



**Interoffice Memorandum**

**DATE:** March 14, 2016

**TO:** Katie Smith, Deputy Clerk  
Board of County Commissioners

**THRU:** Agenda Development BCG

**FROM:** Jon V. Weiss, P.E., Director *J.V.W.*  
Community Environmental and Development Services  
Department

**CONTACT PERSON:** **Brandy Driggers, Development Services Supervisor,  
Fiscal and Operational Support Division  
(407) 836-5329 or Brandy.Driggers@ocfl.net**

**SUBJECT:** Request for a public hearing on May 10, 2016 at 2:00 PM  
  
Proposed Ordinance Related to School Impact Fees and  
Student Generation Rates; Amendments to Article V, Chapter  
23, Orange County Code; Section 34-155, Orange County  
Subdivision Regulations

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**AN ORDINANCE AFFECTING THE USE OF LAND IN  
ORANGE COUNTY, FLORIDA RELATING TO SCHOOL  
IMPACT FEES AND ASSOCIATED STUDENT GENERATION  
RATES; AMENDING THE ORANGE COUNTY SCHOOL  
IMPACT FEE ORDINANCE CODIFIED AT ARTICLE V,  
CHAPTER 23, OF THE ORANGE COUNTY CODE;  
AMENDING SECTION 34-155 OF THE ORANGE COUNTY  
SUBDIVISION REGULATIONS TO REFLECT UPDATED  
STUDENT GENERATION RATES; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

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**APPLICANT / AGENT:** Orange County

**DISTRICT #:** District 1, 2, 3, 4, 5, & 6

**TYPE OF HEARING:** Public hearing for Adoption of Ordinance No. 2016-\_\_  
**School Impact Fees**

**ESTIMATED TIME REQUIRED FOR PUBLIC HEARING:** 2 minutes

**HEARING CONTROVERSIAL:** Yes

*May*

**HEARING REQUIRED BY  
FL STATUTE OR CODE:**

Chapter 125, Florida Statutes

**ADVERTISING  
REQUIREMENTS:**

Publish the notice of the public hearing for the adoption of the ordinance in the local newspaper of general circulation.

**ADVERTISING TIMEFRAMES:**

At least ten (10) days prior to public hearing for adoption of the ordinance in a local newspaper of general circulation.

**APPLICANT/ABUTTERS  
TO BE NOTIFIED:**

N/A

**SPANISH CONTACT PERSON:**

Para mas información en español acerca de estas reuniones públicas o de cambios por ser efectuados, favor de llamar a la División de Planificación, al 407-836-5600.

**MATERIALS BEING  
SUBMITTED AS BACKUP  
FOR PUBLIC HEARING  
REQUEST:**

A draft copy of the ordinance to be submitted prior to advertising.

**SPECIAL INSTRUCTIONS TO  
CLERK (IF ANY):**

N/A

- c: Christopher R. Testerman, AICP, Assistant County Administrator, Infrastructure Services and Government Relations
- Joel Prinsell, Deputy County Attorney, County Attorney's Office
- Jon Weiss, P.E., Director, Community, Environmental, and Development Services Department
- Dean Stites, Manager, Fiscal and Operational Support Division
- Alberto A. Vargas, MArch, Manager, Planning Division
- Whitney Evers, Assistant County Attorney, County Attorney's Office
- Brandy Driggers, Development Services Supervisor, Fiscal and Operational Support Division

ORDINANCE NO. 2016-\_\_

AN ORDINANCE AFFECTING THE USE OF LAND IN ORANGE COUNTY, FLORIDA RELATING TO SCHOOL IMPACT FEES AND ASSOCIATED STUDENT GENERATION RATES; AMENDING THE ORANGE COUNTY SCHOOL IMPACT FEE ORDINANCE CODIFIED AT ARTICLE V, CHAPTER 23, OF THE ORANGE COUNTY CODE; AMENDING SECTION 34-155 OF THE ORANGE COUNTY SUBDIVISION REGULATIONS TO REFLECT UPDATED STUDENT GENERATION RATES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. The Orange County Code, Chapter 23, Article V, School Impact Fees, is hereby amended in part as set forth in Section 2 below with the new language indicated by underlining and the deleted language being struck through.

