#### **Board of County Commissioners**

# SCHOOL OVERCROWDING CHARTER PROVISION RE-APPROVAL

June 19, 2012



- Purpose
- Chronology
- Charter Provision
- Requested action (ballot
  - language)



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#### Purpose:

### Charter sec. 704 B.2. provides

"..... This paragraph 2 shall be offered to the electors for re-approval at referendum at the General Election in 2012...."



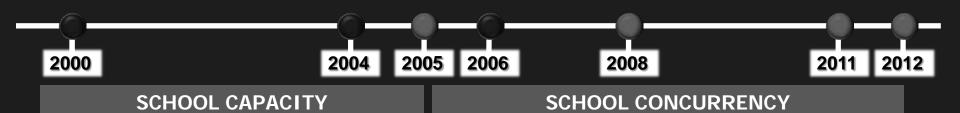
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- 2000: Martinez Memorandum
- 2004: Charter amendment passes
- 2005: Charter interlocal agreement
- 2005: SB 360 mandatory school concurrency
- 2006: Countywide ordinance adopted
- 2008: School concurrency plan amendments adopted
- 2011: HB 7207 school concurrency through local comp plans and ILA
- 2012: Re-approve Charter provision

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Marc	29,2000	
то	Board of County Commissioners	ataly
FRO	M: Mel Martinez, Orange County Chairman Ul JUA	ander
RE	Land Use Approvals and School Overcrowding	6
appro	ent weeks and months, the Board has/faced a number of recuests with in areas of the county where public schools are seriously or ation over the apparent lack of options to address the problem he can assure you that I very much share the frustration.	ercrowded. The Board's
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I sill conc doing over	the able assistance of the members of the Public Schools Task F labels to consider implementation of school concurrency. How memory is so difficult that, I am tok, oct owe coursy celly in Fi it. Is my view, counties and cities in Fiorida are hardly indiffer sourching. Instance, counties and cities are stymiced by a stantse th the educational needs of our children.	ever, implementing school orifa has succeeded in rent to the issue of school
direc Flori scho	use school concurrency has proven to be such an inteffective and ed our planning and legal staffs last year to review once again th ds and to determine where in the savenal tagges of the ladd use a lo evercowing legally can be considered in the Board's decision yours. I varated to how whether the concurrency statute acts to subority such as charter county home-rule powers. The nailysi	he state of the law in peroval process, if at all, as to grant or deny procents other sources of





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### What the charter provision is/does:

- Authorizes countywide ordinance (preempting municipal ordinances) governing certain comprehensive plan amendments and rezonings
- For comprehensive plan amendments or rezonings that increase residential density and affect schools that serve more than one jurisdiction:





- OCPS must certify capacity is available, or if insufficient capacity, developer enters into Capacity Enhancement Agreement (CEA) with OCPS
- Mitigation





If insufficient capacity, or OCPS cannot certify future capacity through CEA or mitigation, comp plan amendment or rezoning becomes effective only upon approval of all significantly affected local governments



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### **Requested action:**

Approve ordinance to place the ballot title and question on the November 6, 2012, general election ballot.



### REQUIRE COUNTY AND MUNICIPAL APPROVAL OF ZONING OR COMPREHENSIVE PLAN AMENDMENTS AFFECTING OVERCROWDED SCHOOLS.

Shall the Orange County Charter provision be re-approved to allow the continued effectiveness of the ordinance requiring that rezonings or comprehensive plan amendments (or both) (1) that increase residential density in an overcrowded school zone and (2) for which the school district cannot accommodate the expected additional students, take effect only upon approval by each local government located within the boundaries of that school zone?