

Memorandum



Date: January 24, 2006

To: Honorable Chairman Joe A. Martinez and Members
Board of County Commissioners

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

Subject: Proposed Amendment to Section 33H of the Miami-Dade County Code
Park Impact Fee Ordinance

This item was amended at Committee to modify the date of adoption and to correct the exact number of residential dwelling units addressed under Section 33H-6(b)(1) to "more than" fifty (50).

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that amends Chapter 33H of the Miami-Dade County Code, pertaining to the Park Impact Fee.

BACKGROUND

In 1994, the County first revised the Park Impact Fee Ordinance, Section 33H of the County Code, to account for changes in land and improvement prices and Census data used to calculate the park impact fee schedule. In 2003, the Park and Recreation Department (PARD) determined that ordinance updates were needed again. Discussions with the development community began in August 2004 regarding specific changes to the Park Impact Fee Ordinance. The resulting changes to the Park Impact Fee Ordinance will update the fee schedule to reflect today's costs and ensure that future residents are provided the same level of service for open spaces and park improvements.

The proposed revisions to the Code will not increase the current Level of Service for park services, but it will have an immediate financial impact. Specific changes that create financial impacts are as follows:

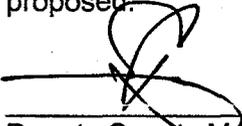
1. Revenues generated by the current fee schedule for land acquisition and improvement do not adequately fund local parks that are needed by new residential development. As a result, growth is not paying for itself. In FY 03/04, combined open space and improvement park impact fees totaled \$8.1 million. Based on these same fiscal year collections, as reported by the Department of Planning and Zoning, PARD would have realized \$16.7 million, an increase in revenues of \$11.1 million, had the proposed 2005 fee structure been in place. This increase would have been sufficient to proportionately offset new demand.
2. Since 1994, the Park Impact Fee schedule has remained at the same dollar amount cost per unit. This amendment will annually use the Consumer Price Index, which is currently between two and three percent, to increase the authorized fee to ensure that the rise of future costs is accounted for in a systematic manner.

3. The 2000 U.S. Census documented changes in residential household number and composition within the Unincorporated Area, as computed by the Research Division of the Department of Planning and Zoning. In all areas, the Census documented a rise in the number of persons residing within each dwelling type. Since park impact fees are calculated on a per person basis, it caused a corresponding rise in the impact fee calculated for each dwelling type.
4. The administrative fee is used to offset County staff costs associated with credits, contributions, suitability, and administration of the Ordinance. Since the fee schedule on which the administrative fee is based is increasing, the amendment allows a reduction in the administrative charges, from the current rate of 7.5% to 5.0%.
5. This amendment includes a calculation for determining the tax credit. At this time, based solely on the existing Safe Neighborhood Parks bond issue, the credit is \$304 per dwelling unit. The amendment enables an annual recalculation of the credit to reflect additional debt service generated primarily by the 2004 General Obligation Bond issue.

In response to requests from the development community, this office shall establish a committee to review and report back to the Board on further cost savings of regulatory fees that are now part of the Park Impact Fee schedule. Additionally, the Park Impact Fee schedule will be phased in over a three year period: 60% of the new fee will be charged in the first year, 80% in the second year and the full increase will be charged in the third year. Finally, this office will periodically review the chapter and the manual to ensure that the benefits to fee paying developments are equitable by presenting an annual financial and management report at a public meeting where public comment will be heard.

FISCAL IMPACT STATEMENT

The amount of Park Impact Fees collected on an average single family detached residence today is \$1,173 (the same as in 1994). If the changes proposed in this ordinance amendment are made, the new Park Impact Fee collected on the same average single family detached residence would be \$2,551, an increase of 117%. This increase is needed to fund park use by new residents, especially more densely occupied residences in high growth areas. Because of the expected financial impact to the development industry and home purchasers, a three-fiscal years phase in of this fee is herein proposed.



