



Interoffice Memorandum

April 13, 2017

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental, and Development  
Services Department

**CONTACT PERSON: John Smogor, Planning Administrator**  
**PHONE NUMBER: 407-836-5616**

**SUBJECT: April 25, 2017 – Second Public Hearing**  
**Ordinance Amending Chapter 38 ("Zoning")**  
**Public School Siting Regulations**

On April 11, 2017, the Board of County Commissioners (BCC) held the first of two public hearings to consider amending Chapter 38 (Article XVIII) of the Orange County Code, relating to Public School Siting. The second public hearing is scheduled for April 25, 2017 at 2:00 p.m. At the first public hearing the BCC received testimony and were provided recommended amendments by affected parties. The BCC raised questions about vehicle stacking, site size within Rural Settlements, allowable heights, and access requirements. Staff from OCPS and Orange County are working on amendments to the ordinance in response to these concerns. Amendments will be presented by staff at the April 25<sup>th</sup> public hearing.

In terms of history, on April 5, 2016, the BCC held a work session on public school siting and gave direction to move forward with amendments. The attached amendments have been developed in coordination and consultation with the Orange County Public Schools (OCPS) staff.

The following is a summary of the major changes included in the draft ordinance:

- Modifies zoning categories where schools are permitted or are a special exception,
- Prohibits new high schools in rural settlements,
- Reduces the minimum acreage requirements for school types,
- Modifies school locations and site development criteria,
- Adds signage requirements, and
- Includes site standards for large charter schools and traditional public schools with smaller student capacity.

On February 16, 2017, the Planning and Zoning Commission/Local Planning Agency (PZC/LPA) held a public hearing and found the proposed ordinance consistent with the Comprehensive Plan, subject to a few minor revisions and clarifications.

In addition, OCPS held a work session on February 23, 2017 to review the proposed ordinance. Based on this work session, additional changes have been included in the draft ordinance related to locational criteria for high schools and a required five-year review of the regulations.

Attached is the draft ordinance dated 03/20/17, including Appendix "A", changes to Sec. 38-77 Use Table. The additional changes reflecting the recommendations by the PZC/LPA at its February 16, 2017 public hearing, and by OCPS at its February 23, 2017 work session, are shaded in gray. The attached ordinance is the same draft as presented at the first public hearing.

**Action Requested:**            **Make a finding of consistency with the Comprehensive Plan and approve the Ordinance to Amend Chapter 38 (Article XVIII) Public School Siting Regulations and Chapter 38, Sections 38-1, 38-77, 38-79 and 38-1476 of the Orange County Code.**

JW/lib

Attachments: Draft Ordinance Dated 03/20/17, including Appendix "A"

## ORDINANCE NO. 2017-\_\_

AN ORDINANCE AMENDING THE ORANGE COUNTY CODE RELATING TO TRADITIONAL PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS BY AMENDING THE PUBLIC SCHOOL SITING REGULATIONS, CODIFIED AT ARTICLE XVIII, CHAPTER 38, ORANGE COUNTY CODE, AND BY AMENDING SECTIONS 38-1, 38-77, 38-79 AND 38-1476 OF THE ORANGE COUNTY CODE RELATED TO SUCH SCHOOLS; AND PROVIDING AN EFFECTIVE DATE.

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

*Section I. Amendments to Article XVIII, Chapter 38, Orange County Code.*  
Article XVIII, Chapter 38, Orange County Code ("Public School Siting Regulations") is hereby amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

## ARTICLE XVIII.

## PUBLIC SCHOOL SITING REGULATIONS

Sec. 38-1751. Scope and application; Zoning categories in which schools are allowed.

(a) These public school siting regulations apply to traditional public schools with a permanent student capacity of 550 or more, except that only Sections 38-1751, 38-1752, 38-1754, 38-1755(b), (c), (d), (e), and (o) and 38-1758 of these regulations apply to traditional public schools with a permanent student capacity of less than 550. Also, to the extent provided under Section 38-79(136), these public school siting regulations apply to public charter schools.

(b) As indicated in sSections 38-77 and 38-79(139), and (140), (141) public school facilities may be located as follows:  
(1) Public schools shall be permitted by right or may be permitted by special exception in the following zoning categories, subject to the site and development standards set forth in sSections 38-1753

to through 38-1755 and, with respect to a special exception application, the special exception criteria in Section 38-78:

TABLE INSET:

School	Location	By Right (zoning district)	By Special Exception (zoning district)
Elementary	Urban service area	R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2, R-3, RCE, RCE-2, RCE-5, RT, RT-1, RT-2, U-V, RLD, P-D, Cluster, NR	n/a
	Rural settlement	P-D*	R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2, RCE, RCE-2, RCE-5, RT, RT-1, RT-2, U-V, RLD, Cluster
	Rural service area (not in rural settlement)**	P-D*	n/a
Middle, Free-Standing 9 <sup>th</sup> Grade Centers, and K-8	Urban service area	R-1,***, R-2, R-3, R-T, P-O, P-D*	R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, RCE, RCE-2, RCE-5, RT, RT-1, RT-2, U-V, RLD, Cluster, NC, NAC
	Rural settlement	P-D*	R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2, RCE, RCE-2, RCE-5, RT, RT-1, RT-2, U-V, RLD, Cluster
	Rural service area (not in rural settlement)**	P-D*	n/a
High and Associated 9 <sup>th</sup> Grade Centers	Urban service area	R-3, P-O, C-1, C-2, C-3, I-1A, I-1/1-5, I-2/1-3, I-4, P-D*	R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2, R-3, RCE, RCE-2, RCE- 5, RT, RT-1, RT-2, U-V, RLD, Cluster, P-O, NC, NAC
	Rural settlement****	n/a P-D	n/a R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2, RCE, RCE-2, RCE-5, RT, RT-1, RT-2, U-V, RLD, Cluster, P- O, C-1, C-2, C-3, I-1A, I-1/1-5, I-2/1-3, I-4
	Rural service area (not in rural settlement)**	P-D*	n/a

\* A PD with a proposed public school is subject to approval by the Board of County Commissioners under the County's PD approval process. If such a PD is approved, the public school shall be permitted by right.

