



The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information
Report/Public Hearing		Outcome	
✓	Staff Report	Recommend Transmittal	
✓	LPA Transmittal	Recommend Transmittal (8-0)	
✓	BCC Transmittal	Transmit (6-0)	
✓	Agency Comments	August 2017	
✓	LPA Adoption October 19, 2017	Recommend Adoption (9-0)	
	BCC Adoption	November 14, 2017	
			Title: Amendment 2017-2-B-CP-1
			Divisions: Planning
			Request: Text amendments to the Future Land Use, Public Schools Facilities, Capital Improvements, Intergovernmental Coordination and Potable Water, Wastewater and Reclaimed Water elements to clarify the locations for public school siting and to promote public school siting coordination between Orange County and Orange County Public Schools (OCPS).
			Revision: FLU1.1.4 (A), FLU1.4.22, FLU6.2.12, OBJ FLU8.7, FLU 8.7.1, FLU8.7.4 - FLU8.7.10, GOAL PS2, PS2.2.1, PS2.2.3, PS5.1.3, PS5.1.5, PS5.1.10, PS5.1.12, PS5.2.1, PS5.2.2, PS5.2.4, PS5.2.5, PS5.3.5, PS6.1.4, PS6.1.7, OBJPS6.2, PS6.3.7, PS6.4.3, PW1.4.2, PW1.5.2, WW1.4.3, WW1.5.2, CIE1.3.18, ICE1.14.4, ICE1.15.1-1.15.3, ICE1.16.3, ICE1.16.4, ICE1.16.6, ICE1.16.7.

Staff Recommendation

Make a finding that the proposed plan amendment is complete, is consistent with the Comprehensive Plan and in compliance and recommend **ADOPTION** of Amendment 2017-2-B-FLUE-2.

A. Background

A review of public, i.e. Orange County Public Schools (OCPS), school siting criteria in the Orange County Code led to an ordinance amending Chapter 38 of the Code, which was adopted by the BCC on April 25, 2017. These changes modified zoning categories where schools are permitted or are a special exception, prohibited new high schools in rural settlements, reduced the minimum acreage required for schools by type of public school types, reflected more commonly recognized standards for school siting, modified school location and site development criteria and made other adjustments to the Code. Further review of land use, public school and intergovernmental coordination policies of the Comprehensive Plan found some redundancies and needed siting modifications to help effectuate code revisions and to be consistent with current siting practices.

B. Summary of Proposed Changes

More specifically, the Future Land Use Element policy FLU1.4.22 is proposed to be modified to indicate that the policy applies to traditional utilities and public facilities and not schools, though schools may be allowed in some Institutional land use designations. Policy FLU8.7.1 recognizes the current configuration of campuses to allow grades K-8 at a single facility. Amendments to recognize K-8 schools appear in other policies as well.

Policy FLU8.7.5 has been reorganized to identify land use categories within the Urban Service Area where schools may be located, either as permitted uses or as special exceptions. Policy FLU8.7.6 addresses where schools may be located within a Rural Settlement and prohibits high schools from locating in a Rural Settlement. Policies FLU8.7.7 and FLU8.7.9 call for new schools to have a land use designation of EDU if allowed in Rural/Agricultural or Rural Settlement or the Rural Service Area.

The Public School Facilities Element has had several policies modified to reflect OCPS and Orange County coordination for planning purposes, as called for by an existing interlocal agreement between the two parties which was adopted in 2011. Since policies PS5.2.1, PS5.2.2 and PS5.2.5 were redundant to the school siting policies of the Future Land Use Element, the Public School Element policies were revised to simply refer back to the corresponding Future Land Use policies. Additional policy changes were made to recognize that County staff and OCPS staff are entitled to participate on specific planning committees as non-voting members where their particular interests were involved.

Policy Amendments

Following are the changes proposed to various goals, objectives and policies by this amendment. The proposed revisions are shown in ~~strikethrough~~/underline format. Staff recommends adoption of this amendment.

FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1. (Added 8/92, Ord. 92-24 8/93, Ord. 93-19, Policy 1.1.11-r; Amended 6/10, Ord. 10-07)

A. OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are ~~predominately~~ predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies in ~~Chapter 5~~ within OBJ FLU6.2). Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis as may be expressly allowed by other goals, objective and/or policies in this Comprehensive Plan.

FLUM Designation	General Description	Density/Intensity
***	***	***
Institutional (INST)	<u>Institutional uses recognize include local, regional, state or Federal public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation.</u> ⁴	2.0 FAR

⁴ Yellow highlights note proposed changes by staff since transmittal to DEO, but for readability may not include typographical or grammatical edits.

Educational (EDU)	Educational recognizes <u>includes</u> public elementary, <u>K-8</u> , middle, and high schools and ninth grade centers. Future Land Use change required for all schools proposed for RSA, and for high schools and ninth grade centers proposed in Rural Settlements.	2.0 FAR
-------------------	--	---------

* * *

FLU1.4.22 ~~Electrical, natural gas, telecommunication, solid waste, water, wastewater, and similar~~ Utilities and public facilities, and all pipes and lines associated with such utilities and facilities, excluding pipes and lines shall be allowed in all Future Land Use designations, subject to complying with applicable laws and regulations, including zoning. Utilities and public facilities, except associated pipes and lines, shall have a Future Land Use Map designation of Institutional. ~~If permitted to locate in or through conservation areas, mitigation shall be required consistent with County, State and Federal regulations.~~ (Policies 4.1.15 and 4.3.1)

* * *

FLU6.2.12 Any proposed use within a Rural Settlement intended for the new construction of a structure~~(s)~~ with a Gross Buildable Area of 50,000 SFsquare feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

