

Interoffice Memorandum

DATE:

March 12, 2021

TO:

Katie Smith, Deputy Clerk

Comptroller Clerk's Office

FROM:

Jon V. Weiss, P.E., Director

Planning, Environmental, and Development Services Department

THROUGH:

Cheryl J. Gillespie, Supervisor

Agenda Development Office

CONTACT PERSON: Whitney E. Evers, Assistant County Attorney

County Attorney's Office

407-836-7320

SUBJECT:

Request for Public Hearing: March 23, 2021

Proposed Amendments to Orange County Code

Chapter 23, Impact Fees – Relating to School Impact Fees

AN ORDINANCE AMENDING THE ORANGE COUNTY SCHOOL IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE V, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 23-121 ("DEFINITIONS"), SECTION ("IMPOSITION"), AND SECTION 23-142 ("PAYMENT"); PROVIDING FOR UPDATED SCHOOL IMPACT FEES, INCLUDING NEW AND INCREASED FEES IN CERTAIN LAND USE CATEGORIES; MAKING AN ECONOMIC IMPACT DETERMINATION; PROVIDING EFFECTIVE DATES: AND DIRECTING THE POSTING OF NOTICES OF **NEW AND INCREASED SCHOOL IMPACT FEES**

Applicant:

Planning, Environmental, and Development

Services Department

Location:

All Districts

Estimated time required for:

2 minutes

Public hearing

Hearing controversial?

No

Advertising requirements:

Publish once in a local newspaper of general

circulation.

Advertising timeframes:

At least 10 days prior to public hearing

Applicant/Abutters to be notified:

No

Hearing required by Fla. Statute # or code:

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

Spanish Contact Person:

Para solicitar mas información en Español acerca de estas reuniones públicas y/o de los cambios y las actualizaciones en los Codigos del Condado, favor comunicarse con la Oficina de la Administracion del Departamento PEDS al

numero 407-836-5312.

Materials to be submitted under a separate cover:

1) Ordinance and Cover Memo

SPECIAL INSTRUCTIONS TO CLERK:

The Fiscal & Operational Support Division of the Planning, Environmental, and Development Services Department will be handling the public hearing notice advertising request to The Orlando Sentinel.

abm/

cc: Byron Brooks, AICP, County Administrator
Jeff Newton, County Attorney
Chris Testerman, AICP, Deputy County Administrator
Jon V. Weiss, P.E., Director, PEDS Department
Joel Prinsell, Deputy County Attorney
Whitney Evers, Assistant County Attorney
Amy Envall, Esq., General Counsel, OCPS
Dale Kelly, Chief Financial Officer, OCPS
Jad M. Brewer, Esq. Staff Attorney III, OCPS
Steven Thorp, AICP, Senior Administrator, OCPS
File

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ORDINANCE NO. 2021-___

		AN ORDINANCE AMENDING THE ORANGE COUNTY
4		SCHOOL IMPACT FEE ORDINANCE, CODIFIED AT
		ARTICLE V, CHAPTER 23, OF THE ORANGE COUNTY
6		CODE; AMENDING SECTION 23-121 ("DEFINITIONS"),
		SECTION 23-141 ("IMPOSITION"), AND SECTION 23-142
8		("PAYMENT"); PROVIDING FOR UPDATED SCHOOL
		IMPACT FEES, INCLUDING NEW AND INCREASED
10		FEES IN CERTAIN LAND USE CATEGORIES; MAKING
		AN ECONOMIC IMPACT DETERMINATION;
12	196	PROVIDING EFFECTIVE DATES; AND DIRECTING THE
		POSTING OF NOTICES OF NEW AND INCREASED
14		SCHOOL IMPACT FEES