Section 2. Orange County Code, Chapter 23, Article V, School Impact Fees, is hereby amended 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:

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Affordable housing shall mean housing as described in Section 23-163 hereof and defined in Orange County Administrative Regulation 4.08.

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Duplex shall mean a building with two (2) dwelling units which has two (2) kitchens and is designed for or occupied exclusively by two (2) families. The units of a duplex must be connected by a common wall.

\* \* \*

*Multifamily dwelling unit* shall mean a dwelling unit located in a building or a portion of a building (including, but not limited to accessory dwelling units, apartments, ~~townhouses~~ duplexes, triplexes, quadraplexes, and condominiums), regardless of form of ownership, which building contains more than one (1) dwelling unit designed for occupancy by a single family, and such dwelling units are customarily offered for rent on a monthly basis, generally for a minimum six-month lease period.

\* \* \*

Quadraplex shall mean a building with four (4) dwelling units which has four (4) kitchens and is designed for or occupied exclusively by four (4) families. Each unit of a quadraplex must be connected by a common wall.

*Residential* means multifamily dwelling units, mobile homes, townhouses, or single-family detached houses.

\* \* \*

Student housing shall mean any multi-family development or portion thereof where the dwelling units are designed and constructed as three (3) or more bedrooms with three (3) or more bathrooms which is marketed and/or rented to students attending a local college, university, community college, or private school, or any multi-family development or portion thereof comprised of dwelling units consisting of three (3) or more bedrooms and less than three (3) bathrooms where the bedrooms are leased separately.

\* \* \*

Townhouse shall mean a self-contained dwelling which is designed and constructed so that the unit and the lot on which it is located may be individually owned. Townhouse units are separated by fireproof and soundproof walls and are designed to provide privacy.

84 Triplex shall mean a building with three (3) dwelling units  
86 which has three (3) kitchens and is designed for or occupied  
exclusively by three (3) families. Each unit of a triplex must be  
88 connected by a common wall.

90 ~~Workforce housing shall mean multifamily housing, which~~  
~~may include the residential component only of a mixed-use project,~~  
92 ~~located within the unincorporated area of Orange County, forty~~  
~~(40) percent of which is reserved for individuals or families whose~~  
94 ~~annual household income, as adjusted for household size, does not~~  
~~exceed eighty (80) percent of the area median income. Workforce~~  
96 ~~housing shall not include other types of multifamily housing, such~~  
~~as student housing, nursing homes, senior living facilities, or~~  
98 ~~assisted living facilities as described in Section 23-163 hereof and~~  
~~defined in Orange County Administrative Regulation 4.08.~~

100 **Sec. 23-122. Findings.**

102 It is hereby ascertained, determined and declared that:

104 (1) In ~~2007~~ 2011, at the request of the school board, the  
106 board ~~enacted~~ amended a school impact fee ordinance which, prior  
to the ~~2011~~ 2016 revisions, ~~was reflected school impact fees in the~~  
108 ~~amounts of \$11,829.00~~ \$6,525.00 for single-family houses,  
~~\$6,647.00~~ \$3,921.00 for multifamily units (which included  
110 townhouses at the time), and ~~\$6,344.00~~ \$4,345.00 for mobile  
112 homes. ~~In recognition that land acquisition costs and construction~~  
~~costs were increasing at the time the ordinance was enacted, the~~  
~~ordinance provided for an annual automatic 5% increase for each~~  
114 ~~impact fee, however, the 5% increase scheduled for January 28,~~  
~~2011 was suspended by ordinance number 2011-01 at the request~~  
116 ~~of the school board.~~

118 \* \* \*

120 (5) Section 163.3177, Florida Statutes, requires the  
122 county to adopt a comprehensive plan containing a capital  
improvements element which considers the need and location of  
124 public facilities within its areas of jurisdiction and the projected  
revenue source which will be utilized to fund these facilities.  
126 Furthermore, pursuant to section 163.3177, Florida Statutes, in  
1997, the board adopted a "public school facilities element" as part  
of the county's comprehensive ~~policy~~ plan, and goal no. 4 of the  
128 element contains policies calling for review and updating of the  
school impact fee.

