

**ORDINANCE NO. 25-15**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 110-60 GOVERNING EXPEDITED PROCESS FOR ISSUING BUILDING PERMITS IN ACCORDANCE WITH SECTION 177.073, FLORIDA STATUTES; CREATING SECTION 110-126 ESTABLISHING A REGISTRY OF QUALIFIED CONTRACTORS TO ASSIST THE CITY IN EXPEDITING REVIEW OF PRELIMINARY PLAT APPLICATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City has the authority under the City Charter, Section 2(b), Article VIII of the State Constitution, and Section 166.021(1), Florida Statutes, to exercise any power for municipal purposes except where expressly prohibited by law; and

**WHEREAS**, on May 29, 2024, Governor DeSantis signed Senate Bill 812 into law, creating Section 177.073, Florida Statutes, which requires that the governing body of a municipality that has 10,000 residents or more create a program to expedite the process for issuing building permits; and

**WHEREAS**, the City of Winter Garden is a municipality of more than 10,000 residents which must adhere to Section 177.073, Florida Statutes; and

**WHEREAS**, Sec. 110-60, Winter Garden Code, provides an existing expedited process for issuing building permits for model homes which may be modified to conform to the requirements of Section 177.073, Florida Statutes; and

**WHEREAS**, Section 177.073, Florida Statutes, also requires that the governing body of a municipality establish a registry of qualified contractors who may be used by the governing body to supplement staff resources for processing and expediting the review of applications for preliminary plats or related plans; and

**WHEREAS**, the City Commission of the City of Winter Garden finds that this Ordinance is in the interests of the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Winter Garden, Florida, that:

**SECTION 1. Recitals.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2. City Code Amendment.** Section 110-60 of the City Code of Ordinances is hereby amended as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-60. Expedited process for issuing residential building permits before a final plat is recorded~~Model homes.~~**

- (a) Except as otherwise provided for in this section, no building permit shall be issued until such time as a certificate of completion has been issued by the city engineer and final plat approval has been obtained.
- (b) Upon conditional approval of a preliminary subdivision plat, as required by Sec. 110-123, a subdivider may be allowed to submit an application for expedited building permits prior to the approval of the final plat in accordance with section 177.073, Florida Statutes~~obtain one building permit for a model home for each 20 lots located within a proposed subdivision prior to the issuance of a certificate of completion by the city engineer and final plat approval,~~ provided the subdivider submits the applicable application fee, executes a hold harmless agreement to the city's satisfaction, and provides the performance guarantee required by subsection 110-152(7). The application must identify the percentage of planned homes or the number of building permits that the city must issue across all phases of the residential subdivision.~~Notwithstanding the permitted rate for model homes, the~~ The maximum number of building permits for model homes to be requested~~allowed~~ under this section in any one subdivision shall not exceed seventy-five (75) percent of planned homes across all phases of the residential subdivision~~ten~~. However, this limitation shall not prevent the city from, at its sole discretion, issuing a higher percentage of building permits within a subdivision if it is deemed to be in the best interest of the public.
- (c) ~~In addition, the~~ The following conditions shall apply prior to issuance of a building permit under this section~~for lots where model homes are allowed:~~
- (1) The city has approved a preliminary plat for each residential subdivision or planned community.
  - (2) The applicant shall provide proof to the city that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.
  - (3) The applicant shall hold a valid performance bond for up to 130 percent of the necessary improvements, as defined in section 177.031(9), Florida Statutes, that have not been completed upon submission of the application under this section. For purposes of a planned community, a valid performance bond is required on a phase-by-phase basis.
  - (4)(1) The lots upon which the model homes are constructed shall be located within 300 feet of an active and approved fire hydrant and Florida Department of Environmental Protection has approved the clearance for the water system; and
  - (5)(2) Main sewer and water lines for said lots shall be installed by the developer and be subject to review and approval by the city and approved for clearance by the Florida Department of Environmental Protection;

~~(6)(3)~~ The lots shall have a minimum of 20-foot wide emergency access road extending from a paved public street to within 50 feet of the proposed structure, as approved by the city engineer;

~~(4)~~ A certificate of occupancy will not be issued on any model home permitted by this section until the city engineer has issued a certificate of completion pursuant to subsection 110-152(2)a.

(d) An applicant may contract to sell, but may not transfer ownership of, a residential structure or building for which a building permit is issued until the final plat is approved by the city and recorded in the public records of Orange County. A certificate of occupancy will not be issued on any home permitted by this section until the city engineer has issued a certificate of completion pursuant to subsection 110-152(2)a.

**SECTION 3. City Code Amendment.** Section 110-126, presently “Reserved” under Article III, Division 3 of Chapter 110, is hereby created as follows: (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

**Sec. 110-126. Qualified Contractors.**

- (a) A “qualified contractor” under this section shall mean an engineer or engineering firm licensed under chapter 471, Florida Statutes; a surveyor or mapper or surveyor’s or mapper’s firm licensed under chapter 472, Florida Statutes; an architect or architecture firm licensed under part I, chapter 481, Florida Statutes; a landscape architect or landscape architecture firm registered under part II, chapter 481, Florida Statutes; or any other qualified professional who is certified in urban planning or environmental management.
- (b) The city shall establish a registry of at least three (3) qualified contractors to supplement staff resources in ways determined by the city for processing and expediting the review of an application for a preliminary plat or plans related to such application.
- (c) A qualified contractor on the registry who is hired pursuant to this section to review an application, or any part thereof, for a preliminary plat, or any part thereof, may not have a conflict of interest, as defined in section 112.312, Florida Statutes, with the applicant.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 5. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION 6. Codification.** Sections 2 and 3 of this Ordinance shall be incorporated into the Winter Garden City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

**SECTION 7. Effective date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Garden, Florida.

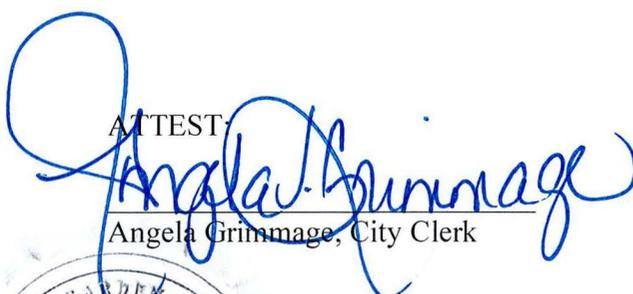
FIRST READING: JUNE 12, 2025

ADOPTED this 26<sup>TH</sup> day of JUNE, 2025, by the City Commission of the City of Winter Garden, Florida.

**CITY COMMISSION OF THE CITY OF  
WINTER GARDEN, FLORIDA**

  
John Rees, Mayor/Commissioner

ATTEST:

  
Angela Grimmage, City Clerk

