

BCC Mtg. Date: April 25, 2017

EFFECTIVE DATE: May 1, 2017

ORDINANCE NO. 2017-06

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 1. 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:

<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 ~~B~~buses 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

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

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

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

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

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

(3) Renovation or construction on existing school sites, excepting for:

a. changes in the primary use (for example, a renovation changing ~~from a middle school to a high school~~) or and

b. construction which ~~that~~ increases permanent student capacity by an amount which ~~that~~ exceeds ~~fifteen five (5)~~ percent (15%) of the highest enrollment at the school during the ten-year period prior to commencement of construction, unless such construction consolidates or merges two or more elementary schools or special needs programs that, prior to consolidation, would have less than 550 permanent student capacity and the resulting school would otherwise (i) meet the acreage requirements set forth in Section 38-1755(a)(1) for the resulting permanent student capacity of the consolidated school, and (ii) not change the primary use of any of the consolidated schools.

(b) For purposes of coordination, the sSchool bBoard shall submit information to the County on such sites, renovation or 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.

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

~~(d) Guidelines are not mandatory but may be considered when waivers to criteria and standards are necessary. Criteria relate to conditions on or impacting a site and shall apply 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.~~

Sec. 38-1753. School site guidelines.

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

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

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

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

(c) Middle schools, K-8 schools and free-standing ninth grade centers should be located on residential collectors ~~or on 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.

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

(e) K-8 schools and free-standing ninth grade centers 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.

(f) High schools should be located on roadways with adequate capacity to carry student and parent traffic and suitable for high volume traffic, including during evening and special 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.

(g) School sites shall should be discouraged adjacent to overhead high voltage transmission lines unless classrooms and programmed play areas for elementary schools can be located not closer than three hundred feet (300') feet from the nearest transmission line.

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

(h) Where pedestrian access from a residential neighborhood to a school site exists, the School Board should provide cross-connection to promote safety and walkability in 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.

Sec. 38-1754. School site criteria.

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

(a) Elementary schools shall not be located on arterials 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.

(b) In the event the County Engineer determines that a 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.

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

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

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

(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.

(2) b. Thirty-five (35) feet fFor middle schools, K-8 schools and free-standing ninth grade centers, three (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.

(3) e. Thirty-five (35) feet fFor high schools, buildings within one hundred (100) feet of residential zoned property, six (6) stories, not to exceed ninety feet (90'), except:

a. for any buildings constructed within two hundred feet (200') of single-family residential zoned property, four (4) stories, not to exceed sixty-five feet (65'); and

b. in the rural service area, two (2) stories, not to exceed thirty-five feet (35'), and fifty feet (50') feet for gymnasiums and auditoriums, all other buildings in high schools excluding auditorium stage fly lofts.

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

(d) (4) Driveways and parking areas: All driveways and parking areas on public school sites shall adhere to the minimum setback requirements established for the zoning district and as identified in the landscaping, buffering, and open space

~~requirements found in section 24-4, general design and development standards.~~

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

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

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

(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 a~~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. The County may allow a width of less than twenty-four feet (24') if a street master plan or complete street study~~

recommending a lesser width on the roads associated with the school has been approved by the County.

(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. High schools may also be located on collector or local roads consistent with Section 38-1753(f).

(3) Site plans for renovations to existing schools (where practicable) and for new schools shall provide adequate capacity for on-site vehicle stacking to facilitate safe and efficient pick-up and drop-off of students on-site.

(4) 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 eCounty 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.

(5) ~~d.~~—When a proposed school sites 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.

(6) 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.

(7) 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.

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

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

(h) (6) Ancillary facilities shall be located and buffered on the site to minimize adverse impacts on adjacent residential properties. Also, Landscape buffers shall be provided along that portion of the school property line where the school property contains vehicular use areas, including but not limited to parking, and driveways, or other similar uses. consistent with the

~~landscaping, buffering, and open space requirements found in section 24-4, general design and development standards. Landscape buffers shall not be required by the County for any other non-vehicular use area except as provided in subsection (i) and shall specifically exclude crosswalks and landscape islands in parking lots.~~

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

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

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

(j) ~~(8)~~—The dimensions and configurations of the school site shall not subdivide or assemble parcels to create or 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.

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

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

(o) Signage shall comply with the County's sign ordinance codified at Chapter 31.5 of the Orange County Code, including Section 31.5-16 related to Electronic Message Centers (EMC), except that the following standards shall apply to an EMC

to the extent these standards conflict or are inconsistent with Chapter 31.5 and Section 31.5-16:

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

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

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

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

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

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

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

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

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

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

(a) The ~~county~~-School Board and the ~~e~~County agree to promote and support community development and design by encouraging joint development of property adjoining proposed school sites for parks, recreation and appropriate related facilities including libraries and children's services, consistent with the requirements of Section 38-1755(g)(5) 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.

