ORDINANCE NO. 2019-_____

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA BY CREATING IN CHAPTER 38, ORANGE COUNTY CODE, SECTION 38-30, MAJOR ECONOMIC DEVELOPMENT PROJECT PROGRAM; AND PROVIDING AN EFFECTIVE DATE

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

Section 1. Creation of Section 38-30, Major Economic Development Project Program. Section 38-30, Orange County Code, is hereby created and shall read as follows:

Section 38-30. Major Economic Development Project Program.

(a) Intent and Purpose.

(1) This section creates the Major Economic Development Project ("MEDP") program, which is an optional, alternative process for the expedited and streamlined review of, and action upon, applications for various development permits arising from and related to certain projects which are reasonably anticipated to generate significant and desirable increases in the Orange County tax base.

(2) The county desires to attract projects which benefit the citizens of Orange County in various ways, including by increasing employment opportunities.

(3) The county recognizes that the establishment and retention of MEDPs increases the visibility of Orange County at the state, national, and international levels making it more likely that the county will attract additional desirable and sustainable economic growth.

(4) Nothing herein is intended to supersede the County Charter, State statutes, or Orange County Comprehensive Plan; in the event of a conflict between this ordinance and the County Charter, State statutes, or Comprehensive Plan, the County Charter, State statutes, or Comprehensive Plan, as applicable, shall control.

(5) Nothing herein is intended to amend or supersede the Florida Building Code or the Florida Fire Prevention

Code ("FFPC") and nothing herein shall be construed as a waiver by the county of its role as the Authority Having Jurisdiction ("AHJ") pursuant to the FFPC.

(b) Definitions. The following words, terms, and phrases, when used in this section or in any county policy or regulation adopted pursuant to this section, whether capitalized or not, shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning.

Affiliated Entity shall mean an entity that directly, or indirectly controls, is controlled by, or is under common control with the applicant, including without limitation any entity that is owned at least fifty percent (50%) by the applicant, or one in which the applicant and the affiliated entity have at least fifty percent (50%) common ownership.

Applicant shall mean an entity seeking approvals for development of an MEDP in unincorporated Orange County. For purposes of this section, the term applicant shall include any affiliated entity.

Building Official shall mean the person appointed by the county mayor, or a duly appointed designee, to enforce the Florida Building Code in the county. The Building Official shall cause to be kept a record of all permits issued, plans reviewed, inspections made, notices served, and fees collected by the Division of Building Safety, defined in section 9-3 of the code, as may be amended.

County Project Manager or *CPM* shall mean an individual designated by the Mayor who shall hold the title of County Administrator, Deputy County Administrator, or Assistant County Administrator, with a present or former supervisory role over at least two of the following areas: planning, zoning, building, development engineering, or transportation planning. Once designated for a specific MEDP, the CPM shall serve at the pleasure of the Mayor and may be replaced at any time by the Mayor.

Development Permit shall mean any zoning approval, subdivision approval, lot split, rezoning, land use, or any amendment thereto, development order, perimeter development plan approval, development plan, site work permit, mass grading permit, landscaping and irrigation permits, conservation area impact permit, building permit, master sign guidelines/plan, right-of-way utilization permits, driveway or other road/utility related

permits or agreements, or any other agreement, order or official action of the county having the effect of permitting or allowing the development of land or placement of structures thereon.

Economic Development Director or *"EDD"* shall mean the Orange County Economic Development Director.

Fire Marshal shall mean the individual designated by the Orange County Board of County Commissioners in its capacity as the AHJ for the county, pursuant to the FFPC, to enforce the FFPC as triennially adopted by the State Fire Marshal and any additional fire safety regulations specified in Chapter 18, Fire Prevention, of the code, as may be amended by the county from time to time.

Major Economic Development Project, *MEDP*, or *Project* shall mean any commercial, industrial, or non-residential mixed use project zoned planned development ("PD"), but specifically excluding any residential (including multi-family) development, located within unincorporated Orange County which satisfies the criteria set forth in Section 38-30(c)(2).