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(9) The projected capital improvements to the school system and the allocation of projected costs between those necessary to serve existing development and those required to accommodate the educational needs of future residential construction as presented in the study entitled “Orange County Public Schools School Impact Fee Study Update Study Final Report” dated ~~May 10, 2011~~ February 5, 2016, is hereby approved and adopted by the county, and such study is found to be based on the most recent and localized data and to be consistent with the comprehensive plan of the county and with the requirements of section 163.31801, Florida Statutes.

\* \* \*

(12) The establishment of a school impact fee is consistent with the comprehensive ~~policy~~ plan and is specifically found to serve a county purpose.

\* \* \*

(14) Within a four-year period from the effective date of the ~~2011~~ 2016 revisions to this article, this article will be subject to review pursuant to section 23-167, Orange County Code.

\* \* \*

~~(18) The board enacted ordinance number 2011-04 on May 10, 2011 (with an effective date of May 13, 2011), providing for a temporary twenty five percent (25%) reduction of county impact fees other than school impact fees, and providing for a temporary reduction of school impact fees to the amounts in the schedule set forth herein in section 23-141 (c).~~

\* \* \*

**Sec. 23-124. Adoption of impact fee study.**

The board hereby adopts and incorporates by reference the study entitled “Orange County Public Schools School Impact Fee Study Update Study Final Report” dated ~~May 10, 2011~~ February 5, 2016.

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**DIVISION 2. SCHOOL IMPACT FEES**

**Sec. 23-141. Imposition.**

(a) Except to the extent exempted by general or special law, all residential construction occurring within the county, both within the unincorporated area and within the municipal boundaries of the cities, for which a building permit is issued subsequent to the effective date of this article, shall pay the school impact fee.

(b) Effective from May 16, 2016, until August 14, 2016, A all residential construction occurring within the county, for which building permits are issued ~~on and before May 12, 2011,~~ both within the unincorporated area and ~~within the municipal~~ boundaries of the ~~cities~~ various municipalities, shall pay the following school impact fee:

(1) Single-family detached house (per dwelling unit) . . . ~~\$13,041.00~~ 6,525.00

(2) Multifamily dwelling unit and townhouse (per dwelling unit) . . . ~~\$7,328.00~~ 3,921.00

(3) Mobile home (per dwelling unit) . . . ~~\$6,994.00~~ 4,345.00

(c) Effective August 15, 2016, A all residential construction occurring within the county, for which building permits are issued ~~on and after May 13, 2011,~~ ~~both~~ within the unincorporated area and ~~within the municipal~~ boundaries of the ~~cities~~ various municipalities, shall pay the following school impact fee:

**School Impact Fee Schedule**

<b>Land Use Type</b>	<b>Impact Fee</b>
<b>Single Family Detached</b>	<u>\$6,525,784.00</u>
<b>Multi-family</b>	<u>3,9215,919.00</u>
<b>Townhouse</b>	<u>6,930.00</u>
<b>Mobile Home</b>	<u>4,3456,088.00</u>

212 ~~(The school impact fee schedule set forth in this subsection (e) was~~  
214 ~~originally temporarily adopted pursuant to Section 5 of ordinance~~  
216 ~~number 2011-04, effective May 13, 2011, and became permanent~~  
~~pursuant to Section 2 of ordinance number 2011-04, effective June~~  
~~10, 2011.)~~

218 **Sec. 23-142. Payment.**

220 (a) Except as otherwise provided in this article, prior to  
222 the issuance of a building permit for multi-family residential  
~~construction~~ (with the exception of duplexes) or townhouse  
224 construction, an applicant shall pay the school impact fee as set  
226 forth in section 23-141, Orange County Code. However, for single-  
family detached homes or duplexes, the applicant may elect to pay  
the applicable fee no later than immediately prior to the issuance of  
the certificate of occupancy.