(b) The ~~e~~County ~~s~~School ~~b~~Board and the ~~e~~County ~~mutually~~ agree to the following mechanisms to investigate and implement options for joint design and development of related facilities.

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

(2) The ~~e~~County shall evaluate alternatives for acquiring additional property adjacent to the school and the ~~b~~Board of ~~e~~County ~~e~~Commissioners shall formally consider recommendations for acquisition and/or joint development of related facilities.

(3) The ~~e~~County ~~s~~School ~~b~~Board shall, in negotiating for the purchase of school sites, use its best efforts to reserve or obtain options to additional lands for use by the ~~e~~County for related uses.

(4) For sites recommended by the ~~b~~Board of ~~e~~County ~~e~~Commissioners, the ~~e~~County shall coordinate preparation of joint development plans with the ~~e~~County ~~s~~School ~~b~~Board.

Sec. 38-1757. Coordination of planning.

(a) Joint ~~e~~County and ~~s~~School ~~b~~Board planning and design of neighborhoods and communities served by existing and proposed neighborhood schools are encouraged.

(1) The ~~e~~County's ~~p~~Planning Division and ~~p~~Parks and ~~r~~Recreation Division staff shall be authorized to participate as ex-officio members of ~~such s~~School ~~b~~Board review committees charged with reviewing and recommending school site acquisition to the ~~s~~School ~~b~~Board.

(2) School ~~b~~Board ~~facilities~~ planning staff, local school advisory committees and neighborhood associations shall

be joint participants in eCounty programs for developing neighborhood and community based plans.

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

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

(b) The eCounty and the ~~county's~~School ~~b~~Board shall share information on a routine basis to facilitate planning and design of ~~neighborhoods and neighborhood-based schools~~ pursuant to the terms of the First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency, by and among the County, the School Board and the various municipalities within the County, 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 time to time (the "Interlocal Agreement").

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

~~(1) For purposes of coordinating planning efforts, the county shall initiate the compilation and provision to 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.~~

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

~~b. A listing and maps showing all major capital improvements programmed for parks, recreation, pedestrian~~

~~and bike trails, libraries, children's services and related improvements impacting schools or suitable for joint planning and design of improvements.~~

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

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

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

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

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

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

~~d. — A summary of all five year joint use 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 Sections 1013.33(6) and 163.3194, Florida Statutes, and Attorney General Opinion 2004-42. The School Board may, at its option, request a determination of consistency with the comprehensive plan separately or concurrently with review of plans for consistency with land development regulations. To be considered sufficient for review, the School Board shall submit with its request a location map depicting the proposed school site, the Property Appraiser's parcel identification number, and evidence that a neighborhood meeting has taken place pursuant to Section 38-1759. In addition, for a consistency determination with the land development regulations, the School Board shall submit a detailed site plan. The determination of consistency with the comprehensive plan and land development regulations shall be provided in writing by the Board of County Commissioners planning manager within ninety (90) ~~forty-five (45)~~ days after

receiving both the necessary information, as determined by the ~~p~~Planning Division ~~m~~Manager to be sufficient for review, and the request for consistency determination from the ~~s~~School ~~b~~Board. 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.

~~(b) — To be considered sufficient for review, the school board shall submit a completed "school site sufficiency review application," location map depicting the proposed school site and 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.~~

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

~~(dc)~~ Any request by the ~~s~~School ~~b~~Board to modify the school site location criteria and site standards identified in ~~s~~Sections 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 ~~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 sSchool bBoard 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 sSections 38-1751 to through 38-1757 shall be processed in accordance with those sections contained in eChapter 34, sSubdivision rRegulations, 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);

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

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

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

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

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

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

Sec. 38-1761. Review requirement.

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

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 eChapter 38, aArticle XVIII, pPublic sSchool sSiting rRegulations.~~

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

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 greater.

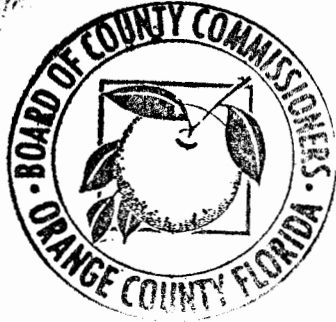
* * *

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

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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*
Teresa Jacobs
Orange County Mayor

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

By: *Jennifer Lan-Klimetz*
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-1AAA	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	U-V (see 29)	R-L-D	UR-3	NC	NAC	NR	Conditions			
			* * *																																		
	82	EDUCATIONAL SERVICES	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 138	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 th grade center, K-8 school, and high school (see condition #139)				S	E	E		C	Q	N	D	I	I	I	Q	N	S		139																
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)																																			
			* * *																																		