

BCC Mtg. Date: June 22, 2021

Sections 1, 2, 3, 5, 6, 7, and 8 -
EFFECTIVE DATE: June 25, 2021

Section 4 -
EFFECTIVE DATE: October 1, 2021

ORDINANCE NO. 2021-28

AN ORDINANCE AMENDING THE ORANGE COUNTY SCHOOL IMPACT FEE ORDINANCE, CODIFIED AT ARTICLE V, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 23-121 (“DEFINITIONS”), SECTION 23-141 (“IMPOSITION”), SECTION 23-142 (“PAYMENT”), AND SECTION 23-161 (“EXEMPTIONS”); PROVIDING FOR UPDATED SCHOOL IMPACT FEES, INCLUDING NEW AND INCREASED FEES IN CERTAIN LAND USE CATEGORIES; MAKING AN ECONOMIC IMPACT DETERMINATION; PROVIDING EFFECTIVE DATES; AND DIRECTING THE POSTING OF NOTICES OF NEW AND INCREASED SCHOOL IMPACT FEES

WHEREAS, on December 1, 2020, the Orange County Board of County Commissioners (the “Board”) held a public hearing at which Ordinance No. 2020-35 (the “Original School Impact Fee Ordinance”) was adopted; and

WHEREAS, the Original School Impact Fee Ordinance approved an increase in school impact fees based upon data contained in the Orange County Public Schools School Impact Fee Update Study Final Report dated September 18, 2020, which the Board adopted and incorporated by reference into the Original School Impact Fee Ordinance; and

WHEREAS, the Original School Impact Fee Ordinance adopted a phased increase of the school impact fees with fifty percent of the increase effective on April 2, 2021, and the remaining fifty percent increase effective July 3, 2021; and

WHEREAS, on January 19, 2021, House Bill 337 (“HB 337”) was filed by Representative DiCeglie for the 2021 Florida Legislative Session; HB 337 received its first reading on March 2, 2021; and

WHEREAS, as originally filed, HB 337 was originally scheduled to become effective on July 1, 2021, and contained various proposed amendments to the Florida Impact Fee Act codified at §163.31801, F.S., including a provision that capped annual increases to impact fees and required phasing of any increases; and

WHEREAS, in response to HB 337, and in order to protect the citizens of Orange County and preserve the will of the Board under the home rule authority of Orange County, Florida, to implement the increases in school impact fees contemplated by the Original School Impact Fee

Ordinance, on March 23, 2021, the Board adopted Ordinance No. 2021-15 (the “Amended Ordinance”) to remove the phased increase in school impact fees originally scheduled for April 2, 2021, and July 3, 2021, and to implement the full increase on June 27, 2021; and

WHEREAS, HB 337 was ordered enrolled on May 26, 2021, and, upon becoming a law would codify certain amendments to the Florida Impact Fee Act codified at §163.31801, F.S., including, among other things, provisions that cap annual increases to impact fees and a requirement to phase impact fee increases, which provisions are retroactive to January 1, 2021; and

WHEREAS, in order to comply with the requirements of HB 337, as enrolled, prior to the school impact fee increases scheduled go into effect on June 27, 2021, pursuant to the Amended Ordinance, the Board must further amend the Amended Ordinance.

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

Section 1. Amendments; In general. Orange County Code, Chapter 23, Impact Fees, is hereby amended in part by amending Article V, School Impact Fees, Section 23-121 (“Definitions”), Section 23-141 (“Imposition”), Section 23-142 (“Payment”), and Section 23-161 (“Exemptions”) with amendments being indicated below in Sections 2 through 6 with the new language being shown by underlines and deleted language being shown by ~~strike-throughs~~.

Section 2. Amendments to Section 23-121. Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-121, “Definitions,” is hereby amended to read as follows:

**ARTICLE V
SCHOOL IMPACT FEES
DIVISION 1. GENERALLY**

Sec. 23-121. Definitions.

When used in this article, the following terms shall have the following meanings, unless the context otherwise clearly requires:

* * *

Affordable housing shall mean, as applicable, with the exception of affordable housing as defined in Section 23-161(40b), *shall mean or* housing as described in Orange County Administrative Regulation 4.08, as it may be amended from time to time.

* * *

Section 3. Amendments to Section 23-141(b). Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-141(b), “Imposition,” is hereby amended to read as follows:

**DIVISION 2
SCHOOL IMPACT FEES**

Sec. 23-141. Imposition.

* * *

(b) Effective from ~~March 26~~ June 22, 2021, until ~~June 26~~ September 30, 2021, all residential construction occurring within the county, for which building permits are issued, within the unincorporated area and the boundaries of the various municipalities, shall pay the following school impact fee:

- (1) Single-family detached house (per dwelling unit) \$8,784.00
- (2) Multifamily dwelling unit (non-high rise, per dwelling unit)\$5,919.00
- (3) Multifamily dwelling unit (high rise, per dwelling unit)\$307.00

(4) Townhouse dwelling unit (per dwelling unit).....\$6,930.00

(54) Mobile home (per dwelling unit) \$6,088.00

Section 4. Amendments to Section 23-141(c). Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-141(c), “Imposition,” is hereby amended to read as follows:

Sec. 23-141. Imposition.