\*\* A public school in a rural service area (that is not in a rural settlement) first requires a comprehensive plan amendment, pursuant to Public School Element Policy 5.2.3, as it may be amended from time to time.

\*\*\* A public middle school, free-standing 9th grade center, or K-8 school shall have access to a collector or arterial road.

\*\*\*\* A public high school in a rural settlement shall be prohibited.

(bc) School administrative and support functions shall be permitted at high school sites in conjunction with school uses, provided that those uses not directly related to the instructional and student activities programs of the school campus may not occupy more than fifteen (15) percent (15%) of the property outside of instructional buildings. At high school sites, where non-instructional uses outside of instructional buildings occupy more than fifteen (15) percent (15%) of the school property, such uses shall, unless the use is permitted in the zoning category applicable to the property, be subject to the special exception processes. At middle, K-8, free-standing ninth grade centers, or elementary school sites, a special exception shall ~~will~~ be required for all independent administrative and support functions located outside of instructional buildings. Parks and recreational joint use areas shall be considered part of the instructional and student activities program.

(ed) School buses may be stored at public school sites based on the following:

(1) *High school sites:* Maximum of seventy-five (75) buses permitted by right.

(2) *Middle school sites, and free-standing ninth grade centers, and K-8 sites:* Maximum of thirty (30) buses permitted by right. Additional Bbuses may be permitted by special exception or P-D only; the maximum number of permitted buses is shall be determined during the special exception or PD process.

(3) *Elementary school sites:* No buses permitted.

(e) Bus depots shall be permitted by right in industrial-zoned districts (except I-1A or I-1/T-5) or in the industrial portion of a PD and may be permitted by special exception in the C-3 zoned district. Fueling pumps for buses shall be permitted at high school sites.

(df) School facilities and programs may be located in any leased facility which is zoned nonresidential, provided that the leased facility shall ~~conforms~~ with all requirements applicable to the zoning for the leased site.

(g) A school that comprises a portion of a PD shall be platted. A PD that is comprised of a school shall not be required to

100 be platted as a condition of development or otherwise but may be  
102 platted at the option of the School Board.

104 **Sec. 38-1752. Applicability of school site guidelines, criteria**  
**and standards.**

106 (a) The following are presumed to meet all  
108 requirements for consistency with the County's comprehensive  
plan, and with the school site guidelines, criteria and standards set  
110 forth in these regulations:

112 (1) School sites owned, under option or  
reserved in approved plans prior to October 14, 1996.

114 (2) Placement of temporary classrooms or  
116 portables or relocatables at existing school sites.

118 (3) Renovation or construction on existing  
school sites, excepting for changes in the primary use (for  
120 example, a renovation changing from a middle school to a high  
school) or and construction which increases permanent student  
122 capacity by an amount which exceeds fifteen five-(5) percent  
(15%) of the highest enrollment at the school during the ten-year  
124 period prior to commencement of construction.

126 (b) For purposes of coordination, the sSchool bBoard  
shall submit information to the County on such sites, renovation or  
128 construction described in subsection (a) under the same procedure,  
but such submission shall not be subject to conditions unless  
voluntarily agreed to by the sSchool bBoard.

130 (c) Renovation or Construction on all other a sites that  
132 is not presumed to be consistent as described in subsection (a) and  
construction of a stadiums on any otherwise vested a site,  
134 including a site identified in subsection (a), shall be subject to the  
County's comprehensive plan and the school site guidelines,  
136 criteria and standards.

138 (d) Guidelines are not mandatory but may be  
140 considered when waivers to criteria and standards are necessary.  
Criteria relate to conditions on or impacting a site and shall apply  
142 to school sites unless a request is made for review and approval by  
the board of county commissioners. Standards relate to the design  
and layout of facilities, sites and other improvements and shall  
144 apply to all school sites unless the board of county commissioners  
reviews and approves the site with changes or modifications.

146           **Sec. 38-1753. School site guidelines.**

148           The following school site guidelines are not mandatory but  
150           shall be considered whenever waivers to school site criteria and  
              standards are requested and necessary:

152           (a) Schools should be located where adequate public  
154           facilities and infrastructure exist or are programmed and where  
              environmental impacts are minimized.

156           (ab) Schools should be located to minimize average  
158           home-to-school travel distances based on both current and  
              projected student enrollments.

160           (b) Elementary school sites should be located on local  
162           streets or on residential collector streets entirely within residential  
164           neighborhoods and as close as practical to existing or planned  
              residential neighborhoods.

166           (c) Middle schools, K-8 schools and free-standing ninth  
168           grade centers should be located on residential collectors or on  
170           arterial roads within or as close as is practical to existing or  
              planned residential neighborhoods, and should be located adjacent  
              to residential neighborhoods where secondary pedestrian access is  
              available on local streets.

172           (d) Elementary schools and K-8 schools ~~Middle schools~~  
174           and free-standing ninth grade centers should be located adjacent to  
176           residential neighborhoods where secondary pedestrian access is  
              available on local streets.

178           (e) K-8 schools and free-standing ninth grade centers  
180           shall be treated as middle schools. Non-free standing Ninth grade  
              centers operated and constructed in conjunction with high school  
              campuses shall be treated as part of the high school campuses.

182           (f) High schools should be located on roadways with  
184           adequate capacity to carry student and parent traffic and suitable  
186           for high volume traffic, including during evening and special  
188           events. High schools may also be located on collector or local  
              roads with adequate capacity for motor vehicles on normal school  
              days where the site has access to multiple adjacent streets to  
              distribute traffic.