* * *

OBJ FLU8.7 **PUBLIC SCHOOLS.** Orange County shall promote safe and adequate **public** school site locations. **(For purposes of this Comprehensive Plan, the terms “public schools,” “schools,” “public school facilities,” “educational facilities,” and the like, shall mean (1) traditional, publicly supported and controlled schools under the jurisdiction of the Orange County School Board, consisting of kindergarten, elementary and/or secondary school grades, and (2) schools organized as a nonprofit organization that have applied for and received authorization from the School Board to operate a charter school for kindergarten, elementary and/or secondary school grades in accordance with Florida Statutes pertaining to charter schools, which became law in 1996, as that statute may be amended or replaced, but only where the permanent student capacity is 550 or greater.)**

POLICIES

FLU8.7.1 Orange County shall support and encourage the location of new elementary, K-8, and middle schools, unless otherwise required, internal to residential neighborhoods, unless otherwise prohibited. (Added 12/00, Ord. 00-25, Policy 3.2.18)

* * *

FLU8.7.4 To the extent feasible, Educational facilities public schools shall be accessible from sidewalks and bikeways. (Policy 3.2.20)

FLU8.7.5 Within the Urban Service Area, Orange County Public Schools’ (OCPS) elementary, K-8, middle, high schools, and ninth-grade centers developed in conjunction with high schools shall be allowed as permitted uses or may be allowed as special exceptions as stated in the Public School Siting Regulations of Article XVIII, Chapter 38, Orange County Code in each of the following future land use designations: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Institutional, Activity Center Residential, and Educational. OCPS—high schools and ninth-grade centers developed in conjunction with high schools shall also be allowed as permitted uses or may be allowed as special exceptions as stated in the Public School Siting Regulations in each of the following future land use designations: Office, Commercial, and

Industrial. ~~Public elementary schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Institutional, Activity Center Residential and Educational. Public middle schools and free-standing ninth-grade centers shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Medium Density Residential, High Density Residential, Institutional Activity Center Residential and Educational. Public middle schools and free-standing ninth-grade centers shall be allowed as special exceptions in the following land use categories located in the Urban Service Area: Low Density Residential and Low-Medium Density Residential. Public elementary schools, middle schools, and free-standing ninth grade centers shall be allowed as special exceptions in the following land use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density Residential, and Institutional. In addition to the locations identified above, public-OCPS elementary schools, middle schools and freestanding ninth-grade centers shall be allowed as a permitted uses or may be allowed as special exceptions in all future land use categories if identified in an area-specific Future Land Use overlay, regulating plan, special planning area, (e.g. Horizon West, Innovation Way, Holden Heights, International Drive, etc.) or a Planned Development Land Use Plan approved by the Board of County Commissioners. (Added 9/96, Ord. 96-28; Amended 10/02, Ord. 02-16, Policy 3.2.21)~~

FLU8.7.6 Within a Rural Settlement, OCPS's elementary, K-8, middle schools, and freestanding ninth-grade centers may be allowed within Planned Development Land Use Plans or as special exceptions in any Rural Settlement Future Land Use designation described in Policy FLU1.1.4H. Any such school in a Rural Settlement is exempt from Policy FLU6.2.12. OCPS high schools shall not be permitted in a Rural Settlement. Public high schools and ninth grade centers developed in conjunction with high schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Commercial, Industrial, Institutional, Activity Center Mixed Use and Educational. Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as special exceptions in the following land use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Office and Activity Center

~~Residential. Public high schools and ninth grade centers, developed in conjunction with high schools, shall be allowed as a special exception in the following land use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density Residential, Office, Commercial, Industrial, and Institutional. In addition to the locations identified above, public high schools and ninth grade centers developed in conjunction with high schools shall be allowed as a permitted use in all future land use categories if identified in a Planned Development Land Use Plan approved by the Board of County Commissioners. (Added 9/96, Ord. 96-28; Amended 10/02, Ord. 02-16. Policy 3.2.21.1)~~

FLU8.7.7 In the event ~~that~~ the School Board determines a public school facility is required in an area designated Rural/Agricultural on the Future Land Use Map, an amendment to the Future Land Use Map as EDU or INST shall be required. The School Board may request an amendment to the Future Land Use Map at no cost. (Added 9/96, Ord. 96-28, Policy 3.2.21.2)

FLU8.7.8 All new public school locations shall be subject to the terms and limitations established in the ~~School Siting Regulations ordinance~~ developed jointly by Orange County and the School Board, as it may be amended from time to time. The expansion of water and wastewater facilities in a Rural Settlement to serve public school sites shall not be the justification or impetus for future development in a Rural Settlement. (Added 9/96, Ord. 02-16, Policy 3.2.21.3)

FLU8.7.9 Public educational facilities shall be allowed in future land use designations specified in Policies FLU8.7.5 through FLU8.7.7 ~~as amended~~. Subsequent to their construction of those facilities, the Future Land Use Map ~~shall~~ may be amended to reflect an Educational (EDU) designation. Any plan amendments required under FLU8.7.6 in the Rural Service Area or under FLU8.7.7 in a Rural Settlement shall be designated EDU. ~~Such plan amendments in the Rural Service Area or in a Rural Settlement shall be designated EDU or INST.~~ (Added 10/02, Ord. 02-16, Policy 3.2.21.5-r).

FLU8.7.10 ~~Reserved. Orange County shall implement the School Siting Criteria contained in the Land Development Code.~~ (Added 12/00, Ord. 00-25, Policy 3.2.22)

* * *

GOAL PS2 Make public schools the cornerstones of community planning and design. (See OBJ FLU8.7 for the meaning of the terms “public schools,” “schools,” public school facilities,” “educational facilities,” and the like.)

* * *

PS2.2.1 Work ~~with the School Board and charter school sponsors~~ to identify new school sites that ~~would be in location to~~ will provide logical focal points for community activities and serve as the cornerstone for innovative urban design standards.

