



March 18, 2005

Mr. Jon Martin, Facilities Director
Orange County Public Schools Real Estate Management Office
5501 Magic Way
Orlando, FL 32809

RE: CRITERIA FOR PUBLIC SCHOOLS REQUIRING A SPECIAL EXCEPTION

Dear Mr. Martin:

This correspondence serves as a follow-up and response to your recent inquiry (and previous inquiries of a similar nature) regarding the proper criteria for the County to employ when Orange County Public Schools (OCPS) seeks a special exception for the purpose of allowing the siting of a public school.

As you know, in accordance with Section 38-1751 of the Orange County Code, the County permits public schools as a matter of right in certain zoning categories and as a special exception in other zoning categories. Please note that where a request is submitted as part of a Planned Development (P-D), such request is permitted as a matter of right. (Such submittal requires review by the Development Review Committee (DRC), the Planning & Zoning Commission (P&ZC) and the Board of County Commissioners (BCC)). Where a public school is not permitted as a matter of right, OCPS may obtain approval for the siting of a public school by means of a special exception. To obtain a special exception, such submittal requires review by the Board of Zoning Adjustment (BZA) and the BCC.

Your office has raised a question regarding the criteria the County applies when OCPS seeks to site a public school by special exception. Specifically, you have asserted that public schools seeking to locate on a site as a special exception only need to follow the criteria set forth in the Public School Siting Regulations (Chapter 38, Article XVIII, Orange County Code).

After consulting with representatives of the Zoning Division, the County Attorney's Office, and the County Administrator's Office, I have determined that any special exception request for a public school shall be subject to the Public School Siting Regulations and the Special Exception Criteria (Section 38-78, Orange County Code). In my view, a special exception request should be subject to the special exception criteria under Section 38-78 unless it is expressly exempt from those criteria. The Public School Siting Regulations do not expressly exempt public school sites requiring special exception approval from the special exception criteria under Section 38-78.

GROWTH MANAGEMENT DEPARTMENT
JAMES E. HARRISON, Esq., P.E., *Director*

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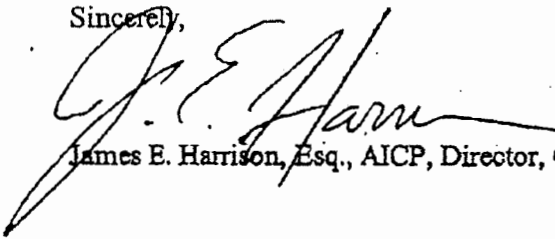
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Criteria for Public Schools Requiring a Special Exception

Furthermore, I believe that my determination that public school sites requiring special exception approval are subject to the special exception criteria in Section 38-78 is consistent with the practice that has been followed since the Public School Siting Regulations were adopted almost ten years ago.

Please feel free to contact me at 407-836-5313 if you have any further questions.

Sincerely,



James E. Harrison, Esq., AICP, Director, Growth Management Department

cc: David Heath, Deputy County Administrator
Mitch Gordon, Manager, Zoning Division
Chris Testerman, Manager, Planning Division ✓
Rebecca Smith, Assistant County Attorney
John Smogor, Assistant Manager, Planning Division

MAYOR JACOBS
COMMISSIONERS

WEST WINDORWOOD RURAL SETTLEMENT FL. 34786

My name is WINSTON BROWNFIELD I live at 5542 YORK MOOR BLVD. which is located IN A RURAL SETTLEMENT - ADJACENT TO EAST END. OF THE PROPOSED to this high school site.

I am a member of Citizens United for Sensible Growth, Inc.

ADDRESSES

I would like to submit a letter dated March 18th, 2005, to Mr. Jon Martin, Facilities Director at the time at OCPS. This letter is from James Harrison, AICP, Director, Growth Management Department at Orange County.

A question was raised by OCPS regarding the criteria the County applies when OCPS seeks to site a public school by special exception. Mr. Harrison states that after consulting with zoning representatives, the County Attorney, and the County Administrator's office, he determined that any special exception request for a public school shall be subject to the Public School Siting regulations AND the Special Exception Criteria. He further states that the Public School Siting regulations do not expressly exempt public school sites requiring special exception approval from the special exception criteria under Section 38-78.

So, OCPS has known for over 10 years that they needed to meet not only the Public School Siting Regulations, but also ALL of the Special Exception Criteria.