190           (g) School sites shall should be discouraged adjacent to  
              overhead high voltage transmission lines unless classrooms and

192 programmed play areas for elementary schools can be located not  
194 closer than three hundred feet (300') feet from the nearest  
transmission line.

196 (h) ~~Parking spaces shall be provided in accordance with~~  
198 ~~the educational specifications adopted by the county school board~~  
200 ~~consistent with applicable state standards for public schools and~~  
~~may include spaces incorporated into joint use facilities with~~  
~~others.~~

202 (h) Where pedestrian access from a residential  
204 neighborhood to a school site exists, the School Board should  
206 provide cross-connection to promote safety and walkability in  
208 accordance with the educational specifications adopted by the  
School Board consistent with applicable state standards for public  
schools. However, the School Board shall not be required to  
provide additional off-site improvements to residential  
neighborhoods to enhance safety or walkability.

210 **Sec. 38-1754. School site criteria.**

212 The following school site criteria shall apply to school  
214 sites, unless a request is made for review and approval by the  
216 Board of County Commissioners:

218 (a) Elementary schools shall not be located on arterials  
220 but shall be located on local streets or on residential collector  
streets situated within residential neighborhoods and as close as  
practical to existing or planned residential neighborhoods.

222 (b) In the event the County Engineer determines that a  
224 road adjacent to the frontage of a school site is hazardous for  
pedestrians, the School Board shall mitigate the hazardous  
condition to the reasonable satisfaction of the County Engineer.

226 (ac) Except as may be approved by the Board of  
228 County Commissioners prior to acquisition by the School  
230 Board, school sites shall not be acquired, reserved or accepted by  
donation in the following locations:

232 (1) On a site within one hundred feet (100') feet  
234 of gas transmission lines, unless such areas are fenced and  
separated from the campus and buildings.

236 (2) Adjacent to water and wastewater treatment  
plants.



(3) Within one-quarter mile of active landfills or hazardous waste facilities.

(4) Within the 100-year flood plain unless compensating storage is provided on site.

(5) Sites shall not be located on roads identified as hazardous for pedestrian access as determined by the county engineer, who shall not deny reasonable access.

(6) Where the school board determines that high capacity telephone/fiber optics lines located on the site would interfere with construction of the school.

(7) Sites shall not be adjacent to or in the vicinity of any nonresidential property from which noise exceeds sixty (60) decibels at the common property line, is produced.

(6) Adjacent to hazardous industrial uses or industrial uses that may create hazardous risks or conditions, such as chemical plants.

**Sec. 38-1755. School Site standards.**

Plans for public elementary, middle, K-8, free-standing ninth grade centers, and high schools shall comply with the following development standards, which relate to the design and layout of facilities, sites and other improvements, and shall apply to all school sites unless the Board of County Commissioners reviews and approves the site with changes or modifications.

(a) (1) Minimum net lot areas, which shall exclude water bodies and conservation areas, but may include off site areas used for retention/detention of site runoff. Minimum net lot area shall be reduced ten (10) percent for planned multi-story schools. Minimum net lot areas shall be as follows:

a. Fifteen (15) acres for elementary school sites.

b. Twenty-five (25) acres for middle school sites.

c. Twenty (20) acres for free-standing ninth grade centers.

284

286

288

d. Sixty-five (65) acres for high school sites.

<u>School Type*</u>	<u>Urban Service Area &amp; Special Land Use</u>	<u>Rural Service Area</u>
<u>Elementary</u>	<u>7 acres for 550 permanent student capacity</u> <u>9 acres for 650 permanent student capacity</u> <u>10 acres for 830 permanent student capacity</u>	<u>11 acres</u>
<u>Middle/K 8/Free-Standing Ninth Grade Centers</u>	<u>12 acres</u>	<u>16 acres</u>
<u>High**</u>	<u>40 acres</u>	<u>50 acres</u>

290

\* Determination of the school type shall be made based on the highest grade level in the proposed school.

292

\*\* High schools in rural settlements shall be prohibited.

294

296

(2) If the School Board does not use one or more of the following techniques for the design of the proposed school, the minimum net lot areas outlined in the table immediately above shall be increased by ten percent (10%):

298

300

a. Parking structures;

302

b. Joint use facilities;

304

c. Co-location of schools;

306

d. Off-site stormwater;

308

e. Multi-story schools (not including for auditoriums and gymnasiums); or

310

312

f. Underground on-site exfiltration system.

314

(b) (2) Maximum building heights (excluding parapets):

316

318

(1) a. Thirty-five (35) feet for elementary schools, three (3) stories, not to exceed forty-five feet (45'), except two (2) stories, not to exceed thirty-five feet (35'), for elementary schools in the rural service area.

320

322                   (2)    ~~b. — Thirty five (35) feet~~ For middle  
324                   schools, K-8 schools and free-standing ninth grade centers, three  
326                   (3) stories, not to exceed fifty feet (50'), except two (2) stories, not  
                      to exceed thirty-five feet (35'), for middle schools, K-8 schools  
                      and free-standing ninth grade centers in the rural service area.

328                   (3)    ~~e. — Thirty five (35) feet~~ For high  
330                   schools, ~~buildings within one hundred (100) feet of residential~~  
332                   ~~zoned property, six (6) stories, not to exceed ninety feet (90'),~~  
                      ~~except two (2) stories, not to exceed thirty-five feet (35'), for high~~  
                      schools in the rural service area and fifty feet (50') feet for  
334                   gymnasiums and auditoriums, all other buildings in high schools  
                      excluding auditorium stage fly lofts.

336                   (c)    (3) — ~~Building setbacks from property lines shall~~  
338                   ~~be a minimum of twenty-five feet (25'). All buildings on public~~  
340                   ~~school sites shall adhere to the minimum building setback~~  
                      ~~requirements established for the zoning district and as established~~  
                      for major street setbacks.