* * *

PS2.2.3 Support and encourage the location of new elementary, K-8, and middle schools, ~~unless otherwise required~~, internal to residential neighborhoods, unless otherwise prohibited.

* * *

PS5.1.3 The Board of County Commissioners and the Orange County School Board shall endeavor to meet annually, and at least once every two years, ~~shall meet annually and publicly~~ to review and discuss the Public School Facilities Element and ~~other~~ any issues of ~~mutual~~ concern.

* * *

PS5.1.5 Orange County shall assign a County representative to serve as an ex-officio member on the School Board Advance Planning Committee ~~Facilities Review Committee~~. Also, pursuant to Section 163.3174(1), Florida Statutes, Orange County’s Local Planning Agency shall include a representative of OCPS appointed by the School Board as a nonvoting member of the LPA to attend those meetings at which the LPA considers comprehensive plan amendments and rezonings that would, if approved, increase residential density of the property that is the subject of the application.

* * *

PS5.1.10 Pursuant to the ~~adopted~~ First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of School Concurrency, adopted in 2011, as it may be amended from time to time (“Interlocal Agreement”), a Technical Advisory Committee comprised of representatives from the County, Municipalities, OCPS and the Regional Planning Council shall be established to discuss issues of mutual concern. OCPS shall be responsible for

~~making arranging meetings arrangements~~, providing notification and maintaining a written summary of meeting actions.

* * *

- PS5.1.12 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide ~~an update of~~ information on approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an ~~annual~~ as needed basis.

* * *

- PS5.2.1 Within the Urban Service Area, public schools shall be allowed as set forth in Policy FLU8.7.5. ~~Public elementary schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Institutional, and Activity Center Residential. Public middle schools and free-standing ninth-grade centers shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Medium Density Residential, High Density Residential, Institutional, and Activity Center Residential. Public middle schools and free-standing ninth-grade centers shall be allowed as special exceptions in the following land use categories located in the Urban Service Area: Low Density Residential and Low-Medium Density Residential. Public elementary schools, middle schools, and free-standing ninth-grade centers shall be allowed as special exceptions in the following land use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density Residential, and Institutional. In addition to the locations identified above, public elementary schools, middle schools, and free-standing ninth-grade centers shall be allowed as a permitted use in all future land use categories if identified in a Planned Development Land Use Plan approved by the Board of County Commissioners.~~

- PS5.2.2 Within a Rural Settlement or the Rural Service Area, public schools shall be allowed as set forth in Policy FLU8.7.6 and Policy FLU8.7.7, respectively. ~~Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as permitted uses in the following land use categories located in the Urban Service Area: Commercial, Industrial, Institutional, and Activity Center Mixed Use. Public high schools and ninth-grade centers developed in conjunction~~

~~with high schools shall be allowed as special exceptions in the following land use categories located in the Urban Service Area: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, High Density Residential, Office, and Activity Center Residential. Public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as a special exception in the following land use categories located in the Rural Settlement Areas: 1/1, 1/2, 1/5, Low Density Residential, Low-Medium Density Residential, Office, Commercial, Industrial, and Institutional. In addition to the locations identified above, public high schools and ninth-grade centers developed in conjunction with high schools shall be allowed as a permitted use in all future land use categories if identified in a Planned Development Land Use Plan approved by the Board of County Commissioners.~~

* * *

PS5.2.4 All new public school locations shall be subject to the terms and limitations established in the Public School Siting Regulations ~~ordinance~~ developed jointly by Orange County and the School Board, as they may be amended from time to time.

PS5.2.5 ~~Reserved~~ Orange County shall amend the Land Development Regulations to allow schools as permitted uses and special exceptions in appropriate categories, consistent with Future Land Use Element Policies ~~3.2.21, 3.2.21.1 and 3.2.21.2.~~

* * *

PS5.3.5 Where central water and sewer service is not available to a public school site, a temporary on-site water and sewer system may be approved consistent with Potable Water Policy PW1.2.8 and Wastewater Policy WW1.2.9, provided that connection to public supply shall be required when utilities are available to the site. Schools located in a Rural Settlement shall also be subject to FLU8.7.8.

* * *

PS6.1.4 Any changes or modifications to the adopted LOS shall follow the process and guidelines as outlined in ~~Section 13 of the Interlocal Agreement~~ referenced in Policy PS5.1.10.

* * *

PS6.1.7 Any changes or modifications to the adopted school concurrency service areas (“CSAs”) shall follow the process and guidelines as outlined in Section 14 of the Interlocal Agreement referenced in Policy PS5.1.10 ~~[9] 5.025(3)(c)1, FAC~~.

* * *

OBJ PS6.2 OCPs, in conjunction with the County, consistent with ~~Section 14 of the Interlocal Agreement referenced in Policy PS5.1.10~~, shall establish, and annually review, school ~~Concurrency Service Areas (CSAs)~~, which will be used to evaluate capacity of schools available to accommodate students generated by proposed development.

* * *

PS6.3.7 Consistent with ~~Section 16.2 of the Interlocal Agreement~~ referenced in Policy PS5.1.10, the following residential uses shall be exempt from the requirements of school concurrency:

- a. Any proposed residential development considered de minimis as defined by PSFE Policy PS6.3.5.
- b. One single-family house, one ~~(1)~~ duplex, and/or one accessory dwelling unit being developed on an existing platted residential lot of record.
- c. Any building or structure that has received a building permit as of the effective date of the Interlocal Agreement, or is described in section 163.3167(8), Florida Statutes.
- d. Any new residential development that has site plan approval for a site pursuant to a specific development order approved prior to the effective date of school concurrency, including the portion of any project that has received final subdivision plat approval as a residential subdivision into one ~~(1)~~ dwelling unit per lot.
- e. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (e.g., converts single-family to multi-family, etc.).
- f. Any age-restricted community that qualifies as one of the three types of communities designed for older persons as “housing for older persons” in the Housing for Older Persons Act, 42 USC §3607(b). This exemption shall be applied in conformity with the principles set forth in Volusia

County v. Aberdeen at Ormond Beach, L.P., 760 So.2d, 126 (Fla. 2000).
Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualification as housing for older persons is lost.