Master Infrastructure Plan shall mean a plan provided by an applicant that sets forth with sufficient specificity (as determined by the CPM) the location and details of any and all stormwater facilities, utilities, roadways, and other infrastructure within the MEDP.

Orange County Code or *Code* shall mean those ordinances codified and published under the title "Orange County Code" in effect on the effective date of this ordinance and as the same may from time to time be amended, revised, renumbered, superseded or replaced.

Perimeter Development Plan or *PDP* shall mean a development plan for the perimeter of the project which shall be a minimum of twenty-five feet (25') in width measured from each adjacent existing or planned public right-of-way and adjacent parcel of land not part of the project. Such plan shall address those provisions of section 38-1206 of the code related to perimeter buffering, landscaping, walls, access (including, but not limited to, ingress and egress), signage, and lighting, all in accordance with the PD Land Use Plan ("PD/LUP") for the MEDP. Applicant may request that the county consider easements, conservation areas, and wetland creation areas located at the boundary of the project as perimeter buffering for purposes of the PDP.

Program shall mean the MEDP program as established by this section.

Third Party Provider shall mean a party contracted by the county, at the county's sole option, on a temporary or part-time basis, for the purpose of providing additional support as needed to the CPM or the county in the performance of the tasks and duties as set forth herein relating to an MEDP, funded in whole by applicant, but answerable solely to the county through the direction of the CPM, the Building Official, the Fire Marshal, and/or other county official, as appropriate. Third party providers may include, but are not limited to, on-call professionals to assist the Fire Marshal with plans review, personnel to conduct building plans review and inspection services, engineers, planners, and surveyors. If third party providers are hired, they must be approved by the CPM, the Building Official, and/or the Fire Marshal, as appropriate, to review applications and conduct inspections for development permits related to MEDPs. Third party providers shall not be owners, officers, employees, agents, independent contractors of, or affiliated in any way with, the applicant and shall be required to have necessary licensing, education, and experience. Nothing herein is intended to preclude county from performing an audit on such third party provider(s) in accordance with State statute(s) or from entering into a separate contract with a third party provider to assist the CPM with an MEDP at any time at the county's sole expense. Prior to entering into a contract with a party to serve as a third party provider, the county shall inform the applicant of the identity of the party and allow the applicant an opportunity to notify the county whether it has a business conflict with such party, and, if so, the nature of such business conflict. In the event the applicant notifies the county about such a conflict, the county shall take such comments into account in deciding whether to enter into a contract with such party.

(c) Applicability of Ordinance. An applicant who wishes to use the program shall pay the prescribed application fee and submit an application letter to the Economic Development Director explaining how and why the applicant believes the proposed or existing project qualifies as an MEDP, with supporting documentation. Supporting documentation shall include satisfaction of the items set forth in Section 38-30(c)(2).

(1) Once such application has been submitted with all supporting documentation, it shall be reviewed by the ~~Economic Development Director~~ EDD to determine if the proposed or existing project qualifies as an MEDP. The ~~Economic~~

~~Development Director~~ EDD shall have ten (10) business days from the date of the applicant's submission of the application with all supporting documents to make its determination and notify the applicant and the County Administrator in writing of such determination (an "MEDP Determination Letter").

(2) In order for the proposed or existing project to qualify as an MEDP, the applicant must provide documentation to the county's reasonable satisfaction evidencing: (a) an anticipated increase to the Orange County Property Appraiser's assessed value of real property within the boundaries of the proposed project by no less than One Billion Dollars ($1,000,000,000.00) within ten (10) years after completion of the project; (b) that the completed project is reasonably anticipated to create or retain a minimum of 2,500 jobs; (c) direct ownership and operation of the project and land by the applicant and / or an affiliated entity; (d) that the project consists of no less than 500 developable acres of land; (e) applicant's ability to invest One Billion Dollars ($1,000,000,000.00) in cash equity in the MEDP; (f) applicant's agreement to own and operate the MEDP for a period of not less than ten (10) years from the date of completion of the project; (g) applicant's written agreement to forego its ability to retain private providers pursuant to Section 553.791, Florida Statutes, without first obtaining the County's approval, which approval shall not be unreasonable withheld provided the request to hire private providers is based on the county's need for additional staffing to perform the tasks that the private providers would offer; any such private providers, if approved by the county, shall be paid for entirely by the applicant; and (h) applicant's written agreement to ensure any third party providers hired by the county are fully compensated via an escrow account as set forth in Section 38-30(h)(2) or through other funds provided by applicant.