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- WHEREAS, on December 1, 2020, the Orange County Board of County Commissioners (the
 "Board") held a public hearing at which Ordinance No. 2020-35 (the "School Impact Fee Ordinance") was adopted; and
- WHEREAS, the School Impact Fee Ordinance approved an increase in school impact fees based upon data contained in the Orange County Public Schools School Impact Fee Update
 Study Final Report dated September 18, 2020, which the Board adopted and incorporated by reference into the School Impact Fee Ordinance; and
- WHEREAS, the School Impact Fee Ordinance adopted a phased increase of the school impact fees with fifty percent of the increase effective on April 2, 2021, and the remaining fifty percent increase effective July 3, 2021; and
- WHEREAS, on January 19, 2021, House Bill 337 ("HB 337") was filed by Representative
 DiCeglie for the 2021 Florida Legislative Session; HB 337 received its first reading on March 2, 2021; and
- WHEREAS, on January 25, 2021, Senate Bill 750 ("SB 750" and together with HB 337, the "Bills") was filed by Senator Gruters for the 2021 Florida Legislative Session as a companion bill to HB 337; SB 750 is identical to HB 337 and was introduced on March 2, 2021; and
- WHEREAS, the Bills contain various provisions related to the Florida Impact Fee Act codified at §163.31801, F.S., including, a provision that proposes to cap annual increases to impact fees; and
 - WHEREAS, if enacted, the Bills may become effective on July 1, 2021; and

	WHEREAS, in order to protect the citizens of Orange County and preserve the will of the	
38	Board under the home rule authority of Orange County, Florida, to implement the increases in	
40	school impact fees contemplated by the School Impact Fee Ordinance, the Board hereby adopts this ordinance to remove the phased increase in school impact fees originally scheduled for April	
40	2, 2021, and July 3, 2021, and to implement the full increase on June 27, 2021.	
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	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF	
44	ORANGE COUNTY, FLORIDA:	
	Section 1. Amendments; In general. Orange County Code, Chapter 23, Impact Fees,	
46	is hereby amended in part by amending Article V, School Impact Fees, Section 23-121	
	("Definitions"), Section 23-141 ("Imposition"), and Section 23-142 ("Payment"), with	
48	amendments being indicated below in Sections 2 through 5 with the new language being show	
	by <u>underlines</u> and deleted language being shown by strike throughs.	
50	Section 2. Amendments to Section 23-121. Orange County Code Chapter 23, Impact	
	Fees, Article V, School Impact Fees, Section 23-121, "Definitions," is hereby amended to read	
52	as follows:	
54	ARTICLE V SCHOOL IMPACT FEES	
56	DIVISION 1. GENERALLY	
	Sec. 23-121. Definitions.	
58	When used in this article, the following terms shall have the following meanings, unless the context otherwise clearly	
60	requires:	
	* * *	
62	Dwelling unit shall mean a building, or a portion thereof, which is designed for residential occupancy, consisting of one (1)	
64	or more rooms which are arranged, designed or used as living quarters for one (1) family only, but excluding "time-share estates"	

68	Statutes; "student housing" as defined in chapter 721, Florida Statutes; "student housing" as defined in this Article V section 38-1, Orange County Code; or and "housing for older persons" as further defined in section 23-161(6), Orange County Code.	
70	* * *	
72	Student housing shall mean any multi-family development or portion thereof where the dwelling units are designed and constructed as three (3) or more bedrooms with three (3) or more	
74	bathrooms which is marketed and/or rented to students attending a local college, university, community college, or private school, or	
76	any multi-family development or portion thereof comprised of dwelling units consisting of three (3) or more bedrooms and less	
78 80	than three (3) <u>bathrooms</u> <u>bedrooms</u> where the bedrooms are leased separately <u>and</u> which is marketed and/or rented to students attending a local college, university, community college, or private school.	
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	Section 3. Amendments to Section 23-141(b). Orange County Code Chapter 23,	
84 Impact Fees, Article V, School Impact Fees, Section 23-141(b), "Imposition," is herel		
	to read as follows:	
86	DIVISION 2 SCHOOL IMPACT FEES	
88	S . 22 141 T	
	Sec. 23-141. Imposition.	
90	* * *	
92	(b) Effective from January + March 26, 2021, until April + June 26, 2021, all residential construction occurring within the county, for which building permits are issued, within the	
94	unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:	
96	(1) Single-family detached house (per dwelling unit) \$8,784.00	
98	(2) Multifamily dwelling unit (per dwelling unit)	

- 102 Section 4. Amendments to Section 23-141(c). Orange County Code Chapter 23,
 Impact Fees, Article V, School Impact Fees, Section 23-141(c), "Imposition," is hereby amended
 to read as follows:

Sec. 23-141. Imposition.