- g. Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
- h. The construction of accessory buildings or structures which will not create additional dwelling units.
- i. The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same lot. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type, documentation of the existence of the original dwelling unit must be submitted to the concurrency management official.
- j. School concurrency shall not apply to property within a Development of Regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change (NOPC) and/or Substantial Deviation to increase the total number of residential dwelling units; however, such exemption shall expire upon withdrawal, denial, or expiration of the application for a Development Order. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the Development Order upon expiration of the Development Order build-out date for such phase, or for the entire Development Order upon expiration of the Development Order, or upon any material default of the school mitigation conditions of the Development Order or a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- k. The portion of any residential development that, prior to July 1, 2005, is the subject of a binding and enforceable development agreement or Capacity Enhancement Agreement designated as a Capacity

Commitment Agreement by resolution of the School Board; however, such exemption shall expire upon expiration of the development agreement, Capacity Enhancement Agreement, or upon any material default of the school impact mitigation conditions of such development agreement or Capacity Enhancement Agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.

- l. Any residential development with a letter vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by this Agreement, provided that the School Board may contest a vested rights determination as provided in the land development regulations.
- m. Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses.

* * *

PS6.4.3 Proportionate Share Mitigation may include payments of money, construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year DCOP, establishment of charter schools that meet State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or other methods identified in ~~Section 17.6(b) of the Interlocal Agreement~~ referenced in Policy PS5.1.10 and as may be negotiated between developer and OCPS and, as appropriate, Orange County.

* * *

CIE1.3.18 Consistent with ~~Section 15 of the First Amended and Restated Interlocal Agreement~~ referenced in Policy PS5.1.10, the LOS standards shall be applied consistently within Orange County and by the School Board to all schools of the

same type. All CSAs must achieve the adopted LOS standards identified in CIE1.3.16 and PS6.1.3 by the end of the 5th year of the Capital Improvements Schedule, with the exception of the backlogged CSAs which have been placed in a long term concurrency management system. Each backlogged CSA must meet the adopted LOS within the 10-year period identified within the respective adopted Long Term Concurrency Management System for Schools (LTCMSS). The backlogged CSAs are identified in Table A and Table B, along with the existing LOS and projected 5-year and 10-year LOS. Table A reflects the LTCMSS adopted by Amendment 2010-1-BCIE-1 on April 20, 2010. Table B reflects the LTCMSS adopted by Amendment 2011-1-BCIE-1 on April 5, 2011:

School Type	Adopted LOS
Elementary	<p>110% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 13 of the Data, Inventory and Analysis.</p> <p>The following elementary school CSAs is designated as backlogged facilities: A, DD, U, and Arbor Ridge.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 6 of the Data, Inventory and Analysis, and must achieve a LOS of 110% by 2017.</p>
Middle	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 14 of the Data, Inventory and Analysis.</p> <p>The following middle school CSAs are designated as backlogged facilities: Apopka MS, Chain of Lakes MS, Gotha MS, Meadow Woods MS, and Walker MS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 8 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>
High	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 15 of the Data, Inventory and Analysis.</p> <p>The following high school CSAs are designated as backlogged facilities: Freedom HS and University HS.</p>

	The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 10 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.
--	---

ICE1.14.4 The County shall comply with the ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School Facility Planning and Implementation of Concurrency ~~adopted in 2008.~~

* * *

ICE1.15.1 Orange County shall use the Interlocal Agreement referenced in Policy PS5.1.10 to satisfy the applicable requirements~~Pursuant to the requirement of Section 163.3177(6)(h)2, Florida Statutes. FS, Orange County and OCPS entered into the Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency in 2008.~~

ICE1.15.2 The County shall meet regularly with OCPS and municipal representatives to plan for the location of future public educational facilities and the needed infrastructure necessary to support future public education facilities, per the requirements of the ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School Facility Planning and the Implementation of Concurrency.

ICE1.15.3 The County shall continue to coordinate joint population projections, public school siting and the timing of infrastructure with the ~~Orange County School Board~~, per the requirements of the ~~Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School Facility Planning and the Implementation of Concurrency.

* * *

ICE1.16.3 Pursuant to the ~~adopted Amended~~ Interlocal Agreement referenced in Policy PS5.1.10 for Public School Facility Planning and Implementation of Concurrency, a Technical Advisory Committee (TAC) comprised of representatives from the County, Municipalities, OCPS and the Regional Planning Council shall be established to discuss issues of mutual concern. TAC shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination of land use and school facilities. ~~(Also See also~~ Public Schools Facilities Element, Policies PS5.1.10 and PS5.1.11.)

ICE1.16.4 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide an update of approved developments, phases of

development and estimated build out by phase to the OCPS Planning Department on an annual basis. (~~Also See also~~ Public Schools Facilities Element, Policy PS5.1.12.)

* * *

ICE1.16.6 The County and OCPS, consistent with ~~Section 14 of~~ the Interlocal Agreement referenced in Policy PS5.1.10 shall establish, and annually review, school ~~Concurrency Service Areas (CSAs)~~, which will be used to evaluate capacity of schools available to accommodate students generated by proposed development. (~~Also See also~~ Public Schools Facilities Element, Objective PS6.2.)

ICE1.16.7 Orange County and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the ~~adopted~~ Interlocal Agreement referenced in Policy PS5.1.10. (~~Also See also~~ Public Schools Facilities Element, Objective PS6.3.)