342                   (d)    (4) — ~~Driveways and parking areas: All driveways~~  
344                   ~~and parking areas on public school sites shall adhere to the~~  
346                   ~~minimum setback requirements established for the zoning district~~  
                      ~~and as identified in the landscaping, buffering, and open space~~  
348                   ~~requirements found in section 24.4, general design and~~  
                      development standards.

350                   (e)    Parking spaces shall be provided in accordance with  
352                   the educational specifications adopted by the School Board  
354                   consistent with applicable state standards for public schools, and  
                      may include spaces incorporated into joint use facilities with other  
                      parties.

356                   (f)    Unless otherwise provided in the educational  
358                   specifications adopted by the School Board consistent with  
                      applicable state standards for public schools, the School Board  
                      shall comply with the following landscaping requirements:

360                   (1)    The planting of trees and shrubs shall be  
362                   prioritized along the road frontage and property lines to create  
                      buffers.

364                   (2)    Trees and shrubs shall not be planted in  
                      locations adjacent to doors or windows or under parking lot lights.

or security cameras, where at maturity the trees or shrubs could potentially obstruct views.

(3) Trees shall not be planted within ten feet (10') of backflow preventer devices, fences, or other utility infrastructure.

(4) The planting of canopy trees within twenty-five feet (25') of buildings shall be minimized.

(5) The planting of hedges shall be minimized.

(6) Any landscaping requirements imposed on school facilities should be in accordance with the crime prevention through environmental design approach.

(g) (5) — Access requirements:

(1) a. — Vehicular access to elementary schools, middle schools, K-8 schools, and free-standing ninth grade centers shall be provided by at least one (1) paved local road at least twenty-four feet (24') feet in width. If no other practical option exists for access, the county engineer may require on-site improvements necessary to ensure public safety consistent with F.S. ch. 235.

(2) b. — Primary access to free-standing ninth grade centers located adjacent to high schools and to all high schools shall be provided from a collector or arterial roadway and such primary access to the free-standing ninth grade center may share access with the adjacent high school.

(3) e. — A minimum five-foot (5') wide sidewalks shall be provided by the School Board along that portion of the school site frontage that which is adjacent to a public roadways. For purposes of this subsection, "adjacent" shall mean where the school site property line is contiguous to a public right-of-way. The County will not require any other off-site sidewalk or pedestrian structure in conjunction with a school site. Where necessary to provide continuous pedestrian access to adjacent residential areas, the County shall prioritize the completion of construction of the sidewalk system to eliminate gaps leading to the school site. Additionally, pursuant to Section 1006.23, Florida Statutes ("Gabby's Law for Student Safety"), whenever a hazardous walking condition affecting any public elementary school student whose grade level does not exceed grade 6 is

determined to exist along a road over which the County has jurisdiction, and the district school superintendent or his or her designee requests a position statement from the County with respect to correction of such condition, the County shall timely inform the School Board whether the County will include correction of the hazardous walking condition in its next annual 5-year transportation work program and, if so, when correction of the condition will be completed. If the correction of such condition will not be included in the County's next annual 5-year transportation work program, the factors justifying such conclusion must be stated in writing to the district school superintendent and the Department of Education. The County or the School Board shall notify the Department of Transportation and the Department of Education to allocate state funds for the transportation of students subjected to the hazardous walking condition until the condition can be corrected or the projected completion date, whichever occurs first.

(4) d. — When a proposed school site abuts a County public recreation areas, interconnecting pedestrian access shall be provided to the property line, at the time of site development, by both county the School Board public schools on its property and the eCounty on the public recreation area, provided that the School Board reserves the right to impose reasonable restrictions on interconnectivity to ensure the safety and security of students and school facilities.

(5) The School Board shall submit a traffic and operational impact study in conjunction with submittal of the appropriate development permit application for the development of a school site. When the traffic impact study warrants an official traffic control signal, as defined in Section 316.003(24), Florida Statutes, at the main entrance to the school, the School Board shall install the official traffic control signal at its expense, and convey such traffic signal to the County at no cost for the County to maintain and operate.

(6) When the traffic and operational impact study warrants turn lanes at the entrances and/or exits to a school, turn lanes of sufficient length, as determined by the traffic impact study, shall be installed at the School Board's expense. The County shall not require turn lanes anywhere other than the entrances and exits of school sites unless they are warranted by traffic generated by the school.

458       (7) The School Board shall pay its proportionate  
460 share of the cost of other on-site system improvements necessitated  
by the school, may pay its proportionate share of off-site system  
462 improvements, but shall not be responsible for addressing existing  
facility or service backlogs or deficits.

464       (8) When circumstances permit, the School  
Board or the County may consider installing roundabouts in  
466 proximity to schools.

468       (h) (6) Ancillary facilities shall be located and buffered  
on the site to minimize adverse impacts on adjacent residential  
470 properties. Also, landscape buffers shall be provided along that  
portion of the school property line where the school property  
472 contains vehicular use areas, including but not limited to parking,  
and driveways, or other similar uses, consistent with the  
474 landscaping, buffering, and open space requirements found in  
section 24.4, general design and development standards.  
476 Landscape buffers shall not be required by the County for any  
other non-vehicular use area except as provided in subsection (i)  
478 and shall specifically exclude crosswalks and landscape islands in  
parking lots.

480       (i) (7) In addition to subsection (h) above, a  
482 landscape buffer shall be provided when ancillary uses not related  
to an on campus school instruction programs are located in  
484 proximity to within seventy feet (70') of the perimeter of the  
school property, including but not limited to, maintenance shops,  
486 bus storage, and other similar uses. The landscape buffer shall  
consist of:

488       (1) a. A vegetative buffer at least ten feet  
490 (10') feet in width and six feet (6') feet in height that which  
incorporates existing plants and trees and is at least fifty percent  
492 (50%) percent-opaque at the time of planting, or

494       (2) b. A chain link fence at least six feet  
(6') feet in height and landscaped so as to incorporate existing  
496 plants and trees and achieve six feet (6') feet in height and fifty  
percent (50%) percent opacity within eighteen (18) months of  
498 planting.

