.8-1.

- (4) Table 6.8-2 provides the type of buffer required between a proposed use and an existing use, or in the absence of an existing use.

Table 6.8-1 Buffer Type Requirements

AG	Agriculture, Rural Lands, Natural Reservation
SFR	Single family, duplex residential
MF	Multi-family residential
COM	Commercial, RV parks, Commercial Recreation
IND	Industrial uses
PUB	Public Use (including Government, Institutional, and related Professional Offices)
ROW	Arterial or Collector Right-of-Way or Road Easement

Table 6.8-2 Land Use Categories for Buffers

Proposed Use	Permitted or Existing Use						
	AG	SFR	MF	COM	IND	PUB	ROW
AG	-	-	-	-	-	-	-
SFR	E	-	C	A	B	C	C
MF	E	A	-	A	B	C	C
COM	D	B	B	-	B	C	C
IND	B	B	B	B	-	B	D
PUB	E	B	C	C	C	-	C

K. Description of buffer classifications. The content and composition of each buffer type is described in the following items. The design professional shall use these requirements to design buffers that are thoughtfully designed and enhance perimeter of the development site. Visual screening shall be achieved through the use of proper plant material, arrangement, and layering.

- (1) A-Type buffer shall consist of a 30-foot wide landscape strip without a buffer wall. The buffer shall contain at least three shade trees and five accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer area and shall form a layered landscape screen with a minimum height of three feet achieved within one year of planting.
- (2) B-Type buffer shall consist of a 20-foot wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 50 percent of the required buffer.
- (3) C-Type buffer shall consist of a 15-foot wide landscape strip without a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise

at least 50 percent of the required buffer and form a layered landscape screen with a minimum height of three feet achieved within one year.

- (4) D-Type buffer shall consist of a 15-foot wide landscape strip with a buffer wall. The buffer shall contain at least two shade trees and three accent/ornamental trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least 25 percent of the required buffer.
- (5) E-Type buffer shall consist of a five-foot wide landscape strip without a buffer wall. The buffer shall contain at least four shade trees for every 100 lineal feet or fractional part thereof. Shrubs shall be planted in a double-staggered row and be capable of reaching a maintained height of six feet within three years. Groundcovers and/or turfgrass shall not be used in this buffer.

L. Buffer walls, buffer fences, and berms.

- (1) Where buffer walls are required by this article, a combination of buffer walls and berms may be used to meet the intent of buffering. Buffer fences may be used to as a substitute for buffer walls with approval of the DRC. The buffer walls, buffer fences, and berms shall:
 - (a) Not be constructed or installed in a manner which creates a threat to public safety or interferes with vehicular circulation;
 - (b) Be designed to be compatible with existing and proposed site architecture and the character of the surrounding and adjacent settings including the style and selection of materials; and
 - (c) Be situated so that the wall or fence components are within the buffer limits and any required landscaping shall be installed on the public view side of the wall.
- (2) When a buffer wall is required, the buffer wall may be used in conjunction with a berm to achieve a minimum final elevation of six feet in height. When buffer walls, berms and/or combinations of each are used, they shall be constructed to:
 - (a) Ensure that historic and/or proposed water flow patterns are accommodated;
 - (b) Not interfere with or obstruct any stormwater facilities; and
 - (c) Provide sufficient ingress/egress for bicycle traffic and pedestrians access with proper arrangement to limit visibility into the proposed development.
- (3) If planted berms are used, the top of the berm shall have a four-foot wide maintainable area. The maximum side slope for a berm planted with shrubs and woody groundcovers shall be 3:1. The maximum side slope for a berm planted with turfgrass shall be 3.5:1. Planting trees or shrubs on the very top of a berm is discouraged.

M. Buffer plantings shall be irrigated appropriately for the specific plant species and characteristics of the site to promote healthy growth.

N. Buffer areas shall be continually maintained and kept free of all trash and debris.

(Ord. No. 13-20, § 2, 7-11-2013)



Marion County
Board of County Commissioners Public
Hearing Meeting
Agenda Item

File No.: 2024-17427

Agenda Date: 12/9/2024

Agenda No.: 2.

