

OCT 22 2013 KH/CAS

RESOLUTION

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of the

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ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

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Regarding

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ORANGE COUNTY PROCEDURES FOR EXEMPTING CERTAIN RESIDENTIAL DEVELOPMENTS FROM SCHOOL CONCURRENCY.

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Resolution No. 2013-M-45

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WHEREAS, on September 21, 2010, the Orange County Board of County Commissioners (the "Board") adopted Ordinance 2010-10 which, among other things, codified Orange County's school concurrency requirements; and

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WHEREAS, Section 30-374 of the Orange County Code sets forth the process by which certain developments may be exempted from the requirements of school concurrency, which include either (i) applying for one of the exemptions listed in subsection (a) of that section, which exemption applications are reviewed by the staff in the Concurrency Management Office, or (ii) applying for a vested rights certificate under subsection (b) of that section, which vested rights applications are reviewed by the County Attorney's Office, after payment of a fee; and

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WHEREAS, currently, an applicant for a building permit in a residential subdivision that was platted prior to September 16, 2008, who wishes to be exempted from school concurrency is required to apply for a vested rights certificate under Section 30-374(b); and

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WHEREAS, generally, the review of vested rights applications based on residential plats is straightforward and can likely be handled by a staff member in the Concurrency Management Office in a fashion similar to applications for exemptions as set forth in Section 30-374(a) at a lower cost and in a shorter period of time; and

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WHEREAS, recently, the Concurrency Management Office has seen an increase in development activity and a larger volume of school concurrency vested rights applications based on residential plats; and

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WHEREAS, County staff has been meeting to revise Chapter 30, including revising portions of Section 30-374 that would allow residential subdivisions platted prior to September 16, 2008, to be exempted from school concurrency under 30-374(a), in lieu of a vested rights

44 certificate under 30-374(b), but those code revisions will likely not be ready for a public hearing
before the Board until sometime in 2014; and

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47 **WHEREAS**, in order to streamline the development process and make the school
48 concurrency exemptions more equitable, it would be advisable to implement interim procedures
49 that would allow the Concurrency Management Office to review certain platted residential
50 developments as an exemption under Section 30-374(a) as opposed to requiring those applicants
to complete the vested rights process under Section 30-374(b).

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54 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**
55 **COMMISSIONERS OF ORANGE COUNTY:**

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57 *Section 1. Interim Procedures.* The Board hereby adopts the following
58 interim procedures:

59 (a) An applicant for a building permit in a residential subdivision that
60 has been platted into one (1) or more dwelling units per lot prior to September
16, 2008, may apply for an exemption from school concurrency in accordance
62 with Section 30-374(a) of the Orange County Code.

63 (b) Such residential subdivisions shall be exempt from school
64 concurrency for the number of unbuilt dwelling units approved on the plat.

65 (c) In the event the application for exemption requires a more detailed
66 review or Concurrency Management staff is unable to determine whether or not
the application qualifies for an exemption, Concurrency Management staff, in its
68 discretion, may forward the application to the County Attorney's Office for
review and may, at that time, require the applicant to complete a vested rights
70 application including the accompanying fee.

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Section 2. Effective Date. This Resolution shall be effective upon adoption

74 by the Orange County Board of County Commissioners.

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78 ADOPTED this ____ day of **OCT 22 2013**, 2013.

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ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

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By: *Teresa Jacobs*

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Teresa Jacobs

Orange County Mayor

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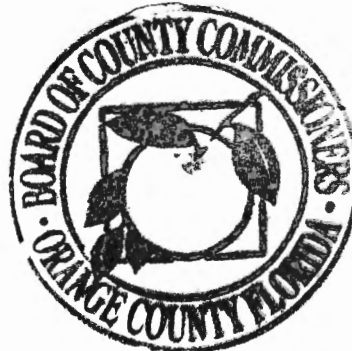
92 ATTEST; Martha O. Haynie, County Comptroller
As Clerk to the Board of County Commissioners

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By: *Martha O. Haynie*

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Deputy Clerk



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