(3) If the ~~Economic Development Director~~ EDD determines that the proposed or existing project:

(i) qualifies as an MEDP, then within ten (10) calendar days of the date of the MEDP Determination Letter, the Orange County Mayor shall designate the County Project Manager and authorize the CPM to undertake and fulfill the CPM's tasks and duties as described in this section; or

(ii) does not qualify as an MEDP, then the applicant may appeal such determination to the Board of County Commissioners ("BCC") by filing a notice of appeal with the ~~Economic Development Director~~ EDD within twenty (20) calendar days of the date of the MEDP Determination Letter. The

BCC shall hold a hearing on the appeal within forty-five (45) calendar days of its receipt of the appeal, or the next BCC meeting thereafter. At least ten (10) calendar days advance written notice of the hearing shall be provided to the applicant. At the close of the hearing, the BCC shall uphold or reverse the determination, or, in consultation with the applicant, continue the hearing.

(4) An MEDP shall only be approved for an existing PD. An MEDP may initially consist of a single PD or two or more contiguous PDs, provided such PDs are owned entirely by one applicant. The applicant shall be required to apply for a perimeter development plan for the MEDP within six (6) months of the issuance of the MEDP Determination Letter, otherwise the MEDP Determination Letter shall automatically expire.

(d) Authority of CPM. With respect to an MEDP, subject to all applicable laws (including, but not limited to, Florida's Government in the Sunshine Law) and the County Charter, the CPM is hereby authorized:

(1) to expedite reviews and decisions relating to development permits including, if necessary or deemed necessary by the CPM, recommendations to the BCC or any other county board/committee;

(2) to expedite reviews and determinations on county-issued conservation area determinations, conservation area impact permits, dewatering permits, NPDES permits, conservation area mitigation plans, and any other county-issued environmental permits, to the extent allowed by Florida Statutes;

(3) to schedule and hold community meetings with the applicable district commissioner, as needed or requested;

(4) to work with and direct any staff member or third party provider, as the CPM deems necessary, provided that such staff or third party provider are not under the supervision or direction of the Building Official or Fire Marshal;

(5) to hold meetings for the purpose of fact-finding or data and analysis with the appropriate staff member(s) and/or third party providers in order to expedite reviews and decisions as set forth in 38-30(d)(1) above;

(6) to make the final decision on a development permit request provided that neither the Florida Statutes, the County Charter, nor the Orange County Comprehensive Plan

require a public meeting or public hearing for such request, including by a board or committee, or require a different official to make the decision;

(7) for PDPs, to grant a waiver, deviation, or variance (other than those variances for which ~~by~~ the code or County Charter require a public hearing before the Board of Zoning Adjustment) not to exceed, in the aggregate, ten percent (10%) of any numerical standard in ~~to~~ the code. ~~and/or to any standard in any county policies, standards and/or regulations~~ For development outside the area that is subject to the PDP, to grant a waiver, deviation, or variance (other than those variances for which the code or County Charter require a public hearing before the Board of Zoning Adjustment) from the code; provided, however, that under no circumstance does the CPM have the authority to grant a waiver, deviation, or variance ~~(except for~~from the building and fire codes ~~–~~as those determinations are the authority of the Building Official and Fire Marshal respectively~~)~~ ~~consistent with the terms of this section~~;

(8) to make final concurrency determinations and vested rights determinations;

(9) to make impact fee determinations and negotiate impact fee-related agreements, including but not limited to calculation of impact fees, impact fee credits, and establishment of alternative impact fee studies;

(10) to review and approve or deny the conveyance or dedication of rights-of-way and easements to the county and to expedite the review of any proposed alteration, modification, or amendment to existing easements in favor of the county;

(11) to require and review and make a decision upon a master infrastructure plan if the CPM deems one necessary; and

(12) to discuss or review any matter or item referenced herein with a county board/committee, as the CPM may deem necessary.