SUBJECT:

PUBLIC HEARING to Consider Revisions to the Marion County Land Development Code Amendments as a Result of the Passing of Senate Bill 812 to Revise Section 2.18.4. Construction, Completion, and Close Out

INITIATOR:

Kenneth Weyrauch, Deputy Director

DEPARTMENT:

Growth Services

DESCRIPTION/BACKGROUND:

Attached is the proposed language to update the Land Development Code (LDC) related to Section 2.18.4, Improvement Plan, Construction, Completion, and Close Out. This change is necessary due to the passing of Senate Bill 812, "an act relating to expedited approval of residential building permits." While Marion County already allowed building permits to be issued before final platting, the Senate Bill requires an increase in the number of units allowed and some changes in overall processes.

The proposed LDC amendments were considered by the Land Development Regulation Commission (LDRC) in a public hearing held on October 16, 2024, per LDC Section 1.4.3.A and B. The LDRC voted to recommend approval of the proposed LDC changes. The first of two public hearings with the Board of County Commissioners (BCC) took place on November 19, 2024, during which the BCC took public comment and considered the proposed changes. The public hearing on December 9, 2024, is the second of two public hearings with the BCC.

Following consideration by the LDRC, staff found that some additional clarification was necessary. This information was discussed with David Tillman, LDRC Chairman, and was presented publicly during the November 19, 2024 public hearing.

BUDGET/IMPACT:

None

RECOMMENDED ACTION:

Take public comment and motion to approve the proposed language, approve alternate language, or deny the proposed language regarding the update to the Land Development Code (LDC) Section 2.18.4 (Improvement Plan) Construction, Completion, and Close Out.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE MARION COUNTY, FLORIDA, LAND DEVELOPMENT CODE (LDC) AS SPECIFIED BELOW:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO ARTICLE 2, DIVISION 18, SECTION 2.18.4. (IMPROVEMENT PLAN) CONSTRUCTION, COMPLETION, AND CLOSE OUT

A public hearing conducted by the **Marion County Board of County Commissioners** will be held on **Monday, December 9, 2024 at 5:30 p.m.** at the **McPherson Governmental Campus Auditorium at 601 SE 25TH Avenue, Ocala, FL, 34471**, for the purpose of considering the proposed amendment related to Marion County Land Development Code (LDC), Article 2, in Marion County, Florida, including providing for revisions as directed by 2024 Senate Bill 812, Laws of Florida Chapter No. 2024-210.

The Marion County Board of County Commissioners shall receive and consider public comment regarding the proposed LDC amendment in this public hearing, the second of two, pursuant to Florida Statutes and the LDC.

If reasonable accommodations of a disability are needed for you to participate in this meeting, please contact the ADA Coordinator/HR Director at (352) 438-2345 forty-eight hours in advance of the hearing, so appropriate arrangements can be made.

A copy of the proposed ordinance is available for public inspection at the Growth Services Department, 2710 East Silver Springs, Ocala, FL 34470. Any person who decides to appeal any decision of the Board of County Commissioners with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made. For more information:

<https://www.marionfl.org/legalnotices>

Effective October 1, 2023, a Florida legislative act relating to local ordinances, amending F.S.125.66(3)(a), requires a Business Impact Statement to be prepared by the governing body of a county before the enactment of a proposed ordinance in accordance with the provisions of F.S., the Business Impact Estimate must be published on the County's website and must include certain information, such as a summary of the proposed ordinance, including a statement of the public purpose, an estimate of the direct economic impact, and a good faith estimate of the number of businesses likely to be impacted, and any additional information the governing body determines may be useful. In accordance to F.S. 125.66(3)(a), a number of ordinances are exempt from complying with the business impact statement. Marion County's business impact estimates are posted on the Marion County website under Public Relations at: <https://www.marionfl.org/agencies-departments/departments-facilities-offices/public-relations/business-impact-estimate-5541>.

PLEASE BE GOVERNED ACCORDINGLY.

Dated this 1st day of November, 2024
BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA
MICHELLE STONE, CHAIRMAN

Sec. 2.18.4. Construction, completion, and close out.

