

MEMORANDUM

Agenda Item No. 4(B)


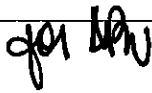
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 18, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to Road Impact Fees; amending section 33E-8 of the Code; providing for a discount for road impact fees for certain pedestrian-oriented developments; providing criteria and procedures for determination of discounted road impact fees applicable to a pedestrian-oriented development and for an appeal of such determination; deeming urban center and urban area districts to be pedestrian-oriented developments

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.


Abigail Price-Williams
County Attorney 

APW/cp



MEMORANDUM

(Revised)

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
10-18-16

ORDINANCE NO. _____

ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTION 33E-8 OF THE CODE OF MIAMI-DADE COUNTY; FLORIDA PROVIDING FOR A DISCOUNT FOR ROAD IMPACT FEES FOR CERTAIN PEDESTRIAN-ORIENTED DEVELOPMENTS; PROVIDING CRITERIA AND PROCEDURES FOR DETERMINATION OF DISCOUNTED ROAD IMPACT FEES APPLICABLE TO A PEDESTRIAN-ORIENTED DEVELOPMENT AND FOR AN APPEAL OF SUCH DETERMINATION; DEEMING URBAN CENTER AND URBAN AREA DISTRICTS TO BE PEDESTRIAN-ORIENTED DEVELOPMENTS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33E-8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 33E-8. Fee computation by adopted schedule.

The feepayer may elect to allow the County Public Works [~~and Waste Management~~] Director to use the impact fee schedule set forth below developed pursuant to the formula set forth in Section 33E-7(a). The Impact Fee Per Unit of Development shall be multiplied by the Present Day Cost (PDC) Multiplier for the year in which the fee is paid in accordance with the table in subsection 33E-8(d).

- (a) The following impact fee schedule shall be used by the County Public Works and Waste Management Director in computing the road impact fee:

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (b) >>Pedestrian-Oriented Development. A mixed-use development that meets all of the criteria for a Pedestrian-Oriented Development (POD) set forth below shall be entitled to an impact fee reduction of 14.1 percent, which represents the average daily trip generation internalization rate attributable to this type of development. The discount shall not apply to any administrative, convenience, or transactional fees.

(1) Criteria

a. Criteria 1 – Development Size

1. Development area is less than 162 acres.
2. Development is a single master-planned development between 100,000 and 2,000,000 square feet in size.

b. Criteria 2 – Development Land Uses

1. Non-residential land use exceeds 30 percent of the total development area.
2. Residential land use, which can include single-family detached homes, townhouses, rowhouses, or apartments, is between 25 and 55 percent of the total development area.
3. Development area includes a combination of at least three other land uses besides residential, as those uses are defined in Section 33-284.83 of this code: Professional Business Offices; Health Care Services; General Retail/Personal Service Establishments; Food/Beverage Establishments (excluding fast food restaurants and drive-through facilities); Entertainment Uses; Accommodation Uses; or Civic Uses.

4. The second and third largest land uses must be at least 10 percent of the overall area.
5. The development does not have fast-food restaurants, gas stations, industrial uses, or uses with drive-through facilities.

c. Criteria 3 – Building Design Features

1. The development has at least one major public space such as a plaza, park, town square, or other public gathering space such as a community center.
2. The development has a discernible center. This is often a square, a green, a roundabout, a park or a busy street corner, or some combination of the above.
3. The development is within a 1,500 foot radius of the POD's center.
4. There are multiple buildings accommodating more than one land use.
5. The buildings and individual project components have mostly common features and support services such as shared parking, servicing, loading, and utility areas.
6. The building setbacks are less than or equal to 25 feet from the roadway.
7. The building main entries face the street.

d. Criteria 4 – Internal Connectivity

1. The pedestrian sidewalks form a network connecting all areas of the development.
2. The pedestrian sidewalks are between 12 and 20 foot wide.
3. The internal vehicular streets are two or four lanes (11 or 10 foot wide lanes) and shaded by rows of trees.

4. Vehicles can access any part of the development without using the adjacent regional roadways.

(2) Process for approval of POD impact fee reduction.

a. Initial Determination. The County Zoning Director shall, through an administrative site plan review, determine whether a development satisfies the POD criteria set forth above.

1. The approved site plan may thereafter be constructed in phases, but to receive the POD impact fee reduction, each phase shall be subject to a final determination of compliance as set forth below.

2. A Miami Dade County Urban Center or Urban Area District established in Chapter 33 of this Code is deemed to be a POD. Development on any parcel located in, or within 1,500 feet of, the Core sub-district of any such Urban Center or Urban Area District shall be entitled to the 14.1 percent impact fee reduction, subject to a final determination as set forth below to verify the location of the parcel.

b. Final Determination. Prior to approval of a POD impact fee reduction for any individual parcel or construction phase, the County Zoning Director shall issue a written determination as to whether the subject property is located within an approved POD or within the requisite area of an Urban Center or Urban Area District.

c. Appeals. Any appeal of a POD determination shall be filed in accordance with section 33E-15 of this chapter.

(c)<< If the type of land use within a proposed or current development is not specified in the above impact fee schedule, the County Public Works ~~[[and—Waste Management]]~~ Director shall use the ITE Land Use Type most nearly comparable in computing the fee. In the absence of an appropriate land use category codified herein, the County Public Works ~~[[and—Waste Management]]~~ Director may use a trip generation rate for a substantially similar land use category as published in the current edition of "The Trip Generation Manual" of the Institute of Transportation Engineers.

>>(d)<<[[~~(e)~~]] In determining existing development activity, as defined in Section 33E-5(10) of this chapter, and the units of proposed or existing development, the County Public Works Director shall use the building permit and certificate of use information contained in the records of the Miami-Dade County Regulatory and Economic Resources Department and municipal building code and zoning regulation administering agencies.

>>(e)<<[[~~(d)~~]] Table of Present Day Cost (PDC) Multipliers.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GBL for KPN
CJA for DAK

Prepared by:

Dennis A. Kerbel

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.