

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; ~~Z~~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 ~~s~~Sections 38-77 and 38-79(139), ~~and (140), (141) public school facilities may be located as follows:~~
(1) ~~P~~ublic 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 ~~s~~Sections 38-1753

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

TABLE INSET:

<i>School</i>	<i>Location</i>	<i>By Right (zoning district)</i>	<i>By Special Exception (zoning district)</i>
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 th 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 th Grade Centers	Urban service area	R-3, P-O, C-1, C-2, C-3, I-1A, I-1/I-5, I-2/I-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/I-5, I-2/I-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/I-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**
106 **and standards.**

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

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

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

116 (3) Renovation or construction on existing
118 school sites, excepting for changes in the primary use (for
120 example, a renovation changing from a middle school to a high
122 school) or and construction which increases permanent student
124 capacity by an amount which exceeds fifteen five (5) percent
126 (15%) of the highest enrollment at the school during the ten-year
128 period prior to commencement of construction.

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

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

138 (d) ~~Guidelines are not mandatory but may be~~
140 ~~considered when waivers to criteria and standards are necessary.~~
142 ~~Criteria relate to conditions on or impacting a site and shall apply~~
144 ~~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~~
~~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~~
 ~~neighborhoods and as close as practical to existing or planned~~
164 ~~residential neighborhoods.~~

166 (c) Middle schools, K-8 schools and free-standing ninth
168 grade centers should be located on residential collectors ~~or on~~
 ~~arterial~~ roads within or as close as is practical to existing or
170 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
 residential neighborhoods where secondary pedestrian access is
176 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 Nninth 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
 for high volume traffic, including during evening and special
186 events. High schools may also be located on collector or local
188 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
226 pedestrians, the School Board shall mitigate the hazardous
condition to the reasonable satisfaction of the County Engineer.

228 (ac) Except as may be approved by the Board of
230 County Commissioners prior to acquisition by the School
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.~~

~~(75) Sites shall not be adjacent to or in the vicinity of any nonresidential property from which noise exceeding 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.

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

<i>School Type*</i>	<i>Urban Service Area & Special Land Use</i>	<i>Rural Service Area</i>
Elementary	7 acres for 550 permanent student capacity 9 acres for 650 permanent student capacity 10 acres for 830 permanent student capacity	11 acres
Middle/K8/Free-Standing Ninth Grade Centers	12 acres	16 acres
High**	40 acres	50 acres

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

** High schools in rural settlements shall be prohibited.

(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%):

- a. Parking structures;
- b. Joint use facilities;
- c. Co-location of schools;
- d. Off-site stormwater;
- e. Multi-story schools (not including for auditoriums and gymnasiums); or
- f. Underground on-site exfiltration system.

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

(1) a. —Thirty-five (35) feet fFor 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.

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'),
334 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
 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
348 and as identified in the landscaping, buffering, and open space
 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

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

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

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

376 (5) The planting of hedges shall be minimized.

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

382 (g) (5) — Access requirements:

384 (1) a. — Vehicular aAccess to elementary
386 schools, middle schools, K-8 schools, and free-standing ninth
388 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
390 option exists for access, the county engineer may require on-site
improvements necessary to ensure public safety consistent with
F.S. ch. 235.

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

398 (3) e. — A minimum fFive-foot (5') wide
400 sidewalks shall be provided by the School Board along that portion
402 of the school site frontage that which is adjacent to a public
roadways. For purposes of this subsection, "adjacent" shall mean
404 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
406 pedestrian structure in conjunction with a school site. Where
necessary to provide continuous pedestrian access to adjacent
408 residential areas, the eCounty shall prioritize the completion of
construction of the sidewalk system to eliminate gaps leading to
410 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 ~~e~~County 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
459 share of the cost of other on-site system improvements necessitated
460 by the school, may pay its proportionate share of off-site system
461 improvements, but shall not be responsible for addressing existing
462 facility or service backlogs or deficits.

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

466 (h) (6) Ancillary facilities shall be located and buffered
467 on the site to minimize adverse impacts on adjacent residential
468 properties. Also, Landscape buffers shall be provided along that
469 portion of the school property line where the school property
470 contains vehicular use areas, including but not limited to parking,
471 and driveways, or other similar uses, consistent with the
472 landscaping, buffering, and open space requirements found in
473 section 24-4, general design and development standards.
474 Landscape buffers shall not be required by the County for any
475 other non-vehicular use area except as provided in subsection (i)
476 and shall specifically exclude crosswalks and landscape islands in
477 parking lots.

