

ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA BY CREATING IN CHAPTER 38, ORANGE COUNTY CODE, SECTION 38-30, MAJOR ECONOMIC DEVELOPMENT PROJECT PROGRAM; AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Creation of Section 38-30, Major Economic Development Project

Program. Section 38-30, Orange County Code, is hereby created and shall read as follows:

Section 38-30. Major Economic Development Project Program.

(a) Intent and Purpose.

(1) This section creates the Major Economic Development Project ("MEDP") program, which is an optional, alternative process for the expedited and streamlined review of, and action upon, applications for various development permits arising from and related to certain projects which are reasonably anticipated to generate significant and desirable increases in the Orange County tax base.

(2) The county desires to attract projects which benefit the citizens of Orange County in various ways, including by increasing employment opportunities.

(3) The county recognizes that the establishment and retention of MEDPs increases the visibility of Orange County at the state, national, and international levels making it more likely that the county will attract additional desirable and sustainable economic growth.

(4) Nothing herein is intended to supersede the County Charter, State statutes, or Orange County Comprehensive Plan; in the event of a conflict between this ordinance and the County Charter, State statutes, or Comprehensive Plan, the County Charter, State statutes, or Comprehensive Plan, as applicable, shall control.

44 (5) Nothing herein is intended to amend or  
45 supersede the Florida Building Code or the Florida Fire Prevention  
46 Code (“FFPC”) and nothing herein shall be construed as a waiver  
47 by the county of its role as the Authority Having Jurisdiction  
48 (“AHJ”) pursuant to the FFPC.

50 (b) Definitions. The following words, terms, and  
51 phrases, when used in this section or in any county policy or  
52 regulation adopted pursuant to this section, whether capitalized or  
53 not, shall have the meanings ascribed to them in this section unless  
54 the context clearly indicates a different meaning.

56 *Affiliated Entity* shall mean an entity that directly, or  
57 indirectly controls, is controlled by, or is under common control  
58 with the applicant, including without limitation any entity that is  
59 owned at least fifty percent (50%) by the applicant, or one in  
60 which the applicant and the affiliated entity have at least fifty  
61 percent (50%) common ownership.

62 *Applicant* shall mean an entity seeking approvals for  
63 development of an MEDP in unincorporated Orange County. For  
64 purposes of this section, the term applicant shall include any  
65 affiliated entity.

68 *Building Official* shall mean the person appointed by the  
69 county mayor, or a duly appointed designee, to enforce the Florida  
70 Building Code in the county. The Building Official shall cause to  
71 be kept a record of all permits issued, plans reviewed, inspections  
72 made, notices served, and fees collected by the Division of  
73 Building Safety, defined in section 9-3 of the code, as may be  
74 amended.

76 *County Project Manager* or *CPM* shall mean an individual  
77 designated by the Mayor who shall hold the title of County  
78 Administrator, Deputy County Administrator, or Assistant County  
79 Administrator, with a present or former supervisory role over at  
80 least two of the following areas: planning, zoning, building,  
81 development engineering, or transportation planning. Once  
82 designated for a specific MEDP, the CPM shall serve at the  
83 pleasure of the Mayor and may be replaced at any time by the  
84 Mayor.

86 *Development Permit* shall mean any zoning approval,  
87 subdivision approval, lot split, rezoning, land use, or any  
88 amendment thereto, development order, perimeter development

90 plan approval, development plan, site work permit, mass grading  
91 permit, landscaping and irrigation permits, conservation area  
92 impact permit, building permit, master sign guidelines/plan, right-  
93 of-way utilization permits, driveway or other road/utility related  
94 permits or agreements, or any other agreement, order or official  
95 action of the county having the effect of permitting or allowing the  
96 development of land or placement of structures thereon.

97 *Economic Development Director* shall mean the Orange  
98 County Economic Development Director.

100 *Fire Marshal* shall mean the individual designated by the  
101 Orange County Board of County Commissioners in its capacity as  
102 the AHJ for the county, pursuant to the FFPC, to enforce the FFPC  
103 as triennially adopted by the State Fire Marshal and any additional  
104 fire safety regulations specified in Chapter 18, Fire Prevention, of  
105 the code, as may be amended by the county from time to time.

