

MEMORANDUM

Agenda Item No. 4(A)

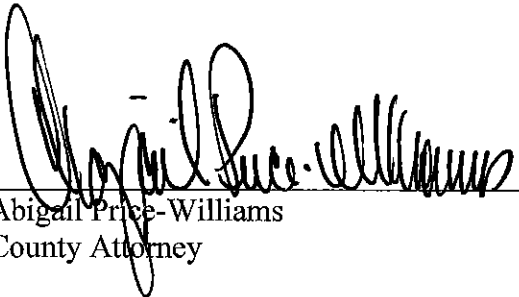
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: December 6, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to road
impact fees; amending section
33E-10 of the Code; requiring
that bicycle paths, bicycle lanes
and greenways are eligible for
consideration as off-site roadway
improvement contributions in-
lieu-of-fee

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/cp



MEMORANDUM

(Revised)

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

DATE: December 6, 2016

FROM: Abigail Rice-Williams
County Attorney

SUBJECT: Agenda Item No. 4(A)

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(A)
12-6-16

ORDINANCE NO. _____

ORDINANCE RELATING TO ROAD IMPACT FEES;
AMENDING SECTION 33E-10 OF THE CODE OF MIAMI-
DADE COUNTY, FLORIDA; REQUIRING THAT BICYCLE
PATHS, BICYCLE LANES AND GREENWAYS ARE
ELIGIBLE FOR CONSIDERATION AS OFF-SITE ROADWAY
IMPROVEMENT CONTRIBUTIONS IN-LIEU-OF-FEE;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,
AND AN EFFECTIVE DATE

WHEREAS, this Board has promoted bicycle transportation as an alternative transportation modality in order to reduce congestion on County roads and promote the environment; and

WHEREAS, chapter 33E of the Miami-Dade County Code requires that in order to obtain the appropriate zoning permits and approvals that new development address the impact that such development has on the traffic congestion; and

WHEREAS, pursuant to section 33E-10, a developer has the option to construct a roadway improvement in lieu of paying a road impact fee under certain conditions, and such roadway improvement contributions in-lieu-of-fee "shall be entitled to an adjustment equal to the percentage increase or decrease of the road cost in the road impact fee formula"; and

WHEREAS, in addition to a roadway for automobile traffic, a bicycle path, bicycle lane, or greenway that is used as an alternative form of transportation could have significant benefits of lessening the traffic impact of such a development; and

WHEREAS, this Board wishes to be explicit that the quantifiable reduction of road impact caused by the contribution in lieu-of-fee of a bicycle path, bicycle lane or greenway is considered on the same basis as a contribution of a roadway for vehicular traffic,

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

Section 1. Section 33E-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

33E-10 Roadway improvement contributions in-lieu-of-fee

- (a) In lieu of payment of all or part of the road impact fee, the County Public Works Director may accept the offer of a feepayer to construct all or part of an off-site roadway improvement. All contributions in-lieu-of-fee shall be in accordance with the Comprehensive Development Master Plan and the short range transportation improvement program. >>Without prejudice to the County Public Works Director's review of the merits of any particular project pursuant to sections (b)-(c), below, a bicycle path, bicycle lane, or greenway that can be used for bicycle transportation shall be eligible for consideration as an off-site roadway improvement.<< Such contributions in-lieu-of-fee shall be credited against payment of an impact fee in the amount determined by the County Public Works Director pursuant to Sections 33E-8 or 33E-9. The total amount of contributions in-lieu-of-fee shall not exceed the road cost portion of the impact fee formula in Section 33E-7. Contributions in-lieu-of-fee shall not be applied to the two (2) percent County administrative cost portion of the impact fee which shall remain the responsibility of the feepayer and must be paid at the time of building permit issuance.

Where a feepayer seeks to apply a contribution in-lieu-of-fee credit against payment of the road impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) two (2) percent of the contribution in-lieu-of-fee or one thousand dollars (\$1,000.00) whichever is less and (b) two (2) percent of the remaining road cost not satisfied by the contribution in-lieu-of 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.

Previously approved contributions in-lieu-of-fees which are: (1) unused and (2) based on a net road cost which has been subsequently adjusted, shall be entitled to an adjustment equal to the percentage increase or decrease of the net road cost in the road impact fee formula. Previously approved contributions in-lieu-of-fees which are: (1) unused and (2) based on a road cost which has been subsequently adjusted, shall be entitled to an adjustment equal to the percentage increase or decrease of the road cost in the road impact fee formula. Any such adjustment shall only be utilized to offset road impact fees and shall not be refundable.

(b) An offer by a feepayer to construct road improvement contributions in-lieu-of-fee must be accompanied by plans in sufficient detail to permit the County Public Works Director to determine that County or State design standards will be used and to determine the cost of such improvements.

(c) The County Public Works Director may accept or reject an offer of contributions in-lieu-of-fee. When such improvements are not consistent with standards set forth in the impact fee manual the >>County<< Public Works Director may reject the offer of contributions in-lieu-of-fee. >>Notwithstanding any provision of the impact fee manual, the County Public Works Director must consider a contribution in-lieu-of-fee consisting of a bicycle path, bicycle lane, or greenway that can be used for bicycle transportation on the same or substantially similar basis as a proposed roadway project.<< If >>an offer for a contribution in-lieu-of-fee is<< rejected, the >>County<< Public Works Director shall state in writing the reasons for the rejection. Any appeal from such a decision of the County Public Works Director to reject improvement contributions in-lieu-of-fee shall be reviewed by the County Development Impact Committee Executive Council pursuant to the procedures set forth in the adopted impact fee manual.

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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:

Prepared by:

Alexander S. Bokor

Prime Sponsor: Commissioner Daniella Levine Cava

APW
DLK fn