Deputy County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(H)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(H)

Veto _____

1-24-06

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO PARK IMPACT FEE; AMENDING CHAPTER 33H OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; UPDATING LAND AND IMPROVEMENT COSTS; MODIFYING DEFINITIONS, PARK IMPACT FEE SCHEDULE, CONTRIBUTIONS IN LIEU OF IMPACT FEE; PROVIDING FOR AUTOMATIC ADJUSTMENT OF FEE BASED ON CONSUMER PRICE INDEX AND OTHER CREDITS; PROVIDING APPLICABILITY; PROVIDING 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. Chapter 33H of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

* * *

Sec. 33H-3. Definitions.

The definitions contained in Chapters 28 and 33, Code of Miami-Dade County, shall apply to this chapter except as otherwise provided in the following definitions:

* * *

>>(h) Contributions mean all dedications of land and/or provision of specific improvements in lieu of cash.<<

~~[[h]]~~>>(i)<<County park system or park system means all park and recreation >>land and<< facilities >>owned,<< operated >>or maintained<< by the Department.

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.

[(+)]>>(j)<< *County*>>-<<wide as it relates to this chapter means >>both<<[[the]] unincorporated >>and incorporated<<area>>s<< of Miami-Dade County.

[(+)]>>(k)<< *Credits* means the present value of past, present or future provisions made by new developments for the cost of existing or future capital improvements or dedications.

[(+)]>>(l)<< *Day* means calendar days.

[(+)]>>(m)<<*Department* means the [[Metropolitan]] Miami-Dade County Park and Recreation Department.

[(+)]>>(n)<<*Department of Planning and Zoning* means the Miami-Dade County Department of Planning and Zoning or [[his]]>>its<< designee.

[(+)]>>(o)<<*Development* means any construction, structures, creation of structures or alteration of the land surface, or use of land or natural resources which requires authorization by [[Metropolitan]] Miami-Dade County through issuance of a development order.

[(+)]>>(p)<<*Director or County Park and Recreation Director* means the director of the [[Metropolitan]] Miami-Dade County Park and Recreation Department or [[his]]>>its<< designee.

[(+)]>>(q)<<*Planning Director* means the director of the Miami-Dade County Department of Planning and Zoning or [[his]]>>its<< designee.

[(+)]>>(r)<< *District Park* means >>a<< large County park and recreation area that serves major portions of the County. The emphasis of District Parks is on intensive recreational activities and programming. This includes the provision of larger >>facilities,<< recreation centers, multiple ballfields, sport court complexes, large pools, active and user oriented facilities, and include opportunities for picnicking and fresh water beaches.

[[~~(p)~~]]>>(s)<<*Dwelling unit* means a building or portion of a building designed for or whose primary purpose is for residential occupancy, and which consists of one or more rooms which are arranged, designed or used as living quarters for one or more persons. Dwelling unit includes mobile home, motel/hotel/ rooming house if converted to condominium, servants' quarters or congregate living facilities as that term is defined by Section 400.402, Florida Statutes.

[[~~(q)~~]]>>(t)<<*Encumbered* means monies committed by contract or purchase order in a manner that obligates the County to expend the funded amount upon delivery of goods, the rendering of services or the conveyance of real property provided by a vendor, supplier, contractor or owner.

[[~~(r)~~]]>>(u)<<*Existing development* means the lawful land use which physically exists or for which the landowner holds a valid building permit as of the effective date of this chapter or that maximum level of development activity for which a previous impact fee was paid under the provision of this chapter. As used in this chapter, the term "lawful land use" shall not include a land use which has been established or maintained in violation of this chapter or applicable codes or a use of structure or land which has been abandoned for a period of more than five (5) years shall not be considered existing for purposes of this chapter.

[[~~(s)~~]]>>(v)<<*Feepayer* means a person intending to commence a proposed development for which an impact fee computation is required, or a person who has paid an impact fee, provided a letter of credit, or made a contribution-in-lieu-of-fee pursuant to this chapter.

[[~~(t)~~]]>>(w)<<*Flood criteria* means the minimum finished elevation required for all lands as established and shown on the flood criteria map recorded in Plat Book 53, pages 68, 69, and 70 of the public records of this County as the same may be modified from time to time.