106 *Major Economic Development Project, MEDP, or Project*  
107 shall mean any commercial, industrial, or non-residential mixed  
108 use project zoned planned development (“PD”), but specifically  
109 excluding any residential (including multi-family) development,  
110 located within unincorporated Orange County which satisfies the  
111 criteria set forth in Section 38-30(c)(2).

114 *Master Infrastructure Plan* shall mean a plan provided by  
115 an applicant that sets forth with sufficient specificity (as  
116 determined by the CPM) the location and details of any and all  
117 stormwater facilities, utilities, roadways, and other infrastructure  
118 within the MEDP.

120 *Orange County Code or Code* shall mean those ordinances  
121 codified and published under the title “Orange County Code” in  
122 effect on the effective date of this ordinance and as the same may  
123 from time to time be amended, revised, renumbered, superseded or  
124 replaced.

126 *Perimeter Development Plan or PDP* shall mean a  
127 development plan for the perimeter of the project which shall be a  
128 minimum of twenty-five feet (25’) in width measured from each  
129 adjacent existing or planned public right-of-way and adjacent  
130 parcel of land not part of the project. Such plan shall address those  
131 provisions of section 38-1206 of the code related to perimeter  
132 buffering, landscaping, walls, access (including, but not limited to,  
133 ingress and egress), signage, and lighting, all in accordance with  
134 the PD Land Use Plan (“PD/LUP”) for the MEDP. Applicant may

136 request that the county consider easements, conservation areas, and  
137 wetland creation areas located at the boundary of the project as  
138 perimeter buffering for purposes of the PDP.

139 *Program* shall mean the MEDP program as established by  
140 this section.

141 *Third Party Provider* shall mean a party contracted by the  
142 county, at the county's sole option, on a temporary or part-time  
143 basis, for the purpose of providing additional support as needed to  
144 the CPM or the county in the performance of the tasks and duties  
145 as set forth herein relating to an MEDP, funded in whole by  
146 applicant, but answerable solely to the county through the direction  
147 of the CPM, the Building Official, the Fire Marshal, and/or other  
148 county official, as appropriate. Third party providers may include,  
149 but are not limited to, on-call professionals to assist the Fire  
150 Marshal with plans review, personnel to conduct building plans  
151 review and inspection services, engineers, planners, and surveyors.  
152 If third party providers are hired, they must be approved by the  
153 CPM, the Building Official, and/or the Fire Marshal, as  
154 appropriate, to review applications and conduct inspections for  
155 development permits related to MEDPs. Third party providers  
156 shall not be owners, officers, employees, agents, independent  
157 contractors of, or affiliated in any way with, the applicant and shall  
158 be required to have necessary licensing, education, and experience.  
159 Nothing herein is intended to preclude county from performing an  
160 audit on such third party provider(s) in accordance with State  
161 statute(s) or from entering into a separate contract with a third  
162 party provider to assist the CPM with an MEDP at any time at the  
163 county's sole expense. Prior to entering into a contract with a  
164 party to serve as a third party provider, the county shall inform the  
165 applicant of the identity of the party and allow the applicant an  
166 opportunity to notify the county whether it has a business conflict  
167 with such party, and, if so, the nature of such business conflict. In  
168 the event the applicant notifies the county about such a conflict, the  
169 county shall take such comments into account in deciding whether  
170 to enter into a contract with such party.

171 (c) Applicability of Ordinance. An applicant who  
172 wishes to use the program shall pay the prescribed application fee  
173 and submit an application letter to the Economic Development  
174 Director explaining how and why the applicant believes the  
175 proposed or existing project qualifies as an MEDP, with supporting  
176 documentation. Supporting documentation shall include  
177 satisfaction of the items set forth in Section 38-30(c)(2).  
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182 (1) Once such application has been submitted  
with all supporting documentation, it shall be reviewed by the  
184 Economic Development Director to determine if the proposed or  
existing project qualifies as an MEDP. The Economic  
186 Development Director shall have ten (10) business days from the  
date of the applicant's submission of the application with all  
188 supporting documents to make its determination and notify the  
applicant and the County Administrator in writing of such  
determination (an "MEDP Determination Letter").