228 **Sec. 23-143. Use of monies.**

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234 (f) In the event that a building permit, issued for  
residential construction, expires or otherwise becomes invalid prior  
to completion of the residential construction for which it was issued  
and for which a school impact fee was paid, the applicant may,  
236 within one hundred twenty (120) days of the expiration or invalidity  
of the building permit, apply for a refund of the school impact fee.  
238 Failure to timely apply for a refund of the school impact fee shall  
waive any right to a refund.

240 (1) The application for refund shall be  
242 filed with the local government that issued the subject building  
permit, with a copy to the superintendent, and contain the  
244 following:

- 246 a. The name and address of the applicant;
- 248 b. The location of the property which was the  
subject of the building permit;
- c. The date the school impact fee was paid;
- 250 d. A copy of the receipt of payment for the  
school impact fee; and
- 252 e. The date the building permit was issued  
and the date of expiration or that it was declared invalid.



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256 (2) After verifying that the building  
258 permit has expired or become invalid and that the residential  
260 construction has not been completed, the governing entity holding  
such fee shall refund it. The School Board and one or more  
municipalities may, by separate agreement, modify the process for  
issuance of impact fee refunds.

262 (3) A building permit which is  
264 subsequently issued for residential construction on the same  
266 property which was the subject of a refund shall pay the school  
impact fee based on the rate effective as of the date of the  
subsequently pulled building permit as required herein.

268 **Sec. 23-144. Alternative school impact fee calculation.**

270 (a) In the event an applicant believes that the impact to  
272 the school system necessitated by residential construction is less  
than established in the “Orange County Public Schools School  
Impact Fee Study Update Study Final Report” dated ~~May 10, 2011~~  
274 February 5, 2016, and ~~adopted by reference in section 23-141,~~  
~~Orange County Code~~, such applicant may, prior to issuance of a  
276 building permit for such residential construction, submit a  
calculation of an alternative school impact fee. Consistent with the  
278 Florida case law requirements for a valid school impact fee and the  
mandate for the provision of a uniform system of free public  
280 schools in Article IX, section 1, Florida Constitution, any  
determination of a lesser impact to the school system created by  
282 residential construction under the alternative school impact fee  
calculation process provided in this subsection shall not be based  
284 on the projected or current use of the residential project but shall  
be based on a consideration that the permanent physical  
286 characteristics or limitations of the residential construction will  
generate fewer students initially and during their useful life than  
288 the student generation assumptions utilized in the impact fee study.

290 \* \* \*

292 **DIVISION 3. MISCELLANEOUS PROVISIONS**

294 **Sec. 23-161. Exemptions.**

296 The following shall be exempted from payment of the  
298 impact fees:

\* \* \*

300 (7) Student housing.

302 (8) The construction of an accessory dwelling unit as  
304 defined in section 38-1, Orange County Code, provided, however,  
306 that the living area of the accessory dwelling unit does not exceed  
308 500 square feet.

(9) County facilities constructed for nonproprietary  
governmental purposes.

\* \* \*

310 **Sec. 23-163. Workforce and affordable housing.**

312 Any single family residential unit, multi-family dwelling  
314 unit, townhouse, or mobile home within a project that has been  
316 certified as a workforce or affordable housing development ~~or that~~  
318 ~~has received a certificate of affordability from~~ by the Orange  
County Housing and Community Development Division may be  
eligible for financial incentives pursuant to Orange County  
Administrative Regulation 4.08 to help offset school impact fees.

320 The terms “workforce housing development,” “affordable,”  
322 “low income,” and “very low income” shall be as defined in  
324 Orange County Administrative Regulation 4.08, as it may be  
amended or replaced from time to time.