500       (j) (8) The dimensions and configurations of the  
school site shall not subdivide or assemble parcels to create or  
502 leave adjacent parcels that which are not suitable in size, shape and  
location for the uses depicted on the eCounty's Future Land Use

Element Map and permitted by the existing zoning district designation.

(k) Pursuant to Section 333.03, Florida Statutes, no school or portion thereof used as an "educational facility," as defined in Chapter 1013, Florida Statutes, shall be constructed at either end of a runway of a publicly-owned, public-used airport within an area that extends five (5) miles in a direct line along the centerline of the runway, and that has a width measuring one-half the length of the runway. Exceptions approving construction of an educational facility within the delineated area shall only be granted when the Board of County Commissioners adopts a Resolution making specific findings detailing how the public policy reasons for allowing the construction outweigh health and safety concerns prohibiting such a location.

(l) The location and arrangement of exterior lighting shall be designed and installed to minimize adverse impacts to adjacent residential property.

(m) The School Board shall be responsible for obtaining environmental permits from the appropriate state and federal agencies for each proposed school site. Additionally, the School Board shall submit to the County's Environmental Protection Division (EPD) the documentation and applications required by the permitting agencies with jurisdiction over the proposed school site. The School Board shall submit a Conservation Area Impact permit application to the EPD only when the affected wetlands on the site do not require mitigation under state regulations, such as isolated wetlands less than half an acre in size. In those situations, mitigation to offset the environmental impacts shall be required, as mutually agreed upon by the EPD and the School Board. Examples of mitigation by the School Board may include or be similar to one or more of the following:

(1) Participation in the "Green School Recognition Program."

(2) Compliance with the Leadership in Energy and Environmental Design (LEED), Green Globes, or Florida Green Building Coalition (FGBC).

(3) Installation of permanent storm drain label markers on all storm drain inlets on the school site, reading "Only Rain Down the Drain." Marker lettering shall be at least 0.5 inches high.

550                   (4) Painting of all storm drain inlet aprons on  
the school site with text reading, "Only Rain Down the Drain."

552                   (n) The School Board shall be exempt from the tree  
554 mitigation requirements set forth in the County's tree protection  
and removal ordinance codified in Article VIII of Chapter 15 of  
556 the Orange County Code. Prior to developing a school site, the  
School Board shall submit a tree survey and, to the extent  
558 practicable, preserve and protect mature canopy trees having a  
diameter at breast height (DBH) measurement of six inches (6") or  
560 greater.

562                   (o) Signage shall comply with the County's sign  
ordinance codified at Chapter 31.5 of the Orange County Code,  
564 including Section 31.5-16 related to Electronic Message Centers  
(EMC), except that the following standards shall apply to an EMC  
566 to the extent these standards conflict or are inconsistent with  
Chapter 31.5 and Section 31.5-16:

568                   (1) An EMC shall be prohibited on a wall sign  
and a pole sign;

570                   (2) An EMC shall be permitted on a ground  
572 sign, provided:

574                   a. The maximum height of the ground  
576 sign shall be eight feet (8');:

578                   b. The minimum setback for the ground  
sign shall be ten feet (10') from all property lines;

580                   c. A maximum of one such ground sign  
582 may be permitted;

584                   d. The maximum allowable copy area  
for such a ground sign shall be thirty-two (32) square feet, except  
586 that the maximum allowable copy area shall be nineteen (19)  
square feet when the ground sign is located within one hundred  
588 feet (100') of a residential use or zone;

590                   e. The EMC shall be used only to  
advertise school related functions or events;

592                   f. Such a ground sign shall be  
594 separated from a pole sign by a distance of at least one hundred  
feet (100');



596 g. The EMC shall be turned off or  
598 placed in "sleep mode" from 9:00 p.m. to 6:00 a.m. of the next  
day.

600 **Sec. 38-1756. Joint development of schools, parks and related**  
602 **uses.**

604 (a) The ~~county~~-sSchool bBoard and the eCounty agree  
606 to promote and support community development and design by  
608 encouraging joint development of property adjoining proposed  
610 school sites for parks, recreation and appropriate related facilities  
612 including libraries and children's services, consistent with the  
requirements of Section 38-1755(g)(4) regarding interconnecting  
pedestrian access where the School Board reserves the right to  
impose reasonable restrictions on interconnectivity to ensure the  
safety and security of students and school facilities.

614 (b) The ~~county~~-sSchool bBoard and the eCounty  
616 mutually agree to the following mechanisms to investigate and  
implement options for joint design and development of related  
facilities.

618 (1) As early as possible, but not later than prior  
620 to the execution of formal contracts for site acquisition of real  
property for of each new public school facility, the ~~county~~-sSchool  
622 bBoard shall notify the planning manager for purposes of  
facilitating a meeting with the eCounty's pParks and Recreation  
624 Division department to discuss the opportunity for joint utilization  
and/or development of public school and park sites.

626 (2) The eCounty shall evaluate alternatives for  
628 acquiring additional property adjacent to the school and the bBoard  
of eCounty eCommissioners shall formally consider  
630 recommendations for acquisition and/or joint development of  
related facilities.

632 (3) The ~~county~~-sSchool bBoard shall, in  
634 negotiating for the purchase of school sites, use its best efforts to  
reserve or obtain options to additional lands for use by the eCounty  
for related uses.

636 (4) For sites recommended by the bBoard of  
638 eCounty eCommissioners, the eCounty shall coordinate  
preparation of joint development plans with the ~~county~~-sSchool  
640 bBoard.

642           **Sec. 38-1757. Coordination of planning.**

644           (a) Joint eCounty and sSchool bBoard planning and  
646 design of neighborhoods and communities served by existing and  
proposed neighborhood schools are encouraged.