- A. Improvement Plans shall be valid for five years with a one-time extension of two years if requested by the applicant in writing and approved by DRC.
- B. Pre-Construction Conference.
 - (1) A pre-construction conference shall be scheduled by the Office of the County Engineer for offsite improvements.
 - (2) Maintenance of Traffic plans for offsite improvements and signal installation shall be submitted at the pre-construction conference to be approved by the County Engineer.
 - (3) Applicant shall notify the Office of the County Engineer of onsite improvement work 72 hours prior to commencing construction.
- C. All subdivision improvements shall be constructed in accordance with approved plans and shall conform to regulations and specifications in effect on the date of approval of the improvement plans.
- D. If improvements are not completed, an Improvement Agreement containing the estimate of cost of remaining subdivision improvements as shown on the approved Improvement Plans shall be provided. The Improvement Agreement form is available at the Office of the County Engineer. A security, limited to an irrevocable letter of credit or bond only, shall be provided in the amount of 120 percent of the estimated cost of remaining improvements as well as a partial As-Built/Record Survey. The Improvement Agreement shall be approved by the Board.
- E. If an applicant desires to construct a limited number of model homes, or similar type features, prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:
 - (1) Approval of the Preliminary Plat and Improvement Plans;
 - (2) The development being served by a central sewer and central water system;
 - (3) The Final Plat has been submitted for review including cost estimate with appropriate assurance for subdivision improvements if incomplete;
 - (4) No more than 10 percent of the total number of building lots, not to exceed 50 building permits; and
 - (5) Approval by the Board.
- F. As-Built Submittal.
 - (1) Two sets of As-Built/Record Survey signed and sealed by a Florida Licensed Professional Surveyor and Mapper meeting standards set forth in Ch. 5J-17 FAC shall be submitted prior to final inspection along with a digital version of the survey in a format pre-approved by the Office of the County Engineer.
 - (2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.
 - (3) Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the Office of the County Engineer and submit a request for final inspection with a certification of final completion. The certification form is available at the Office of the County Engineer. After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant.
- G. For public road subdivisions, the applicant is required to provide for the inspection of the surface water management system by a Florida Registered Professional Engineer to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The County

shall be copied on all inspection reports required by the governing Water Management District permit for operation and maintenance.

- H. For public road subdivisions, a maintenance agreement with a security limited to an irrevocable letter of credit or bond only in the amount of twenty percent of the original construction cost of subdivision improvements shown on the approved Improvement Plans. The maintenance agreement form is available at the Office of the County Engineer. Subdivision improvements shall be maintained by the Developer for a minimum period of two years from the date of construction completion acknowledged by the Office of the County Engineer and 60 percent occupancy. The letter of credit or bond shall be released upon acceptance of the constructed improvements for maintenance by the County.
- I. For public road subdivisions, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, upon review and approval by the County.
- J. For private road subdivisions, documentation shall be submitted as to maintenance responsibilities and the name of the entity responsible for such maintenance with the appropriate legal documents.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 2.18.4. Construction, completion, and close out.

- A. Improvement Plans shall be valid for five years with a one-time extension of two years if requested by the applicant in writing and approved by DRC.
- B. Pre-Construction Conference.
 - (1) A pre-construction conference shall be scheduled by the Office of the County Engineer for offsite improvements.
 - (2) Maintenance of Traffic plans for offsite improvements and signal installation shall be submitted at the pre-construction conference to be approved by the County Engineer.
 - (3) Applicant shall notify the Office of the County Engineer of onsite improvement work 72 hours prior to commencing construction.
- C. All subdivision improvements shall be constructed in accordance with approved plans and shall conform to regulations and specifications in effect on the date of approval of the improvement plans.
- D. If an applicant desires to file a Final Plat prior to improvements ~~are not being~~ completed, an Improvement Agreement containing the estimate of cost of remaining subdivision improvements as shown on the approved Improvement Plans shall be provided. The Improvement Agreement form is available at the Office of the County Engineer. A security, limited to an irrevocable letter of credit, bond, or ~~bond only~~ other form approved by the County Attorney, shall be provided in the amount of 120 percent of the estimated cost of remaining improvements. ~~Cost estimates shall be certified by a Florida Registered Professional Engineer, as well as a partial As-Built/Record Survey. A partial As-Built/Record Survey; no survey is required if unless the security is provided for the cost of all improvements at 120 percent.~~ The Improvement Agreement shall be approved by the Board.
- E. If an applicant desires to construct a limited number of sales offices, model homes, or similar type features, prior to the Final Plat being recorded, or if an improvement agreement has been approved, an indemnification agreement shall be provided subject to:
 - (1) Approval of the ~~Preliminary Plat and~~ applicable Minor Site Plan, Major Site Plan and/or Improvement Plans;
 - (2) ~~The development being~~ Temporary connection to well or onsite sewage treatment disposal system (OSTDS) is not allowed if the subdivision is to be served by a central sewer and central water system; or central sewer;
 - ~~(3) The Final Plat has been submitted for review including cost estimate with appropriate assurance for subdivision improvements if incomplete;~~ (3) Compliance with the State Fire Code;
 - (4) No more than ~~10 percent of the total number of building lots, not to exceed 50-20~~ building permits being issued on no more than 10 building lots; ~~lots;~~
 - (5) Prior to the public accessing these sites, provide a Certification of Final Completion for the improvements constructed to support the subject building lots. Acknowledge that Certification of Final Completion for the improvements constructed to support the subject building lots prior to the public visiting these sites;
 - (6) A restrictive covenant recorded in public record that requires a change in building occupancy permit to convert from temporary use to permanent use and limits the ability to sell or lease such structure prior to recording the Final Plat; ~~and~~
 - ~~(57) Approval by the Board.~~