326 The board shall adopt administrative regulations and  
328 guidelines to implement this section and to ensure that a housing  
unit that is granted incentives to help offset school impact fees  
remains affordable.

\* \* \*

332 **Sec. 23-167. Review requirement.**

334 (a) This article and the impact fee study shall be  
336 reviewed by the board, in consultation with the school board and  
338 ~~cities~~ municipalities, at least once every four (4) years. The initial  
and each subsequent review shall consider, but not be limited to,  
340 all components of the impact fee study accepted in section 23-124,  
Orange County Code. Such review shall also include a detailed  
342 ~~analyses~~ analysis of the economic impact of this article sufficient to  
comply with the requirements of Section 163.31801, Florida  
Statutes. The purpose of this review is to demonstrate that this  
344 impact fee does not exceed reasonably anticipated costs associated

346 with growth-necessitated capital improvements. In the event the  
348 review of the article and impact fee study required by this section  
350 alters or changes the assumptions, conclusions and findings of the  
352 ~~impact fee study accepted by reference in section 23-124~~ “Orange  
County Public Schools School Impact Fee Study Update Final  
Report” dated February 5, 2016, then such study shall be amended  
and updated to reflect the assumptions, conclusions and findings of  
such reviews and the impact fee shall be amended in accordance  
therewith.

354 (b) The board hereby establishes a School Impact Fee  
356 Advisory ~~Group~~Committee, the purpose of which will be to  
358 recommend a methodology for performing the school impact fee  
study. Where practicable, such methodology should be consistent  
360 with the prior school impact fee. The advisory ~~group~~committee  
shall review the school impact fee study, update methodology  
362 where necessary to utilize the most accurate and recent local data,  
and may review the school impact fee ordinance and recommend  
364 revisions to it. The advisory ~~group~~committee will be comprised of  
seven (7) members: three (3) members selected by the school  
366 board and four (4) members selected by the county, one (1) of  
which will represent the interests of the ~~Home Builders  
Association of Mid-Florida~~ Greater Orlando Builders Association.  
368 Meetings will be coordinated and supported by county staff

370 \* \* \*

372 ~~**Sec. 23-170. Pilot program for deferral of impact fees for  
workforce housing.**~~

374 (a) ~~General.~~ *In lieu of the payment of school impact  
376 fees at the time of the issuance of building permits, as set forth in  
Section 23-142, Orange County Code, an applicant for a  
378 Workforce Housing project may propose to enter into an  
agreement with the County to defer the payment of school impact  
380 fees as set forth below. The county shall only defer school impact  
fees if the School Board has agreed, in writing, to the deferral of  
382 school impact fees after consideration of the proposed Workforce  
Housing project. This section is not intended in any way to relieve  
384 an applicant of any concurrency requirements that may be  
applicable to their project, or the requirement that the applicant  
386 enter into a Capacity Enhancement Agreement with the School  
Board, as applicable.*

388                   (b) ~~Criteria.~~ To qualify for the deferral of school  
and impact fees as set forth herein, the Workforce Housing project  
shall meet the following criteria:

390                   (1) ~~The project must be approved as a~~  
Workforce Housing project by the Orange County Housing and  
392 Community Development Division.

394                   (2) ~~The School Board must approve the project~~  
and agree to the deferral of school impact fees. In addition to the  
agreement with the County, as described herein, the School Board,  
396 at its discretion, shall pass a resolution or enter into an agreement  
with the Applicant (which may include an amendment to an  
398 existing Capacity Enhancement Agreement) memorializing any  
additional terms relating to the deferral of school impact fees. In  
400 the event the terms of an agreement the School Board enters into  
with the Applicant conflict with the terms of the agreement that the  
402 Applicant enters into with the County, the terms of the County's  
agreement shall control.