190 (2) In order for the proposed or existing project  
192 to qualify as an MEDP, the applicant must provide documentation  
to the county's reasonable satisfaction evidencing: (a) an  
194 anticipated increase to the Orange County Property Appraiser's  
assessed value of real property within the boundaries of the  
196 proposed project by no less than One Billion Dollars  
(\$1,000,000,000.00) within ten (10) years after completion of the  
198 project; (b) that the completed project is reasonably anticipated to  
create or retain a minimum of 2,500 jobs; (c) direct ownership and  
200 operation of the project and land by the applicant and / or an  
affiliated entity; (d) that the project consists of no less than 500  
202 developable acres of land; (e) applicant's ability to invest One  
Billion Dollars (\$1,000,000,000.00) in cash equity in the MEDP;  
204 (f) applicant's agreement to own and operate the MEDP for a  
period of not less than ten (10) years from the date of completion  
206 of the project; (g) applicant's written agreement to forego its  
ability to retain private providers pursuant to Section 553.791,  
208 Florida Statutes, without first obtaining the County's approval,  
which approval shall not be unreasonable withheld provided the  
210 request to hire private providers is based on the county's need for  
additional staffing to perform the tasks that the private providers  
212 would offer; any such private providers, if approved by the county,  
shall be paid for entirely by the applicant; and (h) applicant's  
214 written agreement to ensure any third party providers hired by the  
county are fully compensated via an escrow account as set forth in  
216 Section 38-30(h)(2) or through other funds provided by applicant.

218 (3) If the Economic Development Director  
determines that the proposed or existing project:

220 (i) qualifies as an MEDP, then within  
222 ten (10) calendar days of the date of the MEDP Determination  
Letter, the Orange County Mayor shall designate the CPM and  
224 authorize the CPM to undertake and fulfill the CPM's tasks and  
duties as described in this section; or

228 (ii) does not qualify as an MEDP, then  
the applicant may appeal such determination to the Board of  
230 County Commissioners (“BCC”) by filing a notice of appeal with  
the Economic Development Director within twenty (20) calendar  
232 days of the date of the MEDP Determination Letter. The BCC shall  
hold a hearing on the appeal within forty-five (45) calendar days of  
its receipt of the appeal, or the next BCC meeting thereafter. At  
234 least ten (10) calendar days advance written notice of the hearing  
shall be provided to the applicant. At the close of the hearing, the  
236 BCC shall uphold or reverse the determination, or, in consultation  
with the applicant, continue the hearing.

238 (4) An MEDP shall only be approved for an  
240 existing PD. An MEDP may initially consist of a single PD or two  
or more contiguous PDs, provided such PDs are owned entirely by  
242 one applicant. The applicant shall be required to apply for a  
perimeter development plan for the MEDP within six (6) months  
244 of the issuance of the MEDP Determination Letter, otherwise the  
MEDP Determination Letter shall automatically expire.

246 (d) Authority of CPM. With respect to an MEDP,  
248 subject to all applicable laws (including, but not limited to,  
Florida’s Government in the Sunshine Law) and the County  
250 Charter, the CPM is hereby authorized:

252 (1) to expedite reviews and decisions relating to  
development permits including, if necessary or deemed necessary  
254 by the CPM, recommendations to the BCC or any other county  
board/committee;

256 (2) to expedite reviews and determinations on  
258 county-issued conservation area determinations, conservation area  
impact permits, dewatering permits, NPDES permits, conservation  
260 area mitigation plans, and any other county-issued environmental  
permits, to the extent allowed by Florida Statutes;

262 (3) to schedule and hold community meetings  
264 with the applicable district commissioner, as needed or requested;

266 (4) to work with and direct any staff member or  
third party provider, as the CPM deems necessary, provided that  
268 such staff or third party provider are not under the supervision or  
direction of the Building Official or Fire Marshal;

270 (5) to hold meetings for the purpose of fact-  
272 finding or data and analysis with the appropriate staff member(s)

274 and/or third party providers in order to expedite reviews and  
276 decisions as set forth in 38-30(d)(1) above;

276 (6) to make the final decision on a development  
278 permit request provided that neither the Florida Statutes, the  
280 County Charter, nor the Orange County Comprehensive Plan  
282 require a public meeting or public hearing for such request,  
including by a board or committee, or require a different official to  
make the decision;

284 (7) notwithstanding anything in the code to the  
286 contrary, to grant a waiver or variance (other than variances which  
288 by the code or County Charter require a public hearing before the  
Board of Zoning Adjustment or BCC) not to exceed, in the  
aggregate, ten percent (10%) of any numerical standard in  
Chapters 34 and 38 of the code related to site and building  
standards;