* * *

PW1.4.2 Potable water service shall not be extended to areas outside the Urban Service Area except in the following circumstances:

- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas as provided in the Comprehensive Plan ~~(CP)~~;
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;
- C. The facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;
- D. For approved sector plans as provided for in the CP; and
- E. The circumstances described under Policy PW1.5.2 and Policy PW1.5.3.

This policy is not intended to preclude the use of conservation or rural areas for withdrawal or treatment facilities.

* * *

PW1.5.2 When the provision of central water facilities for a Rural Settlement~~(s)~~ is proposed, the Board of County Commissioners shall approve such a proposal~~(s)~~

only ~~when if~~ the Board is able to makes the following two findings: ~~First, the Board shall make~~ a finding of need of central water facilities for the particular Rural Settlement; ~~and Second, the Board shall make~~ a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water and Future Land Use Elements. The provision of water services to a school located in a Rural Settlement is also subject to FLU8.7.8.

- WW1.4.3 Central wastewater facilities, consisting of wastewater treatment facilities, pump stations, force and gravity mains shall not be extended beyond the boundary of the Urban Service Area except in the following circumstances:
- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas within Specific Area Plan (SAP) boundaries as provided for in the Comprehensive Plan (CP);
 - B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such extended facilities shall not serve as a basis for additional new development;
 - C. For approved sector plans as provided for in the CP;
 - D. Those circumstances described under Policy WW1.5.2 herein.
- This policy is not intended to preclude the use of conservation or rural areas for wastewater treatment facilities or the interconnecting of the overall system.

* * *

- WW1.5.2 New central wastewater facilities shall not be constructed and existing facilities shall not be expanded to serve Rural Settlements except under the following circumstances:
- A. The Board of County Commissioners has made an affirmative finding that the facilities are necessary to support existing future land use designations on the adopted Future Land Use (FLU) map consistent with the Future Land Use Objective FLU2.1. The future land use designations referenced in this policy are those reflected on the adopted FLU map as of the date of adoption of this policy. Facility expansion under this policy must be incorporated into the County's five-year Capital Improvements Program (CIP); or
 - B. The Rural Settlement has experienced a State documented economic decline as a result of the loss of a major area employer. The central wastewater facilities may be expanded for the purpose of revitalizing the area by attracting new commercial and industrial businesses and offering

incentives to existing businesses to remain in the area. This policy shall apply only to the Zellwood Rural Settlement, consistent with the Future Land Use Element.

- C. The Board of County Commissioners has made an affirmative finding that the facilities are necessary and available to remedy or prevent contamination of ground or surface water within the Wekiva Study Area.
- D. The provision of wastewater services to a school located in a Rural Settlement is also subject to FLU8.7.8.

Clean Version – All Proposed School Policy Changes Accepted

FLU1.1.4 In addition to FLU1.1.2(B), permitted densities and/or intensities for residential and non-residential development can be established through additional Future Land Use designations. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C). The Future Land Use and Zoning Correlation is found in FLU8.1.1.(Added 8/92, Ord. 92-24 8/93, Ord. 93-19, Policy 1.1.11-r; Amended 6/10, Ord. 10-07)

A. OTHER URBAN RELATED OPTIONS – The following are non-residential Future Land Use designations that are predominantly found in the Urban Service Area. These may also be located within Rural Settlements on a limited basis. (See specific policies within OBJ FLU6.2). Also, Institutional and Educational designations may be located within the Rural Service Area on a limited basis, as may be expressly allowed by other goals, objectives, and/or policies in this Comprehensive Plan.

* * *

FLUM Designation	General Description	Density/Intensity
Institutional (INST)	Institutional uses include public and private utilities, facilities, structures and lands that serve a public or quasi-public purpose. Public schools that have been designated Institutional may continue to maintain that designation.	2.0 FAR
Educational (EDU)	Educational includes public elementary, K-8, middle, and high schools and ninth grade centers.	2.0 FAR

* * *

FLU1.4.22 Utilities and public facilities, and all pipes and lines associated with such utilities and facilities, shall be allowed in all Future Land Use designations subject to

complying with applicable laws and regulations, including zoning. Utilities and public facilities, except associated pipes and lines, shall have a Future Land Use Map designation of Institutional. (Policies 4.1.15 and 4.3.1)

* * *

FLU6.2.12 Any proposed use within a Rural Settlement intended for the new construction of a structure(s) with a Gross Buildable Area of 50,000 SF square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

* * *

OBJ FLU8.7 SCHOOLS. Orange County shall promote safe and adequate public school site locations. (For purposes of this Comprehensive Plan, the terms “public schools,” “schools,” “public school facilities,” “educational facilities,” and the like, shall mean (1) traditional, publicly supported and controlled schools under the jurisdiction of the Orange County School Board, consisting of kindergarten, elementary and/or secondary school grades, and (2) schools organized as a nonprofit organization that have applied for and received authorization from the School Board operator charter school for kindergarten, elementary and/or secondary school grades in accordance with Florida Statutes pertaining to charter schools, which became law in 1996, as that statute may be amended or replaced, but only where the permanent student capacity is 550 or greater.)