(e) Duties of the CPM. The CPM shall do the following:

(1) accept and process applications for development permits that are submitted with regard to an MEDP

and other applications related to an MEDP pursuant to the authority granted to the CPM in section 38-30(d) above; and

(2) implement and ensure compliance by county staff and third party providers with the expedited permit review process and procedures for development permits and other decisions and actions related to an MEDP, as detailed herein, provided that such staff or third party provider are not under the supervision or direction of the Building Official or Fire Marshal.

(f) Process.

(1) Building Permits. Any applications for building permits inside the perimeter of the project, as defined by the PDP, shall be processed by the Building Official, or its designee. Applicant must submit any application for a building permit in digital form, along with the appropriate fee(s), to the Division of Building Safety. Applications may be submitted and processed concurrently with a PDP application, although no building permit may be issued until after the PDP has received final approval unless a development plan or construction plans were approved consistent with existing county regulations prior to issuance of the MEDP Determination Letter, in which case the permit may be issued thereunder. The Building Official, or its designee, will, within five (5) business days of submission or resubmittal, as applicable, review the application and determine whether the application is technically sufficient. If the Building Official, or its designee, determines that an application is not technically sufficient, the Building Official, or its designee, shall so notify the applicant within five (5) business days of the date of submission or resubmittal, as applicable. Within fifteen (15) business days of submission of a technically sufficient building permit application and related construction documents by applicant, the Building Official, or designee, will review it (in coordination with other appropriate reviewers) and approve it or provide applicant with an explanation why it cannot be approved; such decision shall be documented in the county's online Land Development Management System ("LDMS"). If the Building Official has comments, applicant must address those comments via a resubmittal, as defined below, which must be filed with the Division of Building Safety. Thereafter, within five (5) business days, the Building Official, or designee, will review the resubmittal (in coordination with other appropriate reviewers) and render a decision on the application, with a copy to the CPM.

(2) Fire Permits. Any applications for fire permits inside the perimeter of the project, as defined by the PDP,

shall be processed by the Fire Marshal, or a designee. Applicant must submit any application for a fire permit in digital form (or other form acceptable to the Fire Marshal), along with the appropriate fee(s), to the Office of the Fire Marshal. Applications may be submitted and processed concurrently with a PDP application, although no fire permit may be issued until after the PDP has received final approval unless a development plan or construction plans were approved consistent with existing county regulations prior to issuance of the MEDP Determination Letter, in which case the permit may be issued thereunder. The Fire Marshal, or its designee, will, within five (5) business days of submission or resubmittal, as applicable, review the application and determine whether the application is technically sufficient. If the Fire Marshal, or its designee, determines that an application is not technically sufficient, the Fire Marshal, or its designee, shall so notify the applicant within five (5) business days of the date of submission or resubmittal, as applicable. Within fifteen (15) business days of submission of a technically sufficient fire permit application and any necessary related construction documents by applicant, the Fire Marshal, or designee, will review it (in coordination with other appropriate reviewers) and approve it or provide applicant with an explanation why it cannot be approved; such decision shall be documented in the County's online LDMS. If the Fire Marshal has comments, applicant must address those comments via a resubmittal, as defined below, which must be filed with the Office of the Fire Marshal. Thereafter, within five (5) business days, the Fire Marshal, or designee, will review the resubmittal (in coordination with other appropriate reviewers) and render a decision on the application, with a copy to the CPM.

