

BCC Mtg. Date: March 23, 2021

Effective Date: March 26, 2021  
Sections 1, 2, 3, 5, 6, and 7

Effective Date: June 27, 2021  
Section 4

## **ORDINANCE NO. 2021-15**

**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 23-141 (“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**

*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 Board under the home rule authority of Orange County, Florida, to implement the increases in 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 2, 2021, and July 3, 2021, and to implement the full increase on June 27, 2021.

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

**Section 1. Amendments; In general.** Orange County Code, Chapter 23, Impact Fees, 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 amendments being indicated below in Sections 2 through 5 with the new language being shown by underlines and deleted language being shown by ~~strike-throughs~~.

**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 as follows:

**ARTICLE V  
SCHOOL IMPACT FEES**

**DIVISION 1. GENERALLY**

**Sec. 23-121. Definitions.**

When used in this article, the following terms shall have the following meanings, unless the context otherwise clearly requires:

\* \* \*

*Dwelling unit* shall mean a building, or a portion thereof, which is designed for residential occupancy, consisting of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) family only, but excluding "time-share estates"

and "time-share licenses" 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.

\* \* \*

*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 bathrooms which is marketed and/or rented to students attending a local college, university, community college, or private school, or any multi-family development or portion thereof comprised of dwelling units consisting of three (3) or more bedrooms and less than three (3) ~~bathrooms~~ bedrooms where the bedrooms are leased separately and which is marketed and/or rented to students attending a local college, university, community college, or private school.

\* \* \*

**Section 3. Amendments to Section 23-141(b).** Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-141(b), "Imposition," is hereby amended to read as follows:

**DIVISION 2  
SCHOOL IMPACT FEES**

**Sec. 23-141. Imposition.**

\* \* \*

(b) Effective from ~~January 1~~ March 26, 2021, until ~~April 1~~ June 26, 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:

- (1) Single-family detached house (per dwelling unit) ..... \$8,784.00
- (2) Multifamily dwelling unit (per dwelling unit)  
.....\$5,919.00

- (3) Townhouse dwelling unit (per dwelling unit).....\$6,930.00
- (4) Mobile home (per dwelling unit) ..... \$6,088.00

**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.**

\* \* \*

(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**

<u>Land Use Type</u>	<u>Impact Fee</u>
Single Family Detached <2,000 sq. ft.*	<del>\$ 8,807.00</del>
Single Family Detached 2,000 — 2,499 sq. ft.*	<u>9,149.00</u>
Single Family Detached 2,500 — 2,999 sq. ft.*	<u>10,093.00</u>
Single Family Detached 3,000 — 3,999 sq. ft.*	<u>10,400.00</u>
Single Family Detached >= 4,000 sq. ft.*	<u>9,184.00</u>
Multi-family (High Rise)	<u>307.00</u>
Multi-family (Non High Rise)	<del>4,920 6,335.00</del>
Townhouse	<del>5,426 7,868.00</del>
Mobile Home	<del>5,217 8,238.00</del>

\* square footage shall include the heated / cooled living area

~~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:~~

### School Impact Fee Schedule

<u>Land Use Type</u>	<u>Impact Fee</u>
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

(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.

\* \* \*

**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.**

(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.

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**ADOPTED THIS 23rd DAY OF MARCH, 2021.**

**ORANGE COUNTY, FLORIDA**

By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings, County Mayor

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

By: *Katie Smith*  
Deputy Clerk