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(c) Effective from April 2, 2021, until July 2, 2021 June
27, 2021, all residential construction occurring within the county, for which building permits are issued, within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:

School Impact Fee Schedule

Land Use Type	Impact Fee
Single Family Detached <2,000 sq. ft.*	\$-8,807.00
Single Family Detached 2,000 2,499 sq. ft.*	9,149.00
Single Family Detached 2,500 2,999 sq. ft.*	10,093.00
Single Family Detached 3,000 3,999 sq. ft.*	10.400.00
Single Family Detached >= 4,000 sq. ft.	9,184.00
Multi-family (High Rise)	307.00
Multi family (Non High Rise)	4,920 6,335.00
Townhouse	5,426 7,868.00
Mobile Home	5,217 <u>8,238.00</u>

^{*} square footage shall include the heated / cooled living area

114 Effective July 3, 2021, all residential construction occurring within the county, for which building permits are issued within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:

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School Impact Fee Schedule

Land Use Type	Impact Fee
Single Family Detached <2,000 sq. ft.*	\$8,829.00
Single Family Detached 2,000 – 2,499 sq. ft. *	9,513.00
Single Family Detached 2,500 – 2,999 sq. ft. *	11,402.00
Single Family Detached 3,000 – 3,999 sq. ft. *	12,015.00
Single Family Detached >= 4,000 sq. ft. *	9,584.00
Multi-family (High Rise)	307.00
Multi-family (Non High Rise)	6,751.00
Townhouse	8,805.00
Mobile Home	10,387.00

^{*} square footage shall include the heated / cooled living area

120 (The school impact fee schedule set forth in this subsection (c) was originally temporarily adopted pursuant to Section 5 of Ordinance Number 2011-04, effective May 13, 2011, and became permanent pursuant to Section 2 of Ordinance Number 2011-05, effective June 10, 2011.)

Section 5. Amendments to Section 23-142. Orange County Code Chapter 23, Impact

Fees, Article V, School Impact Fees, Section 23-142, "Payment," is hereby amended to read as follows:

Sec. 23-142. Payment.

* * *

(e) The impact of a development for which the county received a legally sufficient application prior to January 1 June 27, 2021, shall be calculated at the impact fee rates set forth in Section 23-141(b) hereof; the impact of all other development shall be calculated at the time of issuance of the building permit. If the applicant for a single-family or duplex home elects to pay the applicable impact fee after the issuance of the building permit, but no later than prior to the issuance of the certificate of occupancy, the impact fee due shall be calculated to be the fee due on the day of issuance of the building permit.

* * *

140 Section 6. Economic impact determination. The Board does hereby determine and find, pursuant to section 30-2(b)(2), that sufficient information has been provided for the Board to assess the economic impact of this article on the development of real property in the county. The Board does hereby determine and find that no further economic impact statement or economic impact information is required in this matter. If the ongoing planning studies and periodic review reveal a detrimental economic impact, this article shall be reviewed and revised accordingly.

Section 7. Effective dates; Notice of increased impact fees.

- 148 (a) Sections 1, 2, 3, 5, 6, and 7 of this ordinance shall become effective on March 26, 2021. In order to comply with the notice requirement contained in Section 163.31801(3)(d), Section 4 of this ordinance shall become effective on June 27, 2021.
- (b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the

 Board of County Commissioners shall publish a legal notice in *The Orlando Sentinel* on or

 before March 26, 2021, stating that the Board has adopted this ordinance imposing new and

 increased impact fees effective June 27, 2021.
- (c) On or before March 26, 2021, the Planning, Environmental, and

 Development Services Department shall post notice in the Division of Building Safety, and in
 the appropriate location on the County website, stating that the Board has adopted this Ordinance

 imposing new and increased school impact fees effective June 27, 2021.

[Remainder of page intentionally left blank]

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ADOPTED THIS 23rd DAY OF MARCH, 2021.

164		ORANGE COUNTY, FLORIDA By: Board of County Commissioners
166		
168		By:
170	ATTEST: Phil Diamond, CPA, County Comptroll	Jerry L. Demings, County Mayor er
172	As Clerk of the Board of County Commissioners	
174		
	By:	
176	Deputy Clerk	