



# Broward County

## Legislation Details (With Text)

**File #:** 21-1093      **Version:** 1

**Status:** Agenda Ready

**In control:** PUBLIC HEARING

**On agenda:** 6/15/2021      **Final action:** 6/15/2021

**Title:** MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO SCHOOL IMPACT FEES AND STUDENT GENERATION RATES; AMENDING SECTIONS 5-182.9 AND 5-184 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR APPLICABILITY, STUDENT GENERATION RATES, AND SCHOOL IMPACT FEE WAIVERS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.  
(Sponsored by the Board of County Commissioners)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit 1 - Copy of Proposed Ordinance, 2. Exhibit 2 - School Board's Resolution No. 21-105

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO SCHOOL IMPACT FEES AND STUDENT GENERATION RATES; AMENDING SECTIONS 5-182.9 AND 5-184 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR APPLICABILITY, STUDENT GENERATION RATES, AND SCHOOL IMPACT FEE WAIVERS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

#### Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of June 1, 2021.

#### What Action Accomplishes

Permits Board consideration of an Ordinance amending Sections 5-182.9 and 5-184 of the Broward County Code of Ordinances.

**Is this Action Goal Related**

No

**Previous Action Taken**

**Summary Explanation/Background**

The Broward County Land Development Code regulates concurrency and the collection of impact fees for public schools. These fees are collected by County staff and transferred to the Broward County School Board to fund public school improvements, consistent with state law and with the Third Amended and Restated Interlocal Agreement for Public School Facility Planning.

On October 20, 2020, the Board enacted Ordinance No. 2020-36 revising the student generation rates and school impact fees of the Land Development Code (Agenda Item No. 70). The revisions included updates to the total student generation rates for each dwelling unit type. The School Board has requested that the Land Development Code be further amended to include the student generation rates for elementary, middle, and high school levels, without a change to the total student generation rates of Ordinance No. 2020-36. Additionally, the School Board has asked for amendments that would allow for school impact fees to be waived without a requirement that the School Board identify a source of funding for the waivers, consistent with HB 7103 (2019). The drafted Ordinance addresses both amendments requested by the School Board.

The proposed Ordinance also modifies Section 5-182.9 of the Land Development Code to further define age-restricted communities that would qualify for school impact fee waivers as communities meeting the definition of "housing for older persons," consistent with federal, state, or local laws or regulations, and to delete the footnote found in the "School Impact Fee Schedule" related to the effective date of school impact fee increases. The footnote reflects the motion made by the Board in enacting Ordinance No. 2020-36 reserving the right to delay, reduce, or eliminate the increased student impact fees if, prior to January 1, 2022, the School Board has not made an appropriate modification to its impact fee waiver policy to address the impact fees assessed against developments meeting the housing needs of moderate income persons. As reflected in the School Board's Resolution No. 21-105, attached as Exhibit 2, the School Board has amended its Growth Management Policy 1161 to provide for a full waiver of impact fees for moderate income housing units and increased the funding for affordable housing waivers by \$75,000 to accommodate the waivers for moderate income housing units. If the proposed Ordinance is enacted, thereby eliminating the need for the School Board to identify a source of funding for the waivers, the latter part of the School Board's resolution would become unnecessary.

**Source of Additional Information**

Maite Azcoitia, Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.