[[~~(u)~~]]>>(x)<<*Frontage* means the distance measured along a road right-of-way.

>>(y) Greenway means a linear trail or park that connects other parks and public places throughout the County by way of canals, railroads, highways, easements and open spaces and provide opportunities for pedestrian, bicycling and horseback use.<<

[(+)]>>(z)<<Impact means the effect of additional population generated by residential construction on the [[local]] park network in a given area.

[(+)]>>(aa)<<Impact determination means the amount of property required or the cost related to the impact of residential dwelling units as calculated pursuant to the formula contained herein.

[(*)]>>(bb)<<Land valuation assumptions means the fundamental assumptions and conditions to be used for an appraisal of land for a local park.

[(+)]>>(cc)<<Level of Service Standard (LOS) means the [[Metro]]>>Miami<<-Dade County's level of service standard for the minimum provision of local recreation open space in the unincorporated >>Miami<<-Dade County which is two and three-quarter (2.75) acres of local recreation open space per one thousand (1,000) permanent residents. These requirements do not apply to rural and agricultural residences on lots five (5) acres or larger outside the Urban Development Boundary (UDB) as defined in the CDMP.

[(z)]>>(dd)<<Local Park means County-provided mini-parks, neighborhood parks, community parks, single purpose, and >>portions of << district parks that serve local recreation needs and that are designated by the Department as local parks on the >>Property Management<< inventory on file with the Director. Such [[areas]]>>parks<< [[are designed to]] serve [[people]]>>residents of the unincorporated areas<< living within close walking or close driving distance.

[(aa)]>>(ee)<<Local Park Share means the amount of the level of service standard that directly addresses that portion of public demand for local recreation open space>>g<< [[facilities]] in County-provided local parks as determined by statistical analysis as .00201 acres/person and include mini-parks, neighborhood parks, community parks, single

purpose parks, and portions of ~~[[special activity areas and]]~~ those district and areawide parks that are used as local recreation open spaces and that are designated as local recreation open space in the facility inventory maintained by the Director.

~~[[bb]]~~>>(ff)<<*Local Recreation Open Spaces* consist of (1) County-provided mini-parks, neighborhood parks, community parks, single purpose parks, and portions of ~~[[special activity areas and]]~~ those district and areawide parks that are used as local recreation open spaces and that are designated as local recreation open space in the facility inventory maintained by the Director; (2) public school and public college playfields that are used as local recreation open space included under a Joint Parks-School Agreement between the County and the >>Miami<<Dade County Public School System or >>State<< Board of ~~[[Regents]]~~>>Governors<<; and (3) private recreation open space and facilities inside the UDB may also be deemed to be local recreation open space. Collectively, these three (3) types of open space comprise the 2.75 acres/1,000 permanent residents.

>>(gg) Metropolitan Park means a large resource-oriented park, typically including prominent water features. The park preserves valuable natural and historical resources while providing a broad mix of resource-dependent recreation opportunities.<<

~~[[ee]]~~>>(hh)<<*Mobile home dwelling unit* means a manufactured structure, transportable in one or more sections, which is built on an integral chassis and is designed to be used as a single-family dwelling unit, with or without a foundation, when connected to the required utilities.

~~[[dd]]~~>>(ii)<<*Mini-Park* means a County park which has small passive open space areas typically less than one acre in size. Mini-Parks are usually located in densely populated areas, provide open space amenities unavailable elsewhere in the vicinity, and function as substitutes for private yards in residential areas. Mini-Parks provide a place for relaxation, socialization, recreation, and can also be found along some main traffic arteries where they function as roadway beautification areas.

[[~~(ee)~~]]>>(jj)<<*Multi-family dwelling unit* means a structure that contains more than two (2) residential housing units located in a single building or part of a multi-building complex. Units may be rental or owner-occupied.