404                   (3) ~~The owner or developer (referred to herein~~  
as "Applicant") of the project shall enter into an agreement with  
406 the County, in a form acceptable to the County, memorializing  
terms consistent with the following requirements:

408                   a. ~~The agreement must be presented to~~  
and approved by the Board of County Commissioners prior to the  
410 issuance of a building permit. The Board of County  
Commissioners shall approve such an agreement only if it finds  
412 that the agreement will apportion the burden of expenditure for  
new facilities in a just and equitable manner, consistent with the  
414 principles set forth in *Contractors & Builders Association v. City*  
*of Dunedin*, 329 So. 2d 314 (Fla. 1976), *Hollywood Inc. v.*  
416 *Broward County*, 432 So. 2d 606 (Fla. 4th DCA 1983), cert.  
denied, 440 So. 2d 352 (Fla. 1983); and *Home Builders and*  
418 *Contractors Association of Palm Beach County, Inc. v. Board of*  
*County Commissioners of Palm Beach County*, 446 So. 2d 140  
420 (Fla. 4th DCA 1984), cert. denied, 451 So. 2d 848 (Fla. 1984).  
When considering a project for approval, the Board of County  
422 Commissioners may consider factors including, but not limited to,  
the proximity of the project to: a major employer, a major  
424 employment center, or mass transit; or whether the project is  
located in an identified redevelopment area;

426 b. ~~The agreement must be recorded in~~  
the official records of Orange County, Florida at the Applicant's  
428 expense;

430 c. ~~The agreement shall contain a fifteen~~  
(15) year restrictive covenant running with the land imposing the  
Workforce Housing limitations (i.e. 40% of the units shall be  
432 reserved for residents at 80% or less of the area median income);

434 d. ~~The agreement shall sufficiently~~  
describe the real property to which the pilot program applies and  
shall provide that the deferral of impact fees shall not be  
436 transferable to other real property; and

438 e. ~~The agreement shall have a~~  
termination date fifty four (54) months from the date of issuance of  
the first building permit for a Workforce Housing project;  
440 provided, however, that any obligations on the part of the  
Applicant that may be outstanding at the end of the 54 month term  
442 shall survive the expiration of the agreement.

444 (4) ~~The Applicant must provide security for the~~  
repayment of the deferred impact fees as required herein.

446 (5) ~~All deferred impact fees shall be paid in full~~  
by the expiration of the agreement, regardless of when the building  
permit(s) was issued.

448 (6) ~~At least one building permit must be applied~~  
for and issued, and construction commenced, within twelve (12)  
450 months from the effective date of the agreement.

452 (7) ~~All deferred impact fees shall be payable at~~  
the rate in effect when the building permit is issued and shall  
accrue interest (payable to the County; provided, however, that the  
454 School Board shall be entitled to receive the pro rata share of the  
interest that accrues on the deferred school impact fees) from the  
456 date the building permit is issued at a rate equal to the bank prime  
rate less one quarter (1/4) point (i.e. 25 basis points) (the "Base  
458 Rate"). The rate shall be reset on a calendar quarterly basis and  
shall be capped at a maximum rate of the Base Rate plus four (4)  
460 points (i.e. 400 basis points) (the "Maximum Rate").

462 (8) ~~The project shall have a minimum of 100~~  
dwelling units and a maximum of 400 dwelling units.

464                                 ~~(9) — The project shall be located within the  
Urban Service Area.~~

466                                 ~~(10) — Workforce Housing pilot projects shall be  
limited to one per County Commission District and shall be  
considered and approved on a “first come, first served” basis.~~

468                                 ~~(11) — Applications for deferral of impact fees for  
Workforce Housing pursuant to this pilot program shall be  
470 submitted to the County not later than July 1, 2011.~~

472                                 ~~(c) — *Security.* In order to secure the payment of the  
deferred impact fees, the Applicant shall, at the sole discretion of  
the Board of County Commissioners provide security for the  
474 deferment. Security shall be in an amount sufficient to cover all  
deferred impact fees (including school impact fees, if applicable)  
476 and all deferred utilities capital charges. The security shall include  
an amount of estimated interest, calculated based upon the  
478 Maximum Rate, to be accrued over the life of the deferral from the  
date of the issuance of the first building permit until the  
480 termination date of the agreement. In addition to the security, a  
lien in favor of Orange County on the subject property, which shall  
482 be subordinate to any construction financing for the project, shall  
be placed on the property. The security provided may consist of  
484 one or more of the following:~~