- F. ~~As-Built Submittal. If an applicant desires to construct a limited number of homes, or similar type features, prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:~~
- ~~(1) Two sets (1) Approval of the applicable Minor Site Plan, Major Site Plan and/or Improvement Plans;~~
 - ~~(2) Temporary connection to well or onsite sewage treatment disposal system (OSTDS) is not allowed if the subdivision is to be served by central water or central sewer;~~
 - ~~(3) Compliance with the State Fire Code;~~
 - ~~(4) Submittal and approval of a cost estimate with security, limited to an irrevocable letter of credit, bond, or other form approved by the County Attorney, provided in the amount of 120 percent of the estimated cost of remaining subdivision improvements certified by a Florida Registered Professional Engineer as well as a partial As-Built/Record Survey; no survey is required if the security is provided for the cost of all improvements; no additional security is required if it has been provided for an Improvement Agreement;~~
 - ~~(5) Permits being issued for no more than 50 percent of the density on a per lot or unit basis (inclusive of permits approved under section E.); and~~
 - ~~(6) Approval by the Board.~~

G. As-Built Submittal.

- (1) One set of As-Built/Record Survey signed and sealed by a Florida Licensed Professional Surveyor and Mapper meeting standards set forth in Ch. 5J-17 FAC shall be submitted prior to final inspection along with a digital version of the survey in a format pre-approved by the Office of the County Engineer.
- (2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.
- (3) Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the Office of the County Engineer and submit a request for final inspection with a certification of final completion. The certification form is available at the Office of the County Engineer. After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant.

~~H.~~ H. For public road subdivisions, the applicant is required to provide for the inspection of the surface water management system by a Florida Registered Professional Engineer to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The County shall be copied on all inspection reports required by the governing Water Management District permit for operation and maintenance.

~~H.~~ H. For public road subdivisions, the applicant is required to provide a maintenance agreement with a security, limited to an irrevocable letter of credit, ~~bond, or bond, or bond only~~ other form approved by the County Attorney, in the amount of ~~twenty~~ 20 percent of the original construction cost of subdivision improvements shown on the approved Improvement Plans, certified by a Florida Registered Professional Engineer. The maintenance agreement form is available at the Office of the County Engineer. Subdivision improvements shall be maintained by the Developer for a minimum period of two years from the date of construction completion acknowledged by the Office of the County Engineer and 60 percent occupancy. ~~The letter of credit or bond prior to acceptance for maintenance by the County. The security~~ shall be released upon acceptance of the constructed improvements for maintenance by the County.

~~I. For public road subdivisions.~~ J. For public road subdivisions, upon completion of the minimum ~~two-year~~ two-year period and 60 percent occupancy, the applicant shall make a written request for the County to accept the subdivision for maintenance. Within fourteen calendar days, County staff shall provide a final walk-thru inspection, review of any outstanding obligations and provide an itemized list requesting all deficiencies to

be corrected within 60 days. If the deficiencies are not addressed within 60 days, the applicant shall make a new written request when ready and the inspection and review process starts over. Once deficiencies are addressed, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, ~~upon review and approval by the County, and acceptance of the subdivision for maintenance shall be scheduled for consideration of approval by the Board at the next available meeting.~~

- K. For private road subdivisions, documentation shall be submitted as to maintenance responsibilities and the name of the entity responsible for such maintenance with the appropriate legal documents.

(Ord. No. 13-20, § 2, 7-11-2013)

Sec. 2.18.4. Construction, completion, and close out.