290 (8) to make final concurrency determinations  
292 and vested rights determinations;

294 (9) to make impact fee determinations and  
296 negotiate impact fee-related agreements, including but not limited  
to calculation of impact fees, impact fee credits, and establishment  
of alternative impact fee studies;

298 (10) to review and approve or deny the  
300 conveyance or dedication of rights-of-way and easements to the  
302 county and to expedite the review of any proposed alteration,  
modification, or amendment to existing easements in favor of the  
county;

304 (11) to require and review and make a decision  
306 upon a master infrastructure plan if the CPM deems one necessary;  
and

308 (12) the foregoing notwithstanding, to discuss or  
310 review any matter or item referenced herein with a county  
board/committee, as the CPM may deem necessary.

312 (e) Duties of the CPM. The CPM shall do the  
314 following:

316 (1) accept and process applications for development  
318 permits that are submitted with regard to an MEDP and other  
applications related to an MEDP pursuant to the authority granted  
to the CPM in section 38-30(d) above; and

320 (2) implement and ensure compliance by county  
322 staff and third party providers with the expedited permit review  
324 process and procedures for development permits and other  
326 decisions and actions related to an MEDP, as detailed herein,  
provided that such staff or third party provider are not under the  
supervision or direction of the Building Official or Fire Marshal.

328 (f) Process.

330 (1) Building Permits. Any applications for  
332 building permits inside the perimeter of the project, as defined by  
334 the PDP, shall be processed by the Building Official, or its  
336 designee. Applicant must submit any application for a building  
338 permit in digital form, along with the appropriate fee(s), to the  
340 Division of Building Safety. Applications may be submitted and  
342 processed concurrently with a PDP application, although no  
344 building permit may be issued until after the PDP has received  
346 final approval unless a development plan or construction plans  
348 were approved consistent with existing county regulations prior to  
350 issuance of the MEDP Determination Letter, in which case the  
352 permit may be issued thereunder. The Building Official, or its  
354 designee, will, within five (5) business days of submission or  
356 resubmittal, as applicable, review the application and determine  
358 whether the application is technically sufficient. If the Building  
360 Official, or its designee, determines that an application is not  
technically sufficient, the Building Official, or its designee, shall  
so notify the applicant within five (5) business days of the date of  
submission or resubmittal, as applicable. Within fifteen (15)  
business days of submission of a technically sufficient building  
permit application and related construction documents by  
applicant, the Building Official, or designee, will review it (in  
coordination with other appropriate reviewers) and approve it or  
provide applicant with an explanation why it cannot be approved;  
such decision shall be documented in the county's online Land  
Development Management System ("LDMS"). If the Building  
Official has comments, applicant must address those comments  
via a resubmittal, as defined below, which must be filed with the  
Division of Building Safety. Thereafter, within five (5) business  
days, the Building Official, or designee, will review the  
resubmittal (in coordination with other appropriate reviewers) and  
render a decision on the application, with a copy to the CPM.

362 (2) Fire Permits. Any applications for fire  
364 permits inside the perimeter of the project, as defined by the PDP,  
shall be processed by the Fire Marshal, or a designee. Applicant



366 must submit any application for a fire permit in digital form (or  
368 other form acceptable to the Fire Marshal), along with the  
370 appropriate fee(s), to the Office of the Fire Marshal. Applications  
372 may be submitted and processed concurrently with a PDP  
374 application, although no fire permit may be issued until after the  
376 PDP has received final approval unless a development plan or  
378 construction plans were approved consistent with existing county  
380 regulations prior to issuance of the MEDP Determination Letter,  
382 in which case the permit may be issued thereunder. The Fire  
384 Marshal, or its designee, will, within five (5) business days of  
386 submission or resubmittal, as applicable, review the application  
388 and determine whether the application is technically sufficient. If  
390 the Fire Marshal, or its designee, determines that an application is  
392 not technically sufficient, the Fire Marshal, or its designee, shall  
so notify the applicant within five (5) business days of the date of  
submission or resubmittal, as applicable. Within fifteen (15)  
business days of submission of a technically sufficient fire permit  
application and any necessary related construction documents by  
applicant, the Fire Marshal, or designee, will review it (in  
coordination with other appropriate reviewers) and approve it or  
provide applicant with an explanation why it cannot be approved;  
such decision shall be documented in the County's online LDMS.  
If the Fire Marshal has comments, applicant must address those  
comments via a resubmittal, as defined below, which must be  
filed with the Office of the Fire Marshal. Thereafter, within five  
(5) business days, the Fire Marshal, or designee, will review the  
resubmittal (in coordination with other appropriate reviewers) and  
render a decision on the application, with a copy to the CPM.