(3) All Other Development Permits. For the following processes, the applicant shall submit an application and supporting materials to the CPM who will, within five (5) business days of submission or resubmittal, as applicable, review the application and determine whether the application is technically sufficient. If the CPM determines that an application is not technically sufficient, the CPM shall so notify the applicant within five (5) business days of the date of submission or resubmittal, as applicable. Upon determining that an application is technically sufficient, the CPM will be responsible for: (1) entering the application into the LDMS system and assigning it a project number (if appropriate); (2) distributing the application to any county staff which the CPM deems appropriate in order to obtain staff input and create a staff report; (3) coordinating and conducting a community meeting regarding the application if the County Commissioner for the district in question, or the CPM,

determines one to be necessary; (4) assembling staff comments in a timely manner, and providing them to applicant (if applicant wishes to continue forward with the project, applicant must respond to staff comments via a "resubmittal;" if applicant has not submitted a resubmittal within ninety (90) business days, the application for which resubmittal was not made will be deemed withdrawn); (5) coordinating the distribution of any resubmittals and follow-up staff meetings or meetings with the applicant, as may be deemed necessary by CPM; and (6) preparing a final staff report (collectively, the "CPM Process").

a. Amendments to PD/LUP. With regard to any amendments to the PD/LUP, including any waivers, deviations and/or variances requested therein, requested by the applicant, the CPM shall ensure the CPM Process is followed and, in addition, the CPM shall determine whether the proposed amendment is classified as substantial or non-substantial in accordance with the criteria set forth in Section 38-1207(a). If the amendment is determined to be non-substantial, the CPM shall complete the CPM Process and render a decision within forty-five (45) business days from the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. If the CPM determines that the proposed changes, alterations, or modifications are substantial, the CPM will review the plans and supporting data provided by applicant and prepare a report with a recommendation to the BCC for final action within fifteen (15) business days from the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. A public hearing before the BCC will be held within forty-five (45) calendar days after the CPM determination, or the next BCC meeting thereafter.

b. Perimeter Development Plan. An application for a PDP may be submitted and processed concurrently with or subsequent to any proposed amendment to the PD/LUP. However, the PDP will not receive final decision until after the PD/LUP amendment has been approved by the CPM or the BCC, as applicable, including the expiration of all applicable appeal periods, with no appeal being filed, or if one was filed, until the last court

reviewing the matter upholds the amendment. The CPM shall ensure that the CPM Process is followed. As part of the CPM Process, the CPM will undertake a review of the PDP, in consultation with any appropriate staff, in order to determine whether the PDP substantially complies with the PD/LUP and with the provisions of Section 38-1206 of the code related to perimeter buffering, landscaping, access, walls, signage, and lighting, as such requirements may have been amended relative to the project by the PD/LUP approval, any waivers granted therein, and/or any applicable overlay or similar district. The CPM will issue a written decision regarding the PDP, including any conditions which may be applicable thereto, within thirty (30) business days after the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. Any proposed change, alteration, or modification to an approved PDP will be reviewed and approved by the CPM, in accordance with the procedure for review of PDPs outlined herein, even if the underlying PDP had been approved by the BCC on appeal, unless the BCC requires otherwise. Approval of a PDP (or amendment thereto) shall have the following effect:

(i) The use of land and the construction or modification of any buildings or structures inside the perimeter of the project as depicted on the PDP shall be in accordance with the approved PD/LUP and PDP and all relevant portions of the code that have not otherwise been specifically addressed by a waiver or variance.

(ii) The applicant may apply for development permits to construct and/or install perimeter improvements consistent with the approved PDP.

(iii) The applicant may, with regard to nonresidential commercial development proposed inside the perimeter of the project as depicted on the PDP submit directly to the CPM for expedited review and issuance of development permits, excluding permits that are subject to the review and/or approval of either the Building Official or

the Fire Marshal, which shall be submitted in accordance with Section 38-30(f)(1) or (2), as appropriate.