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 - (2) Maintenance of Traffic plans for offsite improvements and signal installation shall be submitted at the pre-construction conference to be approved by the County Engineer.
 - (3) Applicant shall notify the Office of the County Engineer of onsite improvement work 72 hours prior to commencing construction.
- C. All subdivision improvements shall be constructed in accordance with approved plans and shall conform to regulations and specifications in effect on the date of approval of the improvement plans.
- D. If an applicant desires to file a Final Plat prior to improvements being completed, an Improvement Agreement containing the estimate of cost of remaining subdivision improvements as shown on the approved Improvement Plans shall be provided. The Improvement Agreement form is available at the Office of the County Engineer. A security, limited to an irrevocable letter of credit, bond, or other form approved by the County Attorney, shall be provided in the amount of 120 percent of the estimated cost of remaining improvements. Cost estimates shall be certified by a Florida Registered Professional Engineer. A partial As-Built/Record Survey is required unless the security is provided for the cost of all improvements at 120 percent. The Improvement Agreement shall be approved by the Board.
- E. If an applicant desires to construct a limited number of sales offices, model homes, or similar type features, prior to the Final Plat being recorded, or if an improvement agreement has been approved, an indemnification agreement shall be provided subject to:
 - (1) Approval of the applicable Minor Site Plan, Major Site Plan and/or Improvement Plans;
 - (2) Temporary connection to well or onsite sewage treatment disposal system (OSTDS) is not allowed if the subdivision is to be served by central water or central sewer;
 - (3) Compliance with the State Fire Code;
 - (4) No more than 20 building permits being issued on no more than 10 building lots;
 - (5) Prior to the public accessing these sites, provide a Certification of Final Completion for the improvements constructed to support the subject building lots;
 - (6) A restrictive covenant recorded in public record that requires a change in building occupancy permit to convert from temporary use to permanent use and limits the ability to sell or lease such structure prior to recording the Final Plat;
- F. If an applicant desires to construct a limited number of homes, or similar type features, prior to the Final Plat being recorded, an indemnification agreement shall be provided subject to:
 - (1) Approval of the applicable Minor Site Plan, Major Site Plan and/or Improvement Plans;
 - (2) Temporary connection to well or onsite sewage treatment disposal system (OSTDS) is not allowed if the subdivision is to be served by central water or central sewer;
 - (3) Compliance with the State Fire Code;

-
- (4) Submittal and approval of a cost estimate with security, limited to an irrevocable letter of credit, bond, or other form approved by the County Attorney, provided in the amount of 120 percent of the estimated cost of remaining subdivision improvements certified by a Florida Registered Professional Engineer as well as a partial As-Built/Record Survey; no survey is required if the security is provided for the cost of all improvements; no additional security is required if it has been provided for an Improvement Agreement;
 - (5) Permits being issued for no more than 50 percent of the density on a per lot or unit basis (inclusive of permits approved under section E.);
- G. As-Built Submittal.
- (1) One set of As-Built/Record Survey signed and sealed by a Florida Licensed Professional Surveyor and Mapper meeting standards set forth in Ch. 5J-17 FAC shall be submitted prior to final inspection along with a digital version of the survey in a format pre-approved by the Office of the County Engineer.
 - (2) Inspection and material testing of all improvements shall be submitted in one report with the As-Built/Record Survey.
 - (3) Certification of Final Completion. When all required improvements have been constructed, the applicant shall so advise the Office of the County Engineer and submit a request for final inspection with a certification of final completion. The certification form is available at the Office of the County Engineer. After all work is completed, inspected, and accepted by the County, a letter of completion will be issued to the applicant.
- H. For public road subdivisions, the applicant is required to provide for the inspection of the surface water management system by a Florida Registered Professional Engineer to assure that the system is properly constructed and maintained. The inspection shall occur within 30 days of project completion. The County shall be copied on all inspection reports required by the governing Water Management District permit for operation and maintenance.
- I. For public road subdivisions, the applicant is required to provide a maintenance agreement with a security, limited to an irrevocable letter of credit, bond, or other form approved by the County Attorney, in the amount of 20 percent of the original construction cost of subdivision improvements shown on the approved Improvement Plans certified by a Florida Registered Professional Engineer. The maintenance agreement form is available at the Office of the County Engineer. Subdivision improvements shall be maintained by the Developer for a minimum period of two years from the date of construction completion acknowledged by the Office of the County Engineer and 60 percent occupancy prior to acceptance for maintenance by the County. The security shall be released upon acceptance of the constructed improvements for maintenance by the County.
- J. For public road subdivisions, upon completion of the minimum two-year period and 60 percent occupancy, the applicant shall make a written request for the County to accept the subdivision for maintenance. Within fourteen calendar days, County staff shall provide a final walk-thru inspection, review of any outstanding obligations and provide an itemized list requesting all deficiencies to be corrected within 60 days. If the deficiencies are not addressed within 60 days, the applicant shall make a new written request when ready and the inspection and review process starts over. Once deficiencies are addressed, the applicant shall complete the transfer of ownership documentation with the governing Water Management District including payment of any required Water Management District fees, and acceptance of the subdivision for maintenance shall be scheduled for consideration of approval by the Board at the next available meeting.
- K. For private road subdivisions, documentation shall be submitted as to maintenance responsibilities and the name of the entity responsible for such maintenance with the appropriate legal documents.