394 (3) All other Development Permits. For the  
396 following processes, the applicant shall submit an application and  
398 supporting materials to the CPM who will, within five (5)  
400 business days of submission or resubmittal, as applicable, review  
402 the application and determine whether the application is  
404 technically sufficient. If the CPM determines that an application  
406 is not technically sufficient, the CPM shall so notify the applicant  
408 within five (5) business days of the date of submission or  
410 resubmittal, as applicable. Upon determining that an application is  
technically sufficient, the CPM will be responsible for: (1)  
entering the application into the LDMS system and assigning it a  
project number (if appropriate); (2) distributing the application to  
any county staff which the CPM deems appropriate in order to  
obtain staff input and create a staff report; (3) coordinating and  
conducting a community meeting regarding the application if the  
County Commissioner for the district in question, or the CPM,  
determines one to be necessary; (4) assembling staff comments in

412 a timely manner, and providing them to applicant (if applicant  
413 wishes to continue forward with the project, applicant must  
414 respond to staff comments via a “resubmittal;” if applicant has  
415 not submitted a resubmittal within ninety (90) business days, the  
416 application for which resubmittal was not made will be deemed  
417 withdrawn); (5) coordinating the distribution of any resubmittals  
418 and follow-up staff meetings or meetings with the applicant, as  
419 may be deemed necessary by CPM; and (6) preparing a final staff  
420 report (collectively, the “CPM Process”).

422 a. Amendments to PD/LUP. With regard to  
423 any amendments to the PD/LUP requested by the  
424 applicant, the CPM shall ensure the CPM Process is  
425 followed and, in addition, the CPM shall determine  
426 whether the proposed amendment is classified as  
427 substantial or non-substantial in accordance with the  
428 criteria set forth in Section 38-1207(a). If the  
429 amendment is determined to be non-substantial, the  
430 CPM shall complete the CPM Process and render a  
431 decision within forty-five (45) business days from  
432 the date of the receipt of a final technically  
433 sufficient submittal or resubmittal, as applicable. If  
434 the CPM determines that the proposed changes,  
435 alterations, or modifications are substantial, the  
436 CPM will review the plans and supporting data  
437 provided by applicant and prepare a report with a  
438 recommendation to the BCC for final action within  
439 fifteen (15) business days from the date of the  
440 receipt of a final technically sufficient submittal or  
441 resubmittal, as applicable. A public hearing before  
442 the BCC will be held within forty-five (45) calendar  
443 days after the CPM determination, or the next BCC  
444 meeting thereafter.

446 b. Perimeter Development Plan. An application  
447 for a PDP may be submitted and processed  
448 concurrently with or subsequent to any proposed  
449 amendment to the PD/LUP. However, the PDP will  
450 not receive final decision until after the PD/LUP  
451 amendment has been approved by the CPM or the  
452 BCC, as applicable, including the expiration of all  
453 applicable appeal periods, with no appeal being  
454 filed, or if one was filed, until the last court  
455 reviewing the matter upholds the amendment. The  
456 CPM shall ensure that the CPM Process is followed.

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As part of the CPM Process, the CPM will undertake a review of the PDP, in consultation with any appropriate staff, in order to determine whether the PDP substantially complies with the PD/LUP and with the provisions of Section 38-1206 of the code related to perimeter buffering, landscaping, access, walls, signage, and lighting, as such requirements may have been amended relative to the project by the PD/LUP approval, any waivers granted therein, and/or any applicable overlay or similar district. The CPM will issue a written decision regarding the PDP, including any conditions which may be applicable thereto, within thirty (30) business days after the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. Any proposed change, alteration, or modification to an approved PDP will be reviewed and approved by the CPM, in accordance with the procedure for review of PDPs outlined herein, even if the underlying PDP had been approved by the BCC on appeal, unless the BCC requires otherwise. Approval of a PDP (or amendment thereto) shall have the following effect:

(i) The use of land and the construction or modification of any buildings or structures inside the perimeter of the project as depicted on the PDP shall be in accordance with the approved PD/LUP and PDP and all relevant portions of the code that have not otherwise been specifically addressed by a waiver or variance.