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

485 (1) a.—A vegetative buffer at least ten feet
486 (10') feet in width and six feet (6') feet in height that which
487 incorporates existing plants and trees and is at least fifty percent
488 (50%) percent-opaque at the time of planting, or

489 (2) b.—A chain link fence at least six feet
490 (6') feet in height and landscaped so as to incorporate existing
491 plants and trees and achieve six feet (6') feet in height and fifty
492 percent (50%) percent opacity within eighteen (18) months of
493 planting.

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

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
greater.

560 (o) Signage shall comply with the County's sign
562 ordinance codified at Chapter 31.5 of the Orange County Code,
including Section 31.5-16 related to Electronic Message Centers
564 (EMC), except that the following standards shall apply to an EMC
to the extent these standards conflict or are inconsistent with
566 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
sign shall be eight feet (8');

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

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

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

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

592 f. Such a ground sign shall be
separated from a pole sign by a distance of at least one hundred
594 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 ef 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
650 pParks and rRecreation Division staff shall be authorized to
 participate as ex-officio members of such sSchool bBoard review
652 committees charged with reviewing and recommending school site
 acquisition to the sSchool bBoard.

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

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

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

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

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

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 sSchool bBoard 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 ~~(c) — 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 ~~p~~Planning Division ~~m~~Manager, 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

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

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

(b) The school site shall have sufficient access via 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;

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

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

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

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

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

(1) commitment for an owner's policy of title insurance confirming that the owner/applicant has record fee 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;

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

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

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

942 **Sec. 38-1761. Review requirement.**

944 At least once every five (5) years, with the first five (5)
year period commencing May 1, 2017, this article shall be
946 reviewed by the Board of County Commissioners, in consultation
with the School Board, to ensure continued coordination between
948 the Board of County Commissioners and the School Board. Each
review shall consider, but not be limited to, this article's impact on
950 the siting of public schools in coordination with plans for
residential development and other necessary services. In the event
952 a review of this article determines any portion is inconsistent or
conflicts with applicable requirements of Florida Statutes, this
954 article shall be amended accordingly.

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

read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

Sec. 38-1. Definitions.

* * *

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

* * *

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

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 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.

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 by underlines and deletions being shown by strike-throughs:

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

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

* * *

(136) ~~Reserved.~~ A public charter school with a permanent 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

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

* * *

(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.

(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 ~~Chapter 38, Article XVIII, Public School Siting Regulations~~.

(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.~~

* * *

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

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

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

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

(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.

* * *

~~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. greater.

* * *

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 25th 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

Uses Per Zoning Code	SIC Group	Land Use	A-1	A-2	A-R	RCE-5	RCE-2	RCE	R-1A AAA	R-1A AA	R-1A A	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	U-L-Y (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions		
			* * *																																	
Private kindergarten, elementary, junior high, middle and high schools, including those with dormitories or boarding facilities	8211	EDUCATIONAL SERVICES Elementary & middle schools	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S									S		S	S		*		
Charter schools (charter)	8211	Charter schools	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>136</u>	<u>S</u> <u>138</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>P</u> <u>136</u>			<u>P</u> <u>136</u>	<u>P</u> <u>136</u>	<u>S</u> <u>136</u>				
			* * *																																	
Schools (public) kindergarten (see conditions #139, 140 and 141)	8211	Elementary school, middle school, free-standing 9 th grade center, K-8 school, and high school (see condition #139)				<u>S</u>	<u>E</u>	<u>E</u>		<u>C</u>	<u>Q</u>	<u>N</u>	<u>D</u>	<u>I</u>	<u>T</u>	<u>I</u>	<u>Q</u>	<u>N</u>	<u>S</u>		<u>139</u>		<u>&</u>		<u>140</u>											
Schools (public) (see conditions #139, 140 and 141)	8214	Middle schools (see condition #139)																																		
Schools (public) (see conditions #139, 140 and 141)	8214	High schools (see condition #139)																																		
			* * *																																	