FLU8.7.1 Orange County shall support and encourage the location of new elementary_K-8, and middle schools internal to residential neighborhoods (Added12/00, Ord. 00-25, Policy 3.2.18)

* * *

-
- FLU8.7.4** To the extent feasible, public schools shall be accessible from sidewalks and bikeways. (Policy 3.2.20)
- FLU8.7.5** Within the Urban Service Area, elementary, K-8, middle, high schools, and ninth-grade centers developed in conjunction with high schools shall be allowed as permitted uses or may be allowed as special exceptions as stated in the Public School Siting Regulations of Article XVIII, Chapter 38, Orange County Code in each of the following future land use designations: Low Density Residential, Low-Medium Density Residential, Medium Density Residential, Medium-High Density Residential, High Density Residential, Institutional, Activity Center Residential, and Educational. High schools and ninth-grade centers developed in conjunction with high schools shall also be allowed as permitted uses or may be allowed as special exceptions as stated in the Public School Siting Regulations of Article XVIII, Chapter 38, Orange County Code in Office, Commercial, and Industrial future land use designations. In addition to the locations identified above, public OCPS elementary schools, middle schools and freestanding ninth-grade centers shall be allowed as permitted uses or may be allowed as special exceptions in all future land use categories if identified in an area-specific Future Land Use overlay, regulating plan, special planning area, (e.g. Horizon West, Innovation Way, Holden Heights, International Drive, etc.) or a Planned Development Land Use Plan approved by the Board of County Commissioners. (Added 9/96, Ord. 96-28; Amended 10/02, Ord. 02-16, Policy 3.2.21)
- FLU8.7.6** Within a Rural Settlement, elementary, K-8, middle schools, and freestanding ninth-grade centers may be allowed within Planned Development Land Use Plans or as special exceptions in any Rural Settlement Future Land Use designation provided for in Policy FLU1.1.4H. Any such school in a Rural Settlement is exempt from policy FLU6.2.12. High schools shall not be permitted in a Rural Settlement.

(Added 9/96, Ord. 96-28; Amended 10/02, Ord. 02-16. Policy 3.2.21.1)
- FLU8.7.7** In the event the School Board determines a public school facility is required in an area designated Rural/Agricultural on the Future Land Use Map, an amendment to the Future Land Use Map as EDU shall be required. The School Board may request an amendment to the Future Land Use Map at no cost. (Added 9/96, Ord. 96-28, Policy 3.2.21.2)

- FLU8.7.8** All new public school locations shall be subject to the terms and limitations established in the School Siting Regulations ordinance developed jointly by Orange County and the School Board, as it may be amended from time to time. The expansion of water and wastewater facilities in a Rural Settlement to serve public school sites shall not be the justification or impetus for future development in a Rural Settlement. (Added 9/96, Ord. 02-16, Policy 3.2.21.3)
- FLU8.7.9** Public educational facilities shall be allowed in future land use designations specified in Policies FLU8.7.5 through FLU8.7.7. Subsequent to the construction of those facilities, the Future Land Use Map may be amended to reflect an Educational (EDU) designation. Any plan amendments required under FLU8.7.6 in the Rural Service Area or under FLU8.7.7 in a Rural Settlement shall be designated EDU. (Added 10/02, Ord. 02-16, Policy 3.2.21.5-r).
- FLU8.7.10** Reserved. (Added 12/00, Ord. 00-25, Policy 3.2.22)

* * *

PUBLIC SCHOOL FACILITIES ELEMENT

- GOAL PS2** Make public schools the cornerstones of community planning and design. (See OBJ FLU8.7 for the meaning of the terms “public schools,” “schools,” “public school facilities,” “educational facilities,” and the like.)
- PS 2.2.1** Work to identify new school sites that will provide logical focal points for community activities and serve as the cornerstone for innovative urban design standards.
- ***
- PS2.2.3** Support and encourage the location of new elementary, K-8, and middle schools, unless otherwise required, internal to residential neighborhoods, unless otherwise prohibited.
- * * *
- PS5.1.3** The Board of County Commissioners and the Orange County School Board shall endeavor to meet annually, but shall meet at least once every two years to review and discuss any issues of mutual concern.

* * *

PS5.1.5 Orange County shall assign a County representative to serve as an ex-officio member on the School Board Advance Planning Committee. Also, pursuant to Section 163.3174(1), Florida Statutes, Orange County's Local Planning Agency shall include a representative of OCPS appointed by the School Board as a nonvoting member of the LPA to attend those meetings at which the LPA considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application.

* * *

PS5.1.10 Pursuant to the adopted *First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency*, adopted in 2011, as it may be amended from time to time ("Interlocal Agreement"), a Technical Advisory Committee comprised of representatives from the County, Municipalities, OCPS and the Regional Planning Council shall be established to discuss issues of mutual concern. OCPS shall be responsible for arranging meetings, providing notification and maintaining a written summary of meeting actions. (Added 6/08, Ord. 08-11)

* * *

PS5.1.12 Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide an update of information on approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an annual as needed basis. (Added 6/08, Ord. 08/11)

* * *

PS5.2.1 Within the Urban Service Area, public schools shall be allowed as set forth in Policy FLU8.7.5.

PS5.2.2 Within a Rural Settlement or the Rural Service Area, public schools shall be allowed as set forth in Policy FLU8.7.6 and FLU8.7.7, respectively.

* * *

PS5.2.4 All new public school locations shall be subject to the terms and limitations established in the Public School Siting Regulations ordinance developed jointly by Orange County and the School Board, as they may be amended from time to time.

PS5.2.5 Reserved

* * *

PS5.3.5 Where central water and sewer service is not available to a public school site, a temporary on-site water and sewer system may be approved consistent with Potable Water Policy PW1.2.8 and Wastewater Policy WW1.2.9, provided that connection to public supply shall be required when utilities are available to the site. Schools located in a Rural Settlement shall also be subject to FLU8.7.8.