* * *

(c) Effective ~~June 27~~October 1, 2021, all residential construction occurring within the county, for which building permits are issued, within the unincorporated area and the boundaries of the various municipalities, shall pay ~~the following~~ school impact fees in accordance with the following schedule:

School Impact Fee Schedule

<u>Land Use Type</u>	<u>Annual Increment #1 and Installment #1 October 1, 2021 – January 31, 2022</u>	<u>Installment #2 February 1, 2022 – May 31, 2022</u>	<u>Installment #3 June 1, 2022 – September 30, 2022</u>	<u>Annual Increment #2 and Installment #4 October 1, 2022</u>
<u>Single Family Detached <2,000 sq. ft.*</u>	<u>\$8,806.00</u>	<u>\$8,806.00</u>	<u>\$8,806.00</u>	<u>\$8,829.00</u>
<u>Single Family Detached 2,000 – 2,499 sq. ft.*</u>	<u>\$9,148.00</u>	<u>\$9,148.00</u>	<u>\$9,148.00</u>	<u>\$9,513.00</u>
<u>Single Family Detached 2,500 – 2,999 sq. ft.*</u>	<u>\$9,438.00</u>	<u>\$10,093.00</u>	<u>\$10,747.00</u>	<u>\$11,402.00</u>
<u>Single Family Detached 3,000 – 3,999 sq. ft.*</u>	<u>\$9,591.00</u>	<u>\$10,399.00</u>	<u>\$11,207.00</u>	<u>\$12,015.00</u>
<u>Single Family Detached ≥ 4,000 sq. ft.*</u>	<u>\$9,184.00</u>	<u>\$9,184.00</u>	<u>\$9,184.00</u>	<u>\$9,584.00</u>
<u>Multi-family (High Rise)</u>	<u>\$307.00</u>	<u>\$307.00</u>	<u>\$307.00</u>	<u>\$307.00</u>
<u>Multi-family (Non High Rise)</u>	<u>\$6,335.00</u>	<u>\$6,335.00</u>	<u>\$6,335.00</u>	<u>\$6,751.00</u>
<u>Townhouse</u>	<u>\$7,398.00</u>	<u>\$7,867.00</u>	<u>\$8,336.00</u>	<u>\$8,805.00</u>
<u>Mobile Home</u>	<u>\$6,849.00</u>	<u>\$7,610.00</u>	<u>\$8,371.00</u>	<u>\$9,132.00</u>

School Impact Fee Schedule

<u>Land Use Type</u>	<u>Impact Fee</u>
Single Family Detached <2,000 sq. ft.*	\$8,829.00
Single Family Detached 2,000—2,499 sq. ft.*	9,513.00
Single Family Detached 2,500—2,999 sq. ft.*	11,402.00
Single Family Detached 3,000—3,999 sq. ft.*	12,015.00
Single Family Detached >= 4,000 sq. ft.*	9,584.00
Multi family (High Rise)	307.00
Multi family (Non High Rise)	6,751.00
Townhouse	8,805.00
Mobile Home	10,387.00

* square footage shall include the heated / cooled living area

~~(The school impact fee schedule set forth in this subsection (c) was originally temporarily adopted pursuant to Section 5 of Ordinance Number 2011-04, effective May 13, 2011, and became permanent pursuant to Section 2 of Ordinance Number 2011-05, effective June 10, 2011.)~~

Section 5. Amendments to Section 23-142. Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-142, “Payment,” is hereby amended to read as follows:

Sec. 23-142. Payment.

* * *

(e) The impact of a development for which the county received a legally sufficient application prior to ~~June 27~~October 1, 2021, shall be calculated at the impact fee rates set forth in Section 23-141(b) hereof; the impact of all other development shall be calculated at the time of issuance of the building permit. If the applicant for a single-family or duplex home elects to pay the applicable impact fee after the issuance of the building permit, but no later than prior to the issuance of the certificate of occupancy, the impact fee due shall be calculated to be the fee due on the day of issuance of the building permit.

* * *

Section 6. Amendments to Section 23-161. Orange County Code Chapter 23, Impact Fees, Article V, School Impact Fees, Section 23-161, “Exemptions,” is hereby amended to read as follows:

**DIVISION 3
MISCELLANEOUS PROVISIONS**

Sec. 23-161. Exemptions.

(a) The following shall be exempted from payment of the impact fees:

* * *

~~(10)~~(b) Notwithstanding that there may be students generated by the use, any project that meets or exceeds the definition of “affordable” pursuant Section 163.31801(9), F.S., may be exempted from all or a portion of the payment of impact fees, provided the level and duration of such affordability is documented to the County’s (or applicable local government’s) satisfaction prior to the granting of any impact fee exemption.

Section 7. Economic impact determination. The Board does hereby determine and find, pursuant to section 30-2(b)(2), that sufficient information has been provided for the Board to assess the economic impact of this article on the development of real property in the county. The Board does hereby determine and find that no further economic impact statement or economic impact information is required in this matter. If the ongoing planning studies and periodic review reveal a detrimental economic impact, this article shall be reviewed and revised accordingly.

Section 8. Effective dates; Notice of increased impact fees.

(a) Sections 1, 2, 3, 5, 6, 7 and 8 of this ordinance shall become effective on June 25, 2021. In order to comply with the notice requirement contained in Section 163.31801(3)(d), Section 4 of this ordinance shall become effective on October 1, 2021.

(b) Pursuant to Section 163.31801(3)(d), Florida Statutes, the Clerk of the Board of County Commissioners shall publish a legal notice in *The Orlando Sentinel* on or before June 25, 2021, stating that the Board has adopted this ordinance imposing new and increased impact fees effective October 1, 2021.

(c) On or before June 25, 2021, the Planning, Environmental, and Development Services Department shall post notice in the Division of Building Safety, and in the appropriate location on the County website, stating that the Board has adopted this Ordinance imposing new and increased school impact fees effective October 1, 2021.

ADOPTED THIS 22nd DAY OF June, 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Jerry L. Demings*
fd Jerry L. Demings, County Mayor

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

By: *Katie Smith*
Deputy Clerk