648           (1) The eCounty's pPlanning Division and  
pParks and rRecreation Division staff shall be authorized to  
650 participate as ex-officio members of such sSchool bBoard review  
committees charged with reviewing and recommending school site  
652 acquisition to the sSchool bBoard.

654           (2) School bBoard facilities planning staff, local  
school advisory committees and neighborhood associations shall  
656 be joint participants in eCounty programs for developing  
neighborhood and community based plans.

658           (3) School bBoard facilities planning staff shall  
660 be authorized to participate as ~~ex-officio~~ non-voting members of  
the development review committee (DRC) and, consistent with  
662 Section 30-34(a)(4), the County's Planning and Zoning  
Commission, for the county.

664           (4) County staff shall be authorized to  
666 participate in, as non-voting members of the OCPS advance  
planning committee.

668           (b) The eCounty and the county sSchool bBoard shall  
670 share information on a routine basis to facilitate planning and  
design of neighborhoods and neighborhood-based schools pursuant  
672 to the terms of the First Amended and Restated Interlocal  
Agreement for Public School Facility Planning and  
674 Implementation of Concurrency, by and among the County, the  
School Board and the various municipalities within the County,  
676 executed by the County on August 6, 2011, and by the School  
Board on March 11, 2011, and as it may be further amended from  
678 time to time (the "Interlocal Agreement").

680           (c) For purposes of coordinating planning efforts, the  
County shall periodically provide the School Board with an  
682 updated bikeway/pedestrian plan for student access for each school  
in the County that shows all improvements needed to serve  
684 students within two (2) miles of all existing and proposed school  
sites and a schedule for construction of such projects.

686

688 ~~(1) For purposes of coordinating planning~~  
690 ~~efforts, the county shall initiate the compilation and provision to~~  
692 ~~the school board of the data and reports identified below. After the~~  
~~initial reports have been developed, the county shall continue to~~  
~~provide updated reports to the school board by October 1st of each~~  
~~year.~~

694 ~~a. A summary and maps of projected~~  
696 ~~build-out populations for all approved development in the county~~  
698 ~~in a format suitable for assisting in development of school~~  
~~population projections and development of long-range capital~~  
~~programs for schools and ancillary facilities.~~

700 ~~b. A listing and maps showing all major~~  
702 ~~capital improvements programmed for parks, recreation, pedestrian~~  
704 ~~and bike trails, libraries, children's services and related~~  
~~improvements impacting schools or suitable for joint planning and~~  
~~design of improvements.~~

706 ~~c. A bikeway/pedestrian plan for~~  
708 ~~student access for each school in the county showing all~~  
710 ~~improvements needed to serve students within two (2) miles of all~~  
~~existing and proposed school sites and a schedule for construction~~  
~~of such projects.~~

712 ~~d. For each school facility in the~~  
714 ~~county, a schedule for all public construction impacting the~~  
~~campus.~~

716 ~~(2) By October 1st of each year, the county~~  
718 ~~school board shall provide a general educational facilities report~~  
~~containing the following information:~~

720 ~~a. School board facilities and leases.~~

722 ~~b. Sites owned by the school board,~~  
724 ~~sites under option, lease or reservation and sites for which~~  
~~preliminary negotiations have been undertaken.~~

726 ~~c. The school board's approved~~  
728 ~~program for capital improvements for the next three (3) years.~~

730 ~~d. A summary of all five-year joint use~~  
732 ~~programs conducted on school campuses or jointly on schools and~~  
~~adjacent property controlled by other governmental agencies.~~

e. ~~An identification of educational facility needs and areas in the county which the school board has identified as potentially suitable for site acquisition to meet those needs.~~

f. ~~A listing of school properties declared surplus and of school facilities scheduled for replacement or demolition.~~

(3) ~~As part of its public notice procedures, the county shall identify all actions which may impact school facilities and, simultaneous with other notices, provide information directly to the school board and to the principal of the affected school showing the proposed action and the facility impacted.~~

**Sec. 38-1758. Review of public school sites.**

(a) As early in the design process as feasible, but at least before commencing construction of a new public educational facility, The School Board shall provide written notice to the County's Planning Division Manager at least sixty (60) days prior to acquiring or leasing property that may be used for a new public school. To be considered sufficient for review, the notice shall include the type of school being proposed and the Property Appraiser's parcel identification number. The Planning Division Manager, upon receipt of this notice, shall notify the School Board within thirty (30) days whether the Planning Division Manager finds the site proposed for acquisition or lease is consistent with the land use categories and policies of the County's comprehensive plan; and such notice. Such notice shall serve as the County's preliminary notice under Section 1013.33(5), Florida Statutes. In the event the Planning Division Manager determines the proposed school is inconsistent with the comprehensive plan or applicable portions of the land development code, the notice shall include recommended action to resolve the inconsistency. A determination under this subsection may be appealed within thirty (30) days to the DRC, and the DRC's decision may be appealed within thirty (30) days to the Board of County Commissioners. Prior to DRC review, the School Board shall comply with the neighborhood meeting requirement in Section 38-1759.

(b) As early in the design phase as feasible, but not later than ninety (90) days before commencing construction, the School Board shall in writing request from the Board of County Commissioners a determination of consistency with the comprehensive plan and land development regulations. See

780 Sections 1013.33(6) and 163.3194, Florida Statutes, and Attorney  
782 General Opinion 2004-42. The sSchool bBoard may, at its option,  
784 request a determination of consistency with the comprehensive  
786 plan separately or concurrently with review of plans for  
788 consistency with land development regulations. To be considered  
790 sufficient for review, the School Board shall submit with its  
792 request a location map depicting the proposed school site, the  
794 Property Appraiser's parcel identification number, and evidence  
796 that a neighborhood meeting has taken place pursuant to Section  
798 38-1759. In addition, for a consistency determination with the land  
800 development regulations, the School Board shall submit a detailed  
802 site plan. The determination of consistency with the  
804 comprehensive plan and land development regulations shall be  
806 provided in writing by the Board of County Commissioners  
808 planning manager within ninety (90) forty-five (45) days after  
receiving both the necessary information, as determined by the  
pPlanning Division mManager to be sufficient for review, and the  
request for consistency determination from the sSchool bBoard.  
Except as may be otherwise required for a comprehensive plan  
amendment, the submission of an application by the School Board  
requesting a future land use map amendment, zoning change,  
planned development approval, special exception, variance,  
waiver, or development plan approval shall be deemed a request  
for a determination of consistency in accordance with this  
subsection, and the Planning and Zoning Commission, the Board  
of Zoning Adjustment, and the Board of County Commissioners,  
as applicable, shall conduct a public hearing approving or denying  
the School Board's application within one hundred and twenty  
(120) days of receipt of a sufficient application, unless a  
continuance is requested or accepted by OCPS.

