



Broward County

Legislation Details (With Text)

File #: 21-446 **Version:** 1

Status: Agenda Ready

In control: Public Works and Environmental Services - Housing and Urban Planning Division

On agenda: 4/6/2021 **Final action:** 4/6/2021

Title: MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending Chapter 5 of the Broward County Code of Ordinances (“Land Development Code”) related to regulations for Public School Concurrency and compliance with HB 7103.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - School Board Request, 2. Exhibit 2 - School Board Resolution

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

Director's Name: Leonard Vialpando

Department: Environmental Protection

Division: Planning & Development Management

Information

Requested Action

MOTION TO DIRECT Office of the County Attorney to draft an Ordinance amending Chapter 5 of the Broward County Code of Ordinances (“Land Development Code”) related to regulations for Public School Concurrency and compliance with HB 7103.

Why Action is Necessary

Pursuant to Section 18.5(e) of the Broward County Administrative Code, the subject matter of a proposed Ordinance must be considered by the Board prior to the drafting of the proposed Ordinance.

What Action Accomplishes

Provides required direction to the Office of the County Attorney.

Is this Action Goal Related

No

Previous Action Taken

None.

Summary Explanation/Background

THE ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT DEPARTMENT AND THE PLANNING AND DEVELOPMENT MANAGEMENT DIVISION RECOMMEND APPROVAL OF THE

ABOVE MOTION.

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 (TRILA), as approved by the Board on September 14, 2017 (Agenda Item No. 24). On October 20, 2020, the Board adopted revised student generation rates and school impact fees into the Land Development Code (Agenda Item No. 70).

The School Board has requested that the Land Development Code be amended to include Student Generation Rates for Elementary, Middle and High School levels, and that the Code be updated for consistency with Florida Statutes (as amended in HB 7103) regarding impact fee waivers for affordable housing (Exhibit 1). In addition, the School Board has submitted Resolution 21-105 for the Board's consideration, to satisfy the requirement to make "an appropriate modification to its impact fee waiver policy to address the increased impact fees assessed against development meeting the housing needs of moderate income persons" (Exhibit 2). However, the County Attorney has advised that if the provisions of HB 7103 are incorporated into the Land Development Code for school impact fees, the commitment would not be necessary.

All amendments to the Broward County Land Development Code are reviewed by Broward County Planning Council, prior to Board action.

Source of Additional Information

Josie P. Sesodia, AICP, Director, Planning and Development Management Division, (954) 357-6602

Fiscal Impact

Fiscal Impact/Cost Summary

The proposed action would not change the total amount of impact fees collected by Broward County on behalf of the School Board in a pass-through fund. Per the TRILA, Broward County retains 2% of the school impact fee to offset actual administrative costs.