486                                 ~~(1) — An irrevocable, demand draw, standby letter  
of credit, in form acceptable to the County.~~

488   ~~a. — The letter of credit shall be drawn on  
a bank acceptable to the County with a rating of “A” or better as  
490 determined by two of the top three nationally recognized credit  
rating agencies. If the rating of the letter of credit bank falls below  
492 an “A”, the Applicant shall replace the letter of credit with a  
conforming letter of credit upon thirty (30) days notice from the  
County;~~

494   ~~b. — The letter of credit bank shall be a  
Florida Qualified Public Depository, pursuant to Chapter 280,  
496 Florida Statutes. If the letter of credit bank loses its status as a  
Florida Qualified Public Depository, the Applicant shall replace  
498 the letter of credit with a conforming letter of credit upon thirty  
(30) days notice from the County;~~

500 e. ~~The letter of credit bank must have~~  
502 ~~an office or branch within the tri-county area (Orange, Osceola,~~  
~~Seminole) where the letter of credit can be drawn upon; and~~

504 d. ~~The letter of credit must contain~~  
~~default/draw provisions acceptable to the County.~~

506 (2) ~~US Treasury securities acceptable in type~~  
~~and term to the County to be transferred to the County as collateral~~  
~~for the deferred impact fees.~~

508 (d) ~~Opinion letters. In addition to the security to be~~  
510 ~~provided as outlined above, the County shall receive an opinion~~  
512 ~~from a qualified bankruptcy attorney indicating that the County~~  
~~would be protected under whatever security is provided in the~~  
514 ~~event the Applicant files for bankruptcy. The opinion shall come~~  
~~from an attorney or law firm selected by the County and paid for~~  
516 ~~by the Applicant. Following the first approved Workforce Housing~~  
~~project, the County may choose to receive a new opinion or have~~  
~~the original opinion updated.~~

518 (e) ~~Sunset. Except for applications for projects~~  
~~submitted before July 1, 2011 this pilot program shall sunset on~~  
520 ~~July 1, 2011 without further action by the Board of County~~  
~~Commissioners.~~

522 \* \* \*

524 *Section 3. Public school sites.* Orange County Code, Chapter 34, Article V,  
Section 34-155, Design Standards, Public Sites and Open Spaces is hereby amended as follows:

526 **ARTICLE V. DESIGN STANDARDS**

528 **DIVISION 1. GENERAL**

530 **Sec. 34-155. Public sites and open spaces**

530 \* \* \*

532 (b) *Public school sites.* In proposed subdivisions as  
534 defined in subparagraph (1) below, public school sites shall be  
536 designated on the preliminary subdivision plan prior to acceptance  
538 of such plan. Where reservation of school sites is determined, an  
executed deed or the required reservation and maintenance  
agreement, as noted in subparagraph (2) shall be approved by the  
board of county commissioners.

540 (1) Multiplier of students per dwelling unit.  
542 The school age population shall be determined based on the  
following rate:

544	Single-Family	<del>0.431</del> <u>0.417</u>
	Multi-family	<del>0.259</del> <u>0.281</u>
546	<u>Townhouse</u>	<u>0.329</u>
548	Mobile Home	<del>0.287</del> <u>0.289</u>

\* \* \*

550 In all other respects, section 34-155 shall remain unchanged.

552 *Section 4.* This ordinance shall take effect on May 16, 2016.

554 **ENACTED THIS 10<sup>th</sup> DAY OF MAY, 2016.**

ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

558  
560 By: \_\_\_\_\_  
Teresa Jacobs  
Orange County Mayor

564 ATTEST: Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners

566  
568 By: \_\_\_\_\_  
Deputy Clerk

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