* * *

PS6.1.4 Any changes or modifications to the adopted LOS shall follow the process and guidelines as outlined in the Interlocal Agreement referenced in Policy PS5.1.10. (Added 6/08, Ord. 08-11)

* * *

PS6.1.7 Any changes or modifications to the adopted school concurrency service areas ("CSAs") shall follow the process and guidelines as outlined in the Interlocal Agreement referenced in Policy PS5.1.10. (Added 6/08, Ord. 08-11)

* * *

OBJ PS6.2 OCPS, in conjunction with the County, consistent with the Interlocal Agreement referenced in Policy PS5.1.10 shall establish, and annually review, school CSAs, which will be used to evaluate capacity of schools available to accommodate students generated by proposed development. (Added 6/08, Ord. 08-11)

* * *

PS6.3.7 Consistent with the Interlocal Agreement referenced in Policy PS5.1.10, the following residential uses shall be exempt from the requirements of school concurrency:

- a. Any proposed residential development considered de minimis as defined by PSFE Policy PS6.3.5.
- b. One single-family house, one duplex, and/or one accessory dwelling unit being developed on an existing platted residential lot of record.
- c. Any building or structure that has received a building permit as of the effective date of the Interlocal Agreement, or is described in section 163.3167(8), Florida Statutes.
- d. Any new residential development that has site plan approval for a site pursuant to a specific development order approved prior to the effective date of school concurrency, including the portion of any project that has received final

subdivision plat approval as a residential subdivision into one dwelling unit per lot.

- e. Any amendment to any previously approved residential development, which does not increase the number of dwelling units or change the type of dwelling units (e.g., converts single-family to multi-family, etc.).
- f. Any age-restricted community that qualifies as one of the three types of communities designed for older persons as “housing for older persons” in the Housing for Older Persons Act, 42 USC §3607(b). This exemption shall be applied in conformity with the principles set forth in *Volusia County v. Aberdeen at Ormond Beach, L.P.*, 760 So. 2d, 126 (Fla. 2000). Provided, however, that any senior housing community or dwelling unit that loses its qualification as housing for older persons shall be required to meet applicable school concurrency requirements in effect at the time the qualification as housing for older persons is lost.
- g. Alterations or expansion of an existing dwelling unit where no additional dwelling units are created.
- h. The construction of accessory buildings or structures which will not create additional dwelling units.
- i. The replacement of a dwelling unit where no additional dwelling units are created and where the replacement dwelling unit is located on the same lot. If the type of dwelling unit is different from the original dwelling unit type, the exemption shall be limited to an exemption based on the current student generation rate for the original dwelling unit type, documentation of the existence of the original dwelling unit must be submitted to the concurrency management official.
- j. School concurrency shall not apply to property within a Development of Regional Impact (DRI) for which a Development Order was issued prior to July 1, 2005, or for which a DRI application was submitted prior to May 1, 2005, unless the developer elects otherwise or unless the developer files a Notice of Proposed Change (NOPC) and/or Substantial Deviation to increase the total number of residential dwelling units; however, such exemption shall expire upon withdrawal, denial, or expiration of the application for a Development Order. If such Development of Regional Impact has been approved, or is approved, through a development order, such exemption shall expire for any phase of the Development Order upon expiration of the Development Order build-out date for

such phase, or for the entire Development Order upon expiration of the Development Order, or upon any material default of the school mitigation conditions of the Development Order or a related development agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.

- k. The portion of any residential development that, prior to July 1, 2005, is the subject of a binding and enforceable development agreement or Capacity Enhancement Agreement designated as a Capacity Commitment Agreement by resolution of the School Board; however, such exemption shall expire upon expiration of the development agreement, Capacity Enhancement Agreement, or upon any material default of the school impact mitigation conditions of such development agreement or Capacity Enhancement Agreement, unless such project, or portions of such project, remains exempt pursuant to another exemption provision.
- l. Any residential development with a letter vesting it for purposes of complying with school concurrency, or which would be vested at common law for purposes of such concurrency requirement implemented by this Agreement, provided that the School Board may contest a vested rights determination as provided in the land development regulations.
- m. Group living facilities that do not generate students and including residential facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses, firehouse sleeping quarters, dormitory-type facilities for post-secondary students, and religious non-youth facilities, regardless of whether such facilities may be classified as residential uses. (Added 06/08, Ord. 08-11)

* * *

PS6.4.3 Proportionate Share Mitigation may include payments of money, construction of schools, donations of land, expansion of permanent capacity of existing school campuses, payment of funds necessary to advance schools contained in the ten (10) year DCOP, establishment of charter schools that meet State Requirements for Educational Facilities (SREF) standards, payments into mitigation banks, establishment of an Educational Facilities Benefit District, Community Development District, or other methods identified in the Interlocal Agreement referenced in Policy PS5.1.10 and as may be negotiated between developer and OCPS and, as appropriate, Orange County. (Added 06/08, Ord. 08-11)

* * *

CAPTIAL IMPROVEMENTS ELEMENT

CIE1.3.18 Consistent with Interlocal Agreement referenced in Policy PS5.1.10, the LOS standards shall be applied consistently within Orange County and by the School Board to all schools of the same type. All CSAs must achieve the adopted LOS standards identified in CIE1.3.16 and PS6.1.3 by the end of the 5th year of the Capital Improvements Schedule, with the exception of the backlogged CSAs which have been placed in a long term concurrency management system. Each backlogged CSA must meet the adopted LOS within the 10-year period identified within the respective adopted Long Term Concurrency Management System for Schools (LTCMSS). The backlogged CSAs are identified in Table A and Table B, along with the existing LOS and projected 5- year and 10-year LOS. Table A reflects the LTCMSS adopted by Amendment 2010-1-BCIE-1 on April 20, 2010. Table B reflects the LTCMSS adopted by Amendment 2011-1-BCIE-1 on April 5, 2011 (Amended 4/11, Ord. 11-03):

School Type	Adopted LOS
Elementary	<p>110% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 13 of the Data, Inventory and Analysis.</p> <p>The following elementary school CSAs is designated as backlogged facilities: A, DD, U, and Arbor Ridge.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 6 of the Data, Inventory and Analysis, and must achieve a LOS of 110% by 2017.</p>
Middle	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 14 of the Data, Inventory and Analysis.</p> <p>The following middle school CSAs are designated as backlogged facilities: Apopka MS, Chain of Lakes MS, Gotha MS, Meadow Woods MS, and Walker MS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 8 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>