(ii) The applicant may apply for development permits to construct and/or install perimeter improvements consistent with the approved PDP.

(iii) The applicant may, with regard to non-residential commercial development proposed inside the perimeter of the project as depicted on the PDP submit directly to the CPM for expedited review and issuance of development permits, excluding permits that are subject to the review and/or approval of either the Building Official or the Fire Marshal, which shall be submitted in

502 accordance with Section 38-30(f)(1) or (2), as  
504 appropriate.

506 (iv) A PDP is not subject to expiration if a  
508 vertical building permit is issued for any portion of  
the project within the PDP in question no later than  
two (2) years from the date of the PDP approval.

510 c. Miscellaneous Development Permits.  
512 Development permits other than a building or fire  
514 permit, an amendment to a PD/LUP, a PDP or a  
516 master infrastructure plan, are collectively referred  
518 to herein as “miscellaneous development permits”.  
520 Applications for miscellaneous development  
522 permits may be processed concurrently with or  
524 subsequent to any proposed amendment to the  
526 PD/LUP or a PDP application. However, in the  
528 event a miscellaneous development permit would  
530 require a PD/LUP amendment and/or PDP, as  
532 applicable, to be approved prior to issuance, such  
534 miscellaneous development permit may not be  
536 approved or issued until after the PD/LUP  
538 amendment and/or PDP, as applicable, have been  
540 approved by the CPM or the BCC, as applicable,  
542 including the expiration of all applicable appeal  
544 periods, with no appeal being filed, or if one was  
546 filed, until the last court reviewing the matter  
upholds the amendment. Any application for a  
miscellaneous development permit shall be  
submitted to the CPM in a form acceptable to the  
CPM in accordance with the application  
requirements, and the CPM shall ensure that the  
CPM Process is followed. For miscellaneous  
development permit applications that do not require  
a public hearing prior to final approval under the  
code, the CPM will render a decision on the  
application within fifteen (15) business days from  
the date of the receipt of a final technically  
sufficient submittal or resubmittal, as applicable.  
The decision of the CPM may be appealed to the  
BCC by applicant. Unless a continuance is  
requested by applicant and granted by the BCC, the  
BCC will conduct the appeal hearing no later than  
forty-five (45) calendar days following the filing of  
the notice of appeal, or the next BCC meeting  
thereafter. For miscellaneous development permits

548 that require BCC approval under the code, but do  
550 not require a public hearing, the CPM will make a  
552 recommendation to the BCC within ten (10)  
554 business days from the date of the receipt of a final  
556 technically sufficient submittal or resubmittal, as  
applicable, and place the miscellaneous  
development permit application on the next  
available BCC meeting as a consent agenda item.

558 d. Master Infrastructure Plan. If, in the CPM's  
560 opinion, neither the PD/LUP, a previously approved  
562 Development Plan or construction plans, nor the  
564 PDP contain sufficient information regarding  
566 infrastructure for the project, the CPM may require  
568 the applicant to submit a master infrastructure plan  
570 for the MEDP no later than the first application for  
572 a building permit and such master infrastructure  
574 plan shall show how such infrastructure will  
576 coordinate with public infrastructure located  
adjacent to or outside the project. The CPM shall  
ensure that the CPM process is followed and the  
CPM shall make a decision on the master  
infrastructure plan within thirty (30) business days  
from the date of the receipt of a final technically  
sufficient submittal or resubmittal, as applicable. If  
the CPM requires a master infrastructure plan, then  
no building permit shall be issued until such time as  
the CPM has approved the master infrastructure  
plan.

578 e. In no event shall unexpired development  
580 permits approved prior to issuance of the MEDP  
582 Determination Letter be required to undergo any  
additional approval after the determination.

584 (g) Board of County Commissioners' ("BCC") Review.  
586 Nothing in this ordinance is intended to override the County  
588 Charter or State law with regard to matters under this section  
requiring action by the BCC. Any decision by the BCC not  
requiring a public hearing under the County Charter or State statute  
may be placed on the BCC consent agenda.