(iv) A PDP is not subject to expiration if a vertical building permit is issued for any portion of the project within the PDP in question no later than two (2) years from the date of the PDP approval.

c. Miscellaneous Development Permits. Development permits other than a building or fire permit, an amendment to a PD/LUP, a PDP or a master infrastructure plan, are collectively referred to herein as "miscellaneous development permits". Applications for miscellaneous development permits may be processed concurrently with or subsequent to any proposed amendment to the PD/LUP or a PDP application. However, in the event a miscellaneous development permit would require a PD/LUP amendment and/or PDP, as applicable, to be approved prior to issuance, such miscellaneous development permit may not be approved or issued until after the PD/LUP amendment and/or PDP, as applicable, have been approved by the CPM or the BCC, as applicable, including the expiration of all applicable appeal periods, with no appeal being filed, or if one was filed, until the last court reviewing the matter upholds the amendment. Any application for a miscellaneous development permit shall be submitted to the CPM in a form acceptable to the CPM in accordance with the application requirements, and the CPM shall ensure that the CPM Process is followed. For miscellaneous development permit applications that do not require a public hearing prior to final approval under the code, the CPM will render a decision on the application within fifteen (15) business days from the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. The decision of the CPM may be appealed to the BCC by applicant. Unless a continuance is requested by applicant and granted by the BCC, the BCC will conduct the appeal hearing no later than forty-five (45) calendar days following the filing of

the notice of appeal, or the next BCC meeting thereafter. For miscellaneous development permits that require BCC approval under the code, but do not require a public hearing, the CPM will make a recommendation to the BCC within ten (10) business days from the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable, and place the miscellaneous development permit application on the next available BCC meeting as a consent agenda item.

d. Master Infrastructure Plan. If, in the CPM's opinion, neither the PD/LUP, a previously approved ~~D~~development ~~P~~plan or construction plans, nor the PDP contain sufficient information regarding infrastructure for the project, the CPM may require the applicant to submit a master infrastructure plan for the MEDP no later than the first application for a building permit and such master infrastructure plan shall show how such infrastructure will coordinate with public infrastructure located adjacent to or outside the project. The CPM shall ensure that the CPM ~~p~~Process is followed and the CPM shall make a decision on the master infrastructure plan within thirty (30) business days from the date of the receipt of a final technically sufficient submittal or resubmittal, as applicable. If the CPM requires a master infrastructure plan, then no building permit shall be issued until such time as the CPM has approved the master infrastructure plan. If the CPM determines that ~~unless a~~ previously approved development plan or construction plan contains sufficient information regarding infrastructure~~s were approved consistent with existing county regulations prior to issuance of the MEDP Determination Letter~~ to meet the requirements and purpose of a master infrastructure plan, then~~in which case the~~ development ~~may~~ shall proceed thereunder.

e. For any application for a waiver, deviation, and/or variance ~~(other than those variances which by the code or County Charter require a public hearing before the Board of Zoning Adjustment) to the code and/or to any standard in any county policies, standards and/or regulations that is not~~

~~requested in conjunction with an amendment to a PD/LUP,~~in accordance with section 38-30(d)(7) hereof, the CPM shall ~~review and make the~~ render a decision on such application ~~consistent with the applicable criteria, if any, contained in the relevant sections of the code. The CPM will render a decision on the application~~ within fifteen (15) business days from the date of receipt of the application~~ for such wavier, deviation and/or variance. Notwithstanding the foregoing, any request for a waiver, deviation or variance to the building and/or fire code shall be made pursuant to the relevant provisions of said code~~.

(4) In no event shall unexpired development permits approved prior to issuance of the MEDP Determination Letter be required to undergo any additional approval after the determination.

(g) Board of County Commissioners' ("BCC") Review. Nothing in this ordinance is intended to override the County Charter, ~~or~~ State ~~law~~statutes, or the Orange County Comprehensive Plan with regard to matters under this section requiring action by the BCC. Any decision by the BCC not requiring a public hearing under the County Charter, ~~or~~ State statutes, or the Orange County Comprehensive Plan may be placed on the BCC consent agenda.

(h) Fees.

(1) The BCC may establish fees and charges applicable to any matter covered by this section 38-30 including, but not limited to, any application relating to an MEDP and a fee for review and approval or rejection of the qualifications of proposed third party providers.