810 (b) ~~— To be considered sufficient for review, the school~~  
812 ~~board shall submit a completed "school site sufficiency review~~  
814 ~~application," location map depicting the proposed school site and~~  
816 ~~evidence that a neighborhood meeting has taken place pursuant to~~  
~~section 38-1759. In addition, for a consistency determination with~~  
~~the land development regulations, a detailed site plan shall be~~  
~~submitted.~~

818 (e) ~~— A determination under this subsection may be~~  
820 ~~appealed within thirty (30) days to the development review~~  
~~committee consistent with section 34-29(a).~~

822 (dc) Any request by the sSchool bBoard to modify the  
824 school site location criteria and site standards identified in  
sSections 38-1754 and 38-1755 shall be reviewed and may be

approved by the ~~b~~Board of ~~e~~County ~~e~~Commissioners at a public hearing. The ~~b~~Board of ~~e~~County ~~e~~Commissioners shall have the right to impose reasonable additional conditions of approval to mitigate the off-site impacts and effects on adjacent property owners directly and proportionately arising from the proposed modification to the adopted site criteria and standards.

**Sec. 38-1759. Neighborhood meeting requirement.**

(a) Prior to submitting a school site for ~~e~~consistency ~~DRC~~ or ~~Board~~ of Zoning Adjustment review, ~~whichever is applicable~~, the ~~s~~School ~~b~~Board shall conduct a neighborhood meeting in the community where the proposed school is to be located to discuss the proposed school site. The ~~s~~School ~~b~~Board shall notify the ~~County Mayor, the County Commissioners, the Planning and Zoning Commission members, the County Administrator, and the pPlanning Division mManager~~, of the date, time and location ~~at least ten (10) days prior to the neighborhood meeting~~. Evidence of a neighborhood meeting, including meeting minutes, shall be submitted along with the request for consistency determination.

(b) In addition to such notices it may otherwise provide, the ~~s~~School ~~b~~Board ~~will shall~~ mail a supplemental notice to those owners ~~on a mailing list, provided by the county planning department, of property owners who own property within three hundred (300) feet (or as may be amended from time to time by the board of county commissioners) one thousand five hundred feet (1,500')~~ of the proposed school site. Additionally, prior to the neighborhood meeting, the school board shall publish a notice of the neighborhood meeting in a newspaper of general paid circulation in the area. The notice shall be of sufficient size to identify the location of land subject to consideration as a public school facility by no less than street address (if available) and a designated map location on a map in readable form to reasonably identify the proposed school site. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(c) The neighborhood meeting shall also be posted on the School Board's website.

**Sec. 38-1760. Reservation Designation of public school sites.**

The ~~reservation~~ designation of public school sites meeting the standards contained in ~~s~~Sections 38-1751 ~~to through~~ 38-1757

872 shall be processed in accordance with those sections contained in  
874 Chapter 34, Subdivision Regulations, pertaining to public  
876 school sites. The following conditions shall be met prior to  
acceptance by the School Board, unless otherwise waived by the  
School Board:

878 (a) The school site shall be zoned to allow school use;

880 (b) The school site shall have sufficient access via  
882 public records at least six (6) months prior to its scheduled opening  
that allows for full access and have legal access for due diligence  
and construction vehicles at least twenty-four (24) months prior to  
its scheduled opening;

884 (c) No later than twenty-four (24) months prior to the  
886 school site's scheduled opening, all existing easements and utilities  
888 contained therein shall be vacated and moved to a location that  
does not impact the school site unless otherwise approved by the  
school board;

890 (d) The developer shall mitigate all impacts to FEMA  
892 flood zones, associated wetland area impacts, gopher tortoises and  
894 other endangered species as required to allow use of the proposed  
site for school purposes, including necessary submittals of the  
LOMR and LOMR-F;

896 (e) All utilities (water, with sufficient fire flow for the  
898 school site, wastewater, reclaimed water, and electric) at the school  
900 site shall be stubbed out at the property line no later than one (1)  
year prior to the scheduled opening of the school;

902 (f) The school site shall contain sufficient acreage in  
904 accordance with this school siting ordinance, as determined by the  
School Board;

906 (g) Not less than ninety (90) days prior to preliminary  
908 subdivision approval, the developer must submit to the School  
Board, at the owner/applicant's expense, the following documents:

910 (1) commitment for an owner's policy of title  
912 insurance confirming that the owner/applicant has record fee  
914 simple title to the land being conveyed, subject only to the  
permitted exceptions which relate to such lands (an owner's policy  
of title insurance shall be issued to the School Board within ninety  
{90} days of conveyance);



918                   (2)   a certificate of non-foreign status from the  
owner/applicant confirming that the owner/applicant is not a  
920                   foreign person or entity for purpose of U.S. income taxation in  
compliance with section 1445 of the Internal Revenue Code;

922                   (3)   a sworn affidavit from the owner/applicant  
confirming that there are no liens, encumbrances, agreements, deed  
924                   restrictions or other matters affecting title to such lands that would  
prevent the utilization of the same for the intended purposes;

926                   (4)   partial releases, satisfactions or other  
instructions necessary to release or remove any outstanding  
928                   mortgages, liens, encumbrances or other matters that would  
prevent the utilization of the same for the intended purposes;

930                   (5)   a current Phase I environmental audit (no  
earlier than six (6) months prior to the conveyance) acceptable to  
932                   the school board that encompasses the lands being conveyed;

934                   (6)   no later than ninety (90) days prior to  
conveyance, boundary surveys and legal descriptions showing  
936                   direct access to at least one dedicated public-right-of-way; and

938                   (7)   disclosure of interests in real estate (Section  
286.23, Florida Statutes).