(Ord. No. 13-20, § 2, 7-11-2013)



Marion County Board of County Commissioners

Office of the County Attorney

601 SE 25th Ave.
Ocala, FL 34471
Phone: 352-438-2330
Fax: 352-438-2331

Business Impact Estimate

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Marion County Board of County Commissioners' website no later than the date the notice proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.66(2)(a), F.S., is ten (10) days before the Public Hearing).

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 2.18.4. (IMPROVEMENT PLAN) CONSTRUCTION, COMPLETION, AND CLOSE OUT

This Business Impact Estimate is provided in accordance with Section 125.66(3)(a), *Florida Statutes*. If one or more boxes are checked below, this means that the Marion County Board of County Commissioners is of the view that a business impact estimate is not required by state law for the proposed ordinance.

Notwithstanding, Marion County is preparing this BIE to prevent an inadvertent procedural issue from impacting the enactment of this proposed Ordinance. Marion County reserves the right to revise this BIE following its initial posting and to discontinue providing this information for proposed ordinances believed to be exempt under state law.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

Consistent with the posting requirement set forth in Section 125.66(3)(a), F.S., the County hereby publishes the following BIE information for this proposed ordinance on its website for public viewing and consideration on this 8th day of November, 2024:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) RELATED TO SECTION 2.18.4. (IMPROVEMENT PLAN) CONSTRUCTION, COMPLETION, AND CLOSE OUT**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in unincorporated Marion County, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur: **The only additional cost anticipated would be recording the restrictive covenant of \$10 for recording. In the event of Marion County supplements staff resources from a list of qualified contractors to meet the mandated review time requirements, the fees incurred by the County would be passed onto the applicant (indeterminate).**

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible: **No new charges or fees are established under the ordinance.**

(c) An estimate of Marion County regulatory costs, including estimated revenues from any new charges or fees to cover such costs: **There are no regulatory costs and no revenues will be generated for Marion County.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **Indeterminate.**

4. Additional information the governing body deems useful (if any): **The primary purpose of this proposed ordinance is to implement SB 812 and clarify procedures similar in nature.**

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1
2 An act relating to expedited approval of residential
3 building permits; creating s. 177.073, F.S.; providing
4 definitions; requiring certain governing bodies, by a
5 date certain, to each create a program to expedite the
6 process for issuing residential building permits
7 before a final plat is recorded; requiring the
8 expedited process to include a certain application;
9 prohibiting the application or local government final
10 approval from altering or restricting the number of
11 building permits requested under certain
12 circumstances; requiring certain governing bodies to
13 update their program in a specified manner; providing
14 applicability; requiring a governing body to create
15 certain processes for purposes of the program;
16 authorizing applicants to use a private provider to
17 expedite the process for certain building permits;
18 requiring a governing body to establish a registry of
19 qualified contractors for a specified purpose;
20 prohibiting such qualified contractors hired to review
21 an application from having a conflict of interest with
22 the applicant; defining the term "conflict of
23 interest"; authorizing a governing body to issue
24 addresses and temporary parcel identification numbers
25 for specified purposes; requiring a governing body to
26 issue a specified number or percentage of building
27 permits requested in an application when certain
28 conditions are met; setting forth certain conditions
29 for applicants who apply to the program; providing

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30 that an applicant has a vested right in an approved
31 preliminary plat when certain conditions are met;
32 prohibiting a governing body from making substantive
33 changes to a preliminary plat without written consent;
34 requiring an applicant to indemnify and hold harmless
35 certain entities and persons; providing an exception;
36 providing an effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Section 177.073, Florida Statutes, is created to
41 read:

42 177.073 Expedited approval of residential building permits
43 before a final plat is recorded.—

44 (1) As used in this section, the term:

45 (a) "Applicant" means a homebuilder or developer who files
46 an application with the local governing body to identify the
47 percentage of planned homes, or the number of building permits,
48 that the local governing body must issue for a residential
49 subdivision or planned community.

