

PROPOSED

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO SCHOOL CONCURRENCY; AMENDING SECTION 5-182.9 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"), IMPLEMENTING CHAPTER 2022-122, LAWS OF FLORIDA, REGARDING SCHOOL CONCURRENCY; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 5-182.9 of the Broward County Code of Ordinances is hereby amended to read as follows:

Sec. 5-182.9. Adequacy of school sites and facilities.

(a) *Land suitable for residential development pursuant to applicable land development regulations shall be subject to public school concurrency.*

(1) *Public school concurrency.* Pursuant to the Public School Facilities Element of the Broward County Comprehensive Plan (PSFE) and the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (ILA), Broward County shall collaborate with ~~the~~ The School Board of Broward County (School Board) and Broward County municipalities to ensure that public school facilities will be available for current and future students.

...

b) *Exemptions and vested development.*

...

2) The following residential applications shall be vested from the requirements of public school concurrency:

a. Any application located within a ~~previously approved~~ previously approved comprehensive plan amendment or rezoning ~~which~~ that is subject to a mitigation agreement in accordance with the following:

...

c. Any application for which the School Board notifies the County that capacity is available pursuant to Section 163.3180, Florida Statutes, as may be amended.

...

Section 2. Severability.

If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be legally applied to any individual, group, entity, property, or circumstance, such determination will not affect the applicability of this Ordinance to any other individual, group, entity, property, or circumstance.

Section 3. Inclusion in the Broward County Code of Ordinances.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance become part of the Broward County Code of Ordinances as of the effective date. The sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:

Andrew J. Meyers, County Attorney

By: /s/ Alexis Marrero Koratich 05/04/2023
Alexis Marrero Koratich (date)
Assistant County Attorney

By: /s/ Maite Azcoitia 05/04/2023
Maite Azcoitia (date)
Deputy County Attorney

AIK/gmb
Ch 5 Public School Concurrency
05/16/2023
#60053-0057

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.