



# Broward County

## Legislation Text

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File #: 20-1737, Version: 1

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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 **(continued from September 22, 2020 - Item No. 37)**:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE LAND DEVELOPMENT CODE; AMENDING SECTION 5-182.9 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), PROVIDING FOR ADEQUACY OF SCHOOL FACILITIES AS PART OF DEVELOPMENT REVIEW; 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 September 10, 2020.

#### **What Action Accomplishes**

Allows the Board's consideration of an Ordinance updating and amending adequacy requirements for public school concurrency and impact fees.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

The proposed Ordinance was prepared at the direction of the Board of County Commissioners ("Board") at its meeting of October 15, 2019, and amends the student generation rates and school impact fees contained in Section 5-182.9 of the Broward County Code of Ordinances (the "Land Development Code"). The amendments are consistent with the Broward County Public School Student Generation Rate and School Impact Fee Study Update prepared by Tindale Oliver and dated July 23, 2019, as modified by the School Board of Broward County ("School Board"). Specifically, the School Board recommended that all impact fee increases be capped at forty-nine percent (49%) of the existing fee.

The proposed Ordinance also amends Section 5-182.9 to incorporate relevant provisions of Chapter 2019-106, Laws of Florida, commonly referred to as House Bill ("HB") 7103, including the dual rational nexus test and providing for leveraging of school impact fee monies to pay for existing and new debt service or for previously approved projects, provided there is a reasonable connection to, or a rational nexus with, the expenditure of the collected school impact fees and the benefits accruing to the new residential development. For a more detailed explanation of the proposed amendments and responses to questions that were asked by the Board on October 15, 2019, please see the memorandum to the Board of County Commissioners from the Office of the County Attorney attached as Exhibit 2.

The Broward County Planning Council, as the local planning agency for the Broward County Land Use Plan, and the Environmental Protection and Growth Management Department, as the local planning agency for the Broward County Comprehensive Plan and its Future Unincorporated Area Land Use Element, held public hearings on May 28, 2020, and July 20, 2020, respectively, at which time they found that the proposed Ordinance was generally consistent with the Broward County Comprehensive Plan and Land Use Plan.

Senator Geller provided Additional Agenda Material (attached as Exhibit 3) regarding the existing and proposed school impact fees. This item was continued from the public hearing of September 22, 2020, to obtain additional information from the School Board regarding school impact fee waivers for affordable housing and the repurposing of unused schools and classrooms to accommodate use as day care facilities. In light of the continued public hearing and in order to provide the requisite notice pursuant to Section 163.31801, Florida Statutes, the proposed Ordinance has been amended by the Office of the County Attorney to reflect an effective date of February 1, 2021, as shown on Exhibit 4.

#### **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.