940                   Sec. 38-1761, Review requirement.

942

944

946

948

950

952

954

956                   [THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]



Section 2. *Amendments to Section 38-1 ("Definitions")*. Section 38-1 is amended to  
958 read as follows, with additions being shown by underlines and deletions being shown by strike-  
throughs:

960                   **Sec. 38-1.     Definitions.**

\*     \*     \*

962                   Schools (public), sometimes referred to or known or referred to as  
964                   traditional public schools, shall mean publicly supported and  
966                   controlled schools under the jurisdiction of the Orange County  
                    School Board consisting of kindergarten, elementary and/or  
                    secondary school grades.

968                   \*     \*     \*

In all other respects, Section 38-1 shall remain unchanged.

970                   **Section 3.     Amendments to Section 38-77 ("Use Table").** Section 38-77, the Use  
Table, is amended to read as shown on Appendix "A," attached hereto and incorporated herein  
972 by this reference, with additions being shown by underlines and deletions being shown by strike-  
throughs. Except as shown in Appendix "A," Section 38-77 shall remain unchanged.

974                   **Section 4.     Amendments to Section 38-79 ("Conditions for permitted uses and**  
**special exceptions").** Section 38-79 is amended to read as follows, with additions being shown  
976 by underlines and deletions being shown by strike-throughs:

978                   **Sec. 38-79.     Conditions for permitted uses and special**  
**exceptions.**

980                   The following numbered conditions shall correlate with the  
982 numbers listed in the use table set forth in section 38-77.

\*     \*     \*

984                   (136) Reserved. A public charter school with a permanent  
986                   student capacity of 550 or more shall comply with Section 38-1754  
and Section 38-1755(a)(1), (b) and (g). A public charter school

988

with a permanent student capacity of less than 550 shall comply with Section 38-1754.

\* \* \*

990

(139) Development shall be in accordance with Chapter 38, Article XVIII, Public School Siting Regulations, sections 38-1, and sections 38-1751 through 38-1759 of this chapter.

992

994

(140) Permitted by right, or permitted by special exception, or prohibited, pursuant to Future Land Use Element Policies FLU8.7.5 and FLU 8.7.6 and as identified in eChapter 38, aArticle XVIII, pPublic sSchool sSiting rRegulations.

996

998

1000

(141) Reserved. Future Land Use Element Policy FLU8.7.7. restricts public schools in an area designated rural/agricultural on the Future Land Use Map.

1002

\* \* \*

1004

In all other respects, Section 38-79 shall remain unchanged.

***Section 5. Amendments to Section 38-1476 ("Quantity of off-street parking").***

1006

Section 38-1476 is amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

1008

***Sec. 38-1476. Quantity of off-street parking.***

1010

(a) Off-street parking spaces shall be provided for any use hereafter established or at the time of the erection of any main building or structure or at the time any main building, structure or occupational use is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area, seats, or by increasing employment, according to the following minimum requirements: If the use is not listed below, the parking requirements shall be determined by the Zoning Manager by adopting or utilizing the parking requirements for the listed use that the Zoning Manager determines is most similar.

1012

1014

1016

1018

1020

\* \* \*

*Schools, ~~public (charter and private), including elementary, middle, K-8, high schools and academies,~~ (not including*

*1 space for each 4 seats in assembly hall; or 4 spaces per each instructional room; plus 1 space for each 3 high school students; whichever is higher*

*colleges, universities, or similar  
institutions). For schools  
(public), see the public school  
siting regulations at Chapter 38,  
Article XVIII.*

\* \* \*

In all other respects, Section 38-1476 shall remain unchanged.

**Section 6. Effective date.** This ordinance shall become effective on May 1, 2017.

ADOPTED this 25<sup>th</sup> day of April, 2017.

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: \_\_\_\_\_  
Teresa Jacobs  
Orange County Mayor

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

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

REVISIONS TO SEC. 38-77 USE TABLE

APPENDIX "A"  
Sec. 38-77. Use Table

	SIC Group		A-1	A-2	A-R	RCE-1	RCE-2	RCE	R-1A,AAA	R-1AAA	R-1AA	R-1A	R-1	R-2	R-3	RCE Cluster	RT	RT-1	RT-2	P-O	C-1	C-2	C-3	I-1A	I-1, I-5	I-2, I-3	I-4	ULV (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions	
Uses Per Zoning Code		Land Use																																	
			* * *																																
	82	EDUCATIONAL SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S								S		S	S			
Private kindergarten, elementary, junior high, middle and high schools; including those with dormitories or boarding facilities	8211	Elementary & middle schools	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	S	S		S	S	S	*	
Charter schools (charter)	8211	Charter schools	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	S 136	P 136	P 136	P 136	P 136	P 136	P 136	P 136				P 136	P 136	S 136			
			* * *																																
Schools (public) kindergarten—(see conditions #139, 140 and 141)	8211	Elementary school, middle school, free-standing 9 <sup>th</sup> grade center, K-8 school, and high school (see condition #139)				S	E	E		C	Q	N	D	I	I	I	Q	N	S		132														
Schools (public)—(see conditions #139, 140 and 141)	8211	Middle schools (see condition #139)																																	
Schools (public)—(see conditions #139, 140 and 141)	8211	High schools (see condition #139)																																	
			* * *																																