High	<p>100% of Adjusted FISH Capacity by 2011.</p> <p>The interim LOS for backlogged facilities is shown in Figure 15 of the Data, Inventory and Analysis.</p> <p>The following high school CSAs are designated as backlogged facilities: Freedom HS and University HS.</p> <p>The utilization of these CSAs may not increase beyond its level of April 1, 2008, as designed in Figure 10 of the Data, Inventory and Analysis, and must achieve a LOS of 100% by 2017.</p>
(Added 06/08, Ord. 08-11)	

* * *

INTERGOVERNMENTAL COORDINATION ELEMENT

ICE1.14.4 The County shall comply with the Interlocal Agreement referenced in Policy PS5.1.10.(Added 06/08, Ord. 2008-11)

* * *

ICE1.15.1 Orange County shall use the Interlocal Agreement referenced in Policy PS5.1.10 to meet the applicable requirements of Section 163.3177(6)(h)2, Florida Statutes.

ICE1.15.2 The County shall meet regularly with OCPS and municipal representatives to plan for the location of future public educational facilities and the needed infrastructure necessary to support future public education facilities, per the requirements of the Interlocal Agreement referenced in Policy PS5.1.10.

ICE1.15.3 The County shall continue to coordinate joint population projections, public school siting and the timing of infrastructure with the Orange County School Board, per the requirements of the Interlocal Agreement referenced in Policy PS5.1.10.

* * *

ICE1.16.3 Pursuant to the adopted Interlocal Agreement referenced in Policy PS5.1.10, a Technical Advisory Committee (TAC) comprised of representatives from the County, Municipalities, OCPS and the Regional Planning Council shall be established to discuss issues of mutual concern. TAC shall meet quarterly, or as needed, to discuss issues and formulate recommendations regarding coordination

of land use and school facilities. (See also Public Schools Facilities Element, Policies PS5.1.10 and PS5.1.11)

- ICE1.16.4** Pursuant to the Interlocal Agreement referenced in Policy PS5.1.10, Orange County shall provide an update of approved developments, phases of development and estimated build out by phase to the OCPS Planning Department on an annual basis. (See also Public Schools Facilities Element, Policy PS5.1.12)

* * *

- ICE1.16.6** The County and OCPS, consistent with the Interlocal Agreement referenced in Policy PS5.1.10 shall establish, and annually review, school Concurrency Service Areas (CSAs), which will be used to evaluate capacity of schools available to accommodate students generated by proposed development. (See also Public Schools Facilities Element, Objective PS6.2)

- ICE1.16.7** Orange County and OCPS shall develop and maintain throughout the planning period a joint process for the implementation of School Concurrency as provided for in the adopted Interlocal Agreement referenced in Policy PS5.1.10. (See also Public Schools Facilities Element, Objective PS6.3)

* * *

POTABLE WATER, WASTEWATER AND RECLAIMED WATER ELEMENT

- PW1.4.2** Potable water service shall not be extended to areas outside the Urban Service Area except in the following circumstances:
- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas as provided in the Comprehensive Plan (CP);
 - B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;
 - C. The facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;
 - D. For approved sector plans as provided for in the CP; and
 - E. The circumstances described under Policy PW1.5.2 and Policy PW1.5.3.

This policy is not intended to preclude the use of conservation or rural areas for withdrawal or treatment facilities. (Added 12/00, Ord. 00-25)

* * *

PW1.5.2 When the provision of central water facilities for a Rural Settlement is proposed, the Board of County Commissioners shall approve such a proposal only when the Board makes two findings: first, a finding of need of central water facilities for the particular Rural Settlement; and second, a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water and Future Land Use Elements. The provision of water services to a school located in a Rural Settlement is also subject to FLU8.7.8. (Added 12/00, Ord. 00-25)

* * *

WW1.4.3 Central wastewater facilities, consisting of wastewater treatment facilities, pump stations, force and gravity mains shall not be extended beyond the boundary of the Urban Service Area except in the following circumstances:

- A. The facilities to be extended will serve a Growth Center, public school, or other exception areas within Specific Area Plan (SAP) boundaries as provided for in the Comprehensive Plan (CP);
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such extended facilities shall not serve as a basis for additional new development;
- C. For approved sector plans as provided for in the CP;
- D. Those circumstances described under Policy WW1.5.2 herein.

This policy is not intended to preclude the use of conservation or rural areas for wastewater treatment facilities or the interconnecting of the overall system. (Added 12/00, Ord. 00-25)

* * *

WW1.5.2 New central wastewater facilities shall not be constructed and existing facilities shall not be expanded to serve Rural Settlements except under the following circumstances:

- A. The Board of County Commissioners has made an affirmative finding that the facilities are necessary to support existing future land use designations on the adopted Future Land Use (FLU) map consistent with the Future Land Use Objective

FLU2.1. The future land use designations referenced in this policy are those reflected on the adopted FLU map as of the date of adoption of this policy. Facility expansion under this policy must be incorporated into the County's five-year Capital Improvements Program (CIP); or

- B. The Rural Settlement has experienced a State documented economic decline as a result of the loss of a major area employer. The central wastewater facilities may be expanded for the purpose of revitalizing the area by attracting new commercial and industrial businesses and offering incentives to existing businesses to remain in the area. This policy shall apply only to the Zellwood Rural Settlement, consistent with the Future Land Use Element.
- C. The Board of County Commissioners has made an affirmative finding that the facilities are necessary and available to remedy or prevent contamination of ground or surface water within the Wekiva Study Area.
- D. The provision of wastewater services to a school located in a Rural Settlement is also subject to FLU8.7.8. (Added 12/00, Ord. 00-25; Amended 12/07, Ord. 07-20)