590 (h) Fees.

592 (1) The BCC may establish fees and charges  
applicable to any matter covered by this section 38-30 including,

594 but not limited to, any application relating to an MEDP and a fee  
596 for review and approval or rejection of the qualifications of  
proposed third party providers.

598 (2) If third party providers are retained relating  
600 to the MEDP, all fees and costs charged by such third party  
602 providers shall be paid by the county from an escrow account to be  
604 created by the county and fully funded by applicant; in the event  
606 such escrow account is not funded sufficiently to pay all fees and  
608 costs of such third party providers, applicant shall be responsible  
610 for either timely replenishing the escrow account sufficiently to  
612 pay any unpaid fees or costs, or for paying any unpaid fees and  
614 costs directly to the third party provider. The escrowed funds shall  
616 be established, held, and disbursed in accordance with an escrow  
agreement in form and content mutually agreeable to county and  
applicant which shall specifically address the applicant's  
responsibility to provide sufficient funding to pay any third party  
providers or to make such payments itself and indemnify and hold  
the county harmless from any actions resulting from insufficient  
funding of the escrow account. The Orange County Comptroller  
shall serve as escrow agent. Upon project completion, any unused  
escrow funds shall be returned to applicant without interest in  
accordance with the terms set forth in the escrow agreement.

618 (3) Applicant may request that the county also  
620 establish an escrow account to be funded by applicant which shall  
622 be used for payment of permit, inspection, and other fees that may  
624 be charged by the county with relation to the MEDP. If agreed to  
626 by the county, the escrowed funds shall be established, held, and  
628 disbursed in accordance with an escrow agreement in form and  
content mutually agreeable to county and applicant. The Orange  
County Comptroller shall serve as escrow agent. Upon project  
completion, any unused escrow funds shall be returned without  
interest in accordance with the terms set forth in the escrow  
agreement.

630 (i) Appeals.

632 (1) All decisions of the CPM regarding PDPs  
634 and Master Infrastructure Plans shall be posted in a conspicuous  
636 place on the county's website and the posting board on the first  
638 floor of the Orange County Administration Center within two (2)  
business days of such decision, and will not become effective for  
fifteen (15) calendar days from the date of such decision. Such  
decision may be appealed by any aggrieved person to the BCC by  
filing a notice of appeal with the CPM within fifteen (15) calendar

640 days of the posting of the CPM’s decision. Unless a continuance is  
642 requested by applicant or an appellant (assuming the applicant is  
644 not the appellant), and granted by the BCC, the BCC will hold a  
hearing on the appeal within forty-five (45) calendar days  
following the filing of the notice of appeal, or the next BCC  
meeting thereafter.

646 (2) Any person aggrieved by a decision of the  
648 BCC regarding the project shall follow the appeal process set forth  
in Section 30-46 of the code.

650 (3) Denials by the Building Official may be  
652 appealed by applicant, at its sole option, to the Building Codes  
Board of Adjustments and Appeals pursuant to Chapter 9 of the  
code.

654 (4) Denials by the Fire Marshal may be  
656 appealed by applicant, at its sole option, to the Orange County Fire  
658 and Life Safety Code Board of Adjustments and Appeals pursuant  
to Chapter 18 of the code.

660 (j) Sunset. Except with regard to applications for MEDPs  
662 submitted and approved before January 1, 2021, this program shall  
664 sunset on December 31, 2028, without further action by the BCC  
(the “Sunset Date”). However, any project approved as an MEDP  
666 prior to the sunset date that is continuing in good faith, as  
668 determined by the county as of the sunset date, shall be permitted  
to continue development to its conclusion subject to the processes  
and procedures established pursuant to this section 38-30 following  
the sunset date, provided the applicant continues to meet all of the  
670 criteria set forth in Section 38-30(c)(2) and the project continues  
forward in good faith to its conclusion.

672 **Section 2. Effective date.** This ordinance shall become effective pursuant to general  
674 law.

676 [signatures on following page]

678

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

680

682

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

684

686

By: \_\_\_\_\_  
Jerry L. Demings,  
Orange County Mayor

688

690

ATTEST: Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

692

694

By: \_\_\_\_\_  
Deputy Clerk

696