50 (b) "Final plat" means the final tracing, map, or site plan
51 presented by the subdivider to a governing body for final
52 approval, and, upon approval by the appropriate governing body,
53 is submitted to the clerk of the circuit court for recording.

54 (c) "Local building official" has the same meaning as in s.
55 553.791(1).

56 (d) "Plans" means any building plans, construction plans,
57 engineering plans, or site plans, or their functional
58 equivalent, submitted by an applicant for a building permit.

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59 (e) "Preliminary plat" means a map or delineated
60 representation of the subdivision of lands that is a complete
61 and exact representation of the residential subdivision or
62 planned community and contains any additional information needed
63 to be in compliance with the requirements of this chapter.

64 (f) "Qualified contractor" includes, but is not limited to,
65 an engineer or engineering firm licensed under chapter 471; a
66 surveyor or mapper or a surveyor's or mapper's firm licensed
67 under chapter 472; an architect or architecture firm licensed
68 under part I of chapter 481; a landscape architect or landscape
69 architecture firm registered under part II of chapter 481; or
70 any other qualified professional who is certified in urban
71 planning or environmental management.

72 (2) (a) By October 1, 2024, the governing body of a county
73 that has 75,000 residents or more and any governing body of a
74 municipality that has 10,000 residents or more and 25 acres or
75 more of contiguous land that the local government has designated
76 in the local government's comprehensive plan and future land use
77 map as land that is agricultural or to be developed for
78 residential purposes shall create a program to expedite the
79 process for issuing building permits for residential
80 subdivisions or planned communities in accordance with the
81 Florida Building Code and this section before a final plat is
82 recorded with the clerk of the circuit court. The expedited
83 process must include an application for an applicant to identify
84 the percentage of planned homes, not to exceed 50 percent of the
85 residential subdivision or planned community, or the number of
86 building permits that the governing body must issue for the
87 residential subdivision or planned community. The application or

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88 the local government's final approval may not alter or restrict
89 the applicant from receiving the number of building permits
90 requested, so long as the request does not exceed 50 percent of
91 the planned homes of the residential subdivision or planned
92 community or the number of building permits. This paragraph does
93 not:

94 1. Restrict the governing body from issuing more than 50
95 percent of the building permits for the residential subdivision
96 or planned community.

97 2. Apply to a county subject to s. 380.0552.

98 (b) A governing body that had a program in place before
99 July 1, 2023, to expedite the building permit process, need only
100 update their program to approve an applicant's written
101 application to issue up to 50 percent of the building permits
102 for the residential subdivision or planned community in order to
103 comply with this section. This paragraph does not restrict a
104 governing body from issuing more than 50 percent of the building
105 permits for the residential subdivision or planned community.

106 (c) By December 31, 2027, the governing body of a county
107 that has 75,000 residents or more and any governing body of a
108 municipality that has 10,000 residents or more and 25 acres or
109 more of contiguous land that the local government has designated
110 in the local government's comprehensive plan and future land use
111 map as land that is agricultural or to be developed for
112 residential purposes shall update their programs to expedite the
113 process for issuing building permits for residential
114 subdivisions or planned communities in accordance with the
115 Florida Building Code and this section before a final plat is
116 recorded with the clerk of the circuit court. The expedited

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117 process must include an application for an applicant to identify
118 the percentage of planned homes, not to exceed 75 percent of the
119 residential subdivision or planned community, or the number of
120 building permits that the governing body must issue for the
121 residential subdivision or planned community. This paragraph
122 does not:

123 1. Restrict the governing body from issuing more than 75
124 percent of the building permits for the residential subdivision
125 or planned community.

126 2. Apply to a county subject to s. 380.0552.

127 (3) A governing body shall create:

128 (a) A two-step application process for the adoption of a
129 preliminary plat, inclusive of any plans, in order to expedite
130 the issuance of building permits under this section. The
131 application must allow an applicant to identify the percentage
132 of planned homes or the number of building permits that the
133 governing body must issue for the residential subdivision or
134 planned community.