[[~~(ff)~~]]>>(kk)<<*Neighborhood Park* means a County park which is typically from one (1) to ten (10) acres in size and considered a “walk-to” facility. Neighborhood parks contain open play fields, landscaping, and limited recreation facilities (backstops, courts, or tot lots) but do not contain a recreation center or program staff.

[[~~(gg)~~]]>>(ll)<<*Nonresidential development* means any development not providing for residential dwelling units within a planned project.

[[~~(hh)~~]]>>(mm)<<*Natural forest community* means all stands of trees (including their associated understory) which were designated as Natural Forest Communities on the Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84 and Ordinance No. 89-8. These maps may be revised from time to time by resolution in order to reflect current conditions and to insure that, at a minimum, the canopy and understory of designated natural forest communities are dominated by native plant species. Some upland areas identified as “Environmentally Endangered Lands” (EEL) under Ordinance No. 91-67 may be included.

[[~~(ii)~~]]>>(nn)<<*Off-site park improvement or off-site improvement* means any improvement located outside of the boundaries of a parcel proposed for development or platted subdivision parcel>>but within the same Park Benefit District<<.

>>(oo) Off-site park open space or off-site acquisition means any land proffered outside of the boundaries of a parcel proposed for development or platted subdivision parcel but within the same Park Benefit District.<<

[[~~(jj)~~]]>>(pp)<<*Owner* means the person holding legal title to the real property.

~~[(kk)]~~>>(qq)<<*Parent tract* means a parcel of land designated as land to be subdivided for purposes of subdivision.

~~[(ll)]~~>>(rr)<<*Park benefit district* means a statistical area of the Official >>Miami<<Dade County Park District Map indicating three (3) districts as determined by geographical boundaries.

~~[(mm)]~~>>(ss)<<*Park impact fee manual or manual* means the document prepared by the County Manager and adopted by the Board of County Commissioners which contains information, sets forth procedures and implements policies essential to the administration of the ~~[[impact procedure]]~~>>Impact Fee Ordinance<<, all pursuant to the standards set forth in this chapter.

~~[(nn)]~~>>(tt)<<*Park improvement* means preliminary engineering, design studies, land surveys, engineering, permitting, construction and, installation and/or modification of land, structures, landscaping, and/or equipment thereon.

~~[(oo)]~~>>(uu)<<*Park land value* means a determination of the average value of potential park land located in the same park benefit district for which building permits are being requested, based on the valuation assumptions specified in Section 33H-9(d)(1).

~~[(pp)]~~>>(vv)<<*Park service zone* means the zone of influence a local park and its facilities have on residents in relation to the amount of time and distance they are willing to travel to a facility, i.e., up to five (5) mile distance.

~~[(qq)]~~>>(ww)<<*Residential development* means any >>single family attached, single family detached, multi-family attached<<building or buildings designed to be used as >>residential<<dwelling units. Dwelling unit may be one (1) single-family dwelling unit or two (2) or more dwelling units in a planned project or subdivision.

~~[(rr)]~~>>(xx)<<*Single-family attached dwelling unit* means a housing unit which shares a common wall with an adjoining unit. The common wall must extend from the foundation through the attic.

[[~~(ss)~~]]>>(yy)<<Single-family detached dwelling unit means a conventional home where one family normally occupies one (1) unit in one (1) structure. May be found in subdivision or on single lot.

[[~~(tt)~~]]>>(zz)<<Single-Purpose Park means a single-use County park that supports a public local park or recreation function. The park is typically developed for a specific function and draws a more specialized user group than do similar facilities in other local parks. Examples include tennis centers, athletic fields, senior citizen and boxing centers. These parks may be operated by non-profit organizations.

[[~~(uu)~~]]>>(aaa)<<Unit(s) of development means a quantifiable increment of development activity dimensioned in terms of dwelling units, or other appropriate measurements contained in the impact fee schedule.

[[~~(vv)~~]]>>(bbb)<<Unincorporated areas means any land in the County not lying within the boundaries of a municipality.

[[~~(ww)~~]]>>(ccc)<<Urban Infill Area or UIA means that part of Miami-Dade County east of, and including NW/SW 77 Avenue and SR. 286 (Palmetto Expressway), and excluding the City of Islandia.

