



Broward County

Legislation Text

File #: 21-1020, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution No. 2021-301 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, June 15, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed 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

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of April 6, 2021.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting 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 3, 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

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.