135 (b) A master building permit process consistent with s.
136 553.794 for applicants seeking multiple building permits for
137 residential subdivisions or planned communities. For purposes of
138 this paragraph, a master building permit is valid for 3
139 consecutive years after its issuance or until the adoption of a
140 new Florida Building Code, whichever is earlier. After a new
141 Florida Building Code is adopted, the applicant may apply for a
142 new master building permit, which, upon approval, is valid for 3
143 consecutive years.

144 (4) (a) An applicant may use a private provider pursuant to
145 s. 553.791 to expedite the application process for building

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146 permits after a preliminary plat is approved under this section.

147 (b) A governing body shall establish a registry of at least
148 three qualified contractors whom the governing body may use to
149 supplement staff resources in ways determined by the governing
150 body for processing and expediting the review of an application
151 for a preliminary plat or any plans related to such application.
152 A qualified contractor on the registry who is hired pursuant to
153 this section to review an application, or any part thereof, for
154 a preliminary plat, or any part thereof, may not have a conflict
155 of interest with the applicant. For purposes of this paragraph,
156 the term "conflict of interest" has the same meaning as in s.
157 112.312.

158 (5) A governing body may work with appropriate local
159 government agencies to issue an address and a temporary parcel
160 identification number for lot lines and lot sizes based on the
161 metes and bounds of the plat contained in the application.

162 (6) The governing body must issue the number or percentage
163 of building permits requested by an applicant in accordance with
164 the Florida Building Code and this section, provided the
165 residential buildings or structures are unoccupied and all of
166 the following conditions are met:

167 (a) The governing body has approved a preliminary plat for
168 each residential subdivision or planned community.

169 (b) The applicant provides proof to the governing body that
170 the applicant has provided a copy of the approved preliminary
171 plat, along with the approved plans, to the relevant electric,
172 gas, water, and wastewater utilities.

173 (c) The applicant holds a valid performance bond for up to
174 130 percent of the necessary improvements, as defined in s.

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175 177.031(9), that have not been completed upon submission of the
176 application under this section. For purposes of a master planned
177 community as defined in s. 163.3202(5)(b), a valid performance
178 bond is required on a phase-by-phase basis.

179 (7) (a) An applicant may contract to sell, but may not
180 transfer ownership of, a residential structure or building
181 located in the residential subdivision or planned community
182 until the final plat is approved by the governing body and
183 recorded in the public records by the clerk of the circuit
184 court.

185 (b) An applicant may not obtain a temporary or final
186 certificate of occupancy for each residential structure or
187 building for which a building permit is issued until the final
188 plat is approved by the governing body and recorded in the
189 public records by the clerk of the circuit court.

190 (8) For purposes of this section, an applicant has a vested
191 right in a preliminary plat that has been approved by a
192 governing body if all of the following conditions are met:

193 (a) The applicant relies in good faith on the approved
194 preliminary plat or any amendments thereto.

195 (b) The applicant incurs obligations and expenses,
196 commences construction of the residential subdivision or planned
197 community, and is continuing in good faith with the development
198 of the property.

199 (9) Upon the establishment of an applicant's vested rights
200 in accordance with subsection (8), a governing body may not make
201 substantive changes to the preliminary plat without the
202 applicant's written consent.

203 (10) An applicant must indemnify and hold harmless the

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204 local government, its governing body, its employees, and its
205 agents from liability or damages resulting from the issuance of
206 a building permit or the construction, reconstruction, or
207 improvement or repair of a residential building or structure,
208 including any associated utilities, located in the residential
209 subdivision or planned community. Additionally, an applicant
210 must indemnify and hold harmless the local government, its
211 governing body, its employees, and its agents from liability or
212 disputes resulting from the issuance of a certificate of
213 occupancy for a residential building or structure that is
214 constructed, reconstructed, improved, or repaired before the
215 approval and recordation of the final plat of the qualified
216 project. This indemnification includes, but is not limited to,
217 any liability and damage resulting from wind, fire, flood,
218 construction defects, bodily injury, and any actions, issues, or
219 disputes arising out of a contract or other agreement between
220 the developer and a utility operating in the residential
221 subdivision or planned community. However, this indemnification
222 does not extend to governmental actions that infringe on the
223 applicant's vested rights.

224 Section 2. This act shall take effect upon becoming a law.