Sec 33H-4. General provisions.

* * *

- (e) Notwithstanding a feepayer's compliance with this >>C<<[[e]]hapter, other State and County development regulations may limit the issuance of building or use permits for development activity.
- (f) The County Manager, pursuant to Section 4.02 of the Miami-Dade County Home Rule Charter, shall propose to the Board of County Commissioners, and the Board shall approve by resolution, a Park Impact Fee Manual that shall be used for the administration of this chapter. The manual shall contain the following:

* * *

- (2) The administrative cost provided for in Section >>33H-3,<<33H-5, 33H-6([[a]])>>b<<), 33H-7(a), 33H-7(c), 33H-9(c).

* * *

(h) The County Manager shall periodically ~~[[review the contents of]]~~ >>adjust<< the adopted park impact fee ordinance and manual >>, as set forth below. ~~<< [[and, if appropriate, make recommendations for revisions to the adopted park impact fee ordinance and manual to the Board of County Commissioners. The Board of County Commissioners shall consider the County Manager's recommended revision(s) to the Miami Dade County Park Impact Fee Ordinance and the manual at least once every twelve (12) months.]]~~ The Manager's ~~[[recommendations and the Commission's]]~~ action shall ensure that the benefits to a fee >>payer<< ~~[[paying development]]~~ are equitable in that the fee charged to the >>feepayer<< ~~[[paying development]]~~ shall not exceed a proportionate share of the costs of mitigating park impacts ~~[[, and that the procedures for administering the impact fee process remain efficient]].>>~~ The adjusted Impact Fee Schedule shall be on file with the Department of Planning and Zoning, Impact Fee Administration Office.

(1) All building permits subject to Park Impact Fee issued within one year after the effective date of this ordinance shall be obligated to pay sixty percent (60%) of the computed fee as determined herein. All building permits subject to the Park Impact Fee and issued more than one year after but less than two years after the effective date of this Ordinance shall be obligated to pay eighty percent (80%) of the computed fee as determined herein. Beginning the third year after the effective date of this ordinance, all building permits subject to the Park Impact Fee shall be obligated to pay one hundred percent (100%) of the computed fee as determined herein.

(2) The County Manager shall annually adjust the Open Space Costs (Table 1), Improvement Costs (Table 3), and the park impact fee schedule provided in Sec. 33H-8 by indexing the tables and the schedule to inflation as defined by the Consumer Price Index - All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. The first

indexing calculation adjustment shall occur during the 2006-2007 County budget year using the difference in Consumer Price Index figures for calendar years 2005 and 2006.

- (3) Unless otherwise directed by the County Commission, any adjustments to the park impact fee, made pursuant to this section, shall be effective the first day of October of each calendar year.
- (4) If the index is changed by the United States Department of Labor so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics.
- (5) If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.
- (6) The County Manager shall annually adjust the park impact fee schedule provided in Sec. 33H-8 by providing credit for any outstanding debt from General Obligation Bonds issued to finance capital projects for local park improvements which meet needs generated by population growth and development.<<

* * *

Sec 33H-6. Requirements for local park open space fees.

Before a residential building permit is issued, the applicant will be required to pay monetary fees or to dedicate public local park land, or a combination thereof in accordance with this section. Unless otherwise specifically permitted by the Director, the fee shall be the monetary fee hereinafter provided in Section 33H-8. Provided, however, in subdivisions containing fifty (50) dwelling units or less, the payment of fees shall be required.

* * *

(a) *Amount of local park open space monetary fee per dwelling unit.*

(1) **General Formula:** The amount of the local park open space fee shall be based upon the average value of potential park land per acre times the local park share of .00201 net acres per person, times population density by type of dwelling unit, less a credit for monies paid through ad valorem taxes toward capital expansion of local parks. Average land value shall be the average value of potential park land per acre located in the same park benefit district for which a building permit is being requested.