(2) If third party providers are retained relating to the MEDP, all fees and costs charged by such third party providers shall be paid by the county from an escrow account to be created by the county and fully funded by applicant; in the event such escrow account is not funded sufficiently to pay all fees and costs of such third party providers, applicant shall be responsible for either timely replenishing the escrow account sufficiently to pay any unpaid fees or costs, or for paying any unpaid fees and costs directly to the third party provider. The escrowed funds shall be established, held, and disbursed in accordance with an escrow agreement in form and content mutually agreeable to county and applicant which shall specifically address the applicant's

responsibility to provide sufficient funding to pay any third party providers or to make such payments itself and indemnify and hold the county harmless from any actions resulting from insufficient funding of the escrow account. The Orange County Comptroller shall serve as escrow agent. Upon project completion, any unused escrow funds shall be returned to applicant without interest in accordance with the terms set forth in the escrow agreement.

(3) Applicant may request that the county also establish an escrow account to be funded by applicant which shall be used for payment of permit, inspection, and other fees that may be charged by the county with relation to the MEDP. If agreed to by the county, the escrowed funds shall be established, held, and disbursed in accordance with an escrow agreement in form and content mutually agreeable to county and applicant. The Orange County Comptroller shall serve as escrow agent. Upon project completion, any unused escrow funds shall be returned without interest in accordance with the terms set forth in the escrow agreement.

(i) Appeals.

(1) All decisions of the CPM regarding PDPs and Master Infrastructure Plans shall be posted in a conspicuous place on the county's website and the posting board on the first floor of the Orange County Administration Center within two (2) business days of such decision, and will not become effective for fifteen (15) calendar days from the date of such decision. Such decision may be appealed by any aggrieved person to the BCC by filing a notice of appeal with the CPM within fifteen (15) calendar days of the posting of the CPM's decision. Unless a continuance is requested by applicant or an appellant (assuming the applicant is not the appellant), and granted by the BCC, the BCC will hold a hearing on the appeal within forty-five (45) calendar days following the filing of the notice of appeal, or the next BCC meeting thereafter.

(2) Any person aggrieved by a decision of the BCC regarding the project shall follow the appeal process set forth in Section 30-46 of the code.

(3) Denials by the Building Official may be appealed by applicant, at its sole option, to the Building Codes Board of Adjustments and Appeals pursuant to Chapter 9 of the code.

(4) Denials by the Fire Marshal may be appealed by applicant, at its sole option, to the Orange County Fire and Life Safety Code Board of Adjustments and Appeals pursuant to Chapter 18 of the code.

(j) Sunset. ~~Except with regard to applications for MEDPs submitted and approved before January 1, 2021, t~~This program shall sunset on December 31, 202~~8~~6, without further action by the BCC (the "Sunset Date"). However, any project approved as an MEDP prior to the ~~s~~Sunset ~~d~~Date that, until the Sunset Date, is continuing in good faith and has continued to meet all the criteria set forth in Section 38-30(c)(2) (the "MEDP Criteria"), as determined by the county as of the ~~s~~Sunset ~~d~~Date, shall be permitted to continue development to its conclusion following the Sunset Date, subject to the processes and procedures established pursuant to this section 38-30 ~~following the sunset date~~, provided the applicant continues to meet all of the MEDP ~~c~~Criteria ~~set forth in Section 38-30(c)(2)~~ and the project continues ~~forward~~ in good faith to its conclusion. For any MEDP that does not meet the foregoing standards as of the Sunset Date, all unexpired development ~~permits~~ agreements ~~issued under this section~~ entered into regarding the project prior to the Sunset Date shall ~~remain valid~~ be governed by their terms; all other unexpired development permits (other than PDPs and development agreements) shall be governed by the applicable provisions of the code that would otherwise apply outside the MEDP process; and any approved, unexpired PDP ~~shall automatically~~ may be converted to a ~~valid~~ development plan under Article VIII of Chapter 38 of the Code, provided the County may require certain amendments be made to the approved PDP prior to approving the conversion to a development plan.

Section 2. ***Effective date.*** This ordinance shall become effective pursuant to general law.

[signatures on following page]

ADOPTED THIS ____ DAY OF _____, 2019.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings,
Orange County Mayor

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

By:_____
Deputy Clerk