The local park open space monetary fee shall be determined in accordance with the following:

Local Park		Average	.00201 Net		People		Tax
Open Space	(=)	Parkland	(×) Acres	(×)	per	(-)	Credit
Fee/		Value/	per		Dwelling		of
Dwelling Unit		AC	Person		Unit		\$[[96.67]]
							>> 304.97<<

>>The amount of the tax credit shall be based upon the total outstanding unincorporated area debt service for local park projects, divided by the total number of households in unincorporated areas.<<

(2) **Determination of local park land value:** The Board hereby establishes in accordance with the procedures specified in Section 33H-6(a)(1) and the valuation assumptions in Section 33H-9(d)(1), the average local park land value per acre by park benefit district is as follows:

>>Table 1 Open Space Cost<<

<i>Park Benefit District</i>	<i>Average Park Land Value Per Acre</i>
1	\$[[110,322]]>> <u>269,750</u> <<
2	\$[[78,502]]>> <u>154,471</u> <<
3	\$[[32,306]]>> <u>130,631</u> <<

>>¹ These values are subject to annual adjustment pursuant to Section 33H-4. <<

(b) *Determination of land dedication in lieu of monetary fees.*

(1) Prior to the time of >>the earlier of a public hearing or<< tentative platting, >>for developments of more than fifty (50) residential dwelling units, or, if a site plan is not provided and the highest permissible development is more than fifty (50) residential dwelling units.<<the feepayer may request a local park open space determination by the Director for determining whether land dedication in lieu of the open space fee is acceptable to the Director.

(2) The Director, based on specific review of the development and the criteria set forth below, shall determine whether land dedication ~~[[and]]~~ >>or<<monetary fees, or a combination thereof would be in the best interest of the County. The Director's determination shall be in writing and shall be made within thirty (30) days from the date the application was received and shall be in accordance with the following criteria and for the purpose of maintaining the permanent level of service:

a) ~~[[Correction of existing deficiencies of local parks.]]~~>>Ensuring that new local parks are available within a short distance to serve new residential development.<<

b) Addressing future needs by maintaining not less than the minimum permanent level of service for local parks as population growth occurs.

c) Completion of public projects started.

d) Initiation of new public projects identified in the >>Multi-Year C<<[[e]]apital >>Plan of the County Budget<<[[improvement element]].

(3) Each feepayer shall pay the ~~[[County]]~~Department a nonrefundable general administrative service charge in the amount set forth in the Manual for processing the land dedication determinations.

(c) *Amount of required local park land dedication.* In the event the feepayer proposes to dedicate land, and if the Director determines such dedication ~~>>of land<<~~ to be in the County's best interest in accordance with Section 33H-6(b)(2), then the amount of land to be dedicated shall be based upon the projected population for the area in question and the local park share of .00201 net acres per person. The actual amount of land to be dedicated shall be determined by the following formula but in no case will the dedication be less than five (5) acres unless determined to be in the best interest of the County by the Director in accordance with Section 33H-10.

* * *

(2) Determination of population density. Population density, that is, the number of persons per dwelling unit, ~~>>occupied and unoccupied<<~~ shall be in accordance with the latest available census data and consistent with the Official Park Benefit District Map of Miami-Dade County indicating three (3) districts (a copy of which is appended as Exhibit A and incorporated by reference) and the population density shall be projected as shown in Table ~~[[+]]>2<<~~. >>The persons per dwelling unit shall be adjusted periodically based on the most recent census data updates provided by the Department of Planning and Zoning.<<

Table ~~[[1]]~~>>2<<<
Persons Per Dwelling Unit By Type
Park Benefit Districts
Miami-Dade County

Park Benefit District	PPU Single-Family Detached House	PPU Single-Family Attached	Multi-Family Unit Structures
1	[[3.18]] >>3.37<<	[[2.76]] >>2.90<<	[[1.73]] >>2.11<<
2	[[3.15]] >>3.26<<	[[2.62]] >>2.74<<	[[1.97]] >>2.20<<
3	[[2.95]] >>3.16<<	[[2.77]] >>2.94<<	[[2.01]] >>2.13<<

[[Source: Computed by Research Division, Metro Miami Dade Planning Department from 1990 Census STF 1-A Revised 5-17-93]]

* * *

Sec. 33H-7. Requirement for local public park improvement fee.

(a) *Determination of local park improvement fee.* Before a residential building permit in the unincorporated area of Miami-Dade County is issued, the feepayer shall be required to pay a fee for local park improvements or make improvements at a local park, or a combination thereof, in accordance with the following:

>>(1) Projects involving less than fifty (50) dwelling units shall be required to pay the local park improvement fee.<<

~~[[4]]~~>>(2) For projects involving fifty (50) or more dwelling units, ~~[[F]]~~he feepayer may request a local park improvement impact fee determination by the Director to determine whether park improvement fees or credit for improvements at a local park or a combination thereof is acceptable. A feepayer shall only be required to make improvements at a local park in lieu of a monetary fee upon the mutual agreement of the feepayer and the Director.

~~[[2]]~~>>(3)<<The Director shall determine, based on specific review of each request, whether improvement fees or credit for improvements at a local park or a combination thereof would be in the best interest of Miami-Dade County in accordance with criteria in

Section 33H-7(c). This determination shall be in writing and shall specify the amount of fees and/or improvements required. The Director's determination shall be made within thirty (30) days from the date the request was received.

~~[[3]]~~>>(4)<<Each feepayer shall pay to ~~[[Miami-Dade County]]~~>>the Department<<, a nonrefundable general administrative charge in the amount set forth in the Manual for the processing of all materials relating to improvements at a local park.

(b) *Amount of fees for local park improvement per dwelling unit.* Local park improvement fees are intended to mitigate the impact of the residential use on the need for local public improvements. The cost to improve the local parks is based upon the cost to provide improvements to local parks as described in Table ~~[[2]]~~>>3<< below. The cost as shown in Table ~~[[2]]~~>>3<< below shall be ~~[[reviewed]]~~>>adjusted<< annually by the County Manager in ~~[[a report to the Board of County Commissioners reflecting actual cost associated with local park improvements]]~~>>accordance with Section 33H-4(h)<<.

The application of the following formula shall be used in determining the amount of fees to be paid for local park improvements:

Local Park Improvement Fees Per Dwelling Unit	(=)	No. of Persons Per Dwelling Unit	(x)	Cost Per Person
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(1) Determination of the number of dwelling units: The basis of determining the total number of dwelling units shall be in accordance with criteria in Section 33H-6(c)(1).

<p align="center">TABLE 2-3 ITEMIZED BREAKDOWN THE COST TO IMPROVE LOCAL PARKS COST PER PERSON</p>				
<p>Neighborhood Park Improvements (Based on 5 Acres)</p>				
	COST	COST/ACRE	ACRE/PERS.	COST/PERS.
Clear and Grub (5 Ac @ \$7500)	\$37,500			43,560
Finish Fill and Contour	\$9,333.00			
Finish Grading (5 Ac @ \$3500)	\$17,500			26,136
Top Soil 4" (5 Ac @ \$11,000)	\$55,000			
Sod with topsoil (5 Ac @ \$6500)	\$32,500			121,968
Trees (5 Ac @ \$4,000)	\$20,000			30,240
Walkways (500 lin.ft. @ \$12/lin.ft.)	\$6,000			49,155
Signage	\$5,000			6,000
Park Furniture	\$5,000			7,500
Tot Lot (Sm)	\$40,000			75,000
Multipurpose Courts(2)(not lighted)	\$60,000			80,000
Access Control	\$30,000			36,507
New Parking	25,000			
Sub-Total Facility Cost	\$308,500			510,399
20% A & E, Design, Inspection	\$61,700			102,080
12% Contingency	\$37,020			61,248
	\$			
Neighborhood Park Improvements	\$377,220	\$75,440	x 0.00060 =	\$45.27
		134,745		>>80.85<<

Community Park Improvements (Based on 30 Acres)			
	COST	COST/ACRE	ACRE/PERS. COST/PERS.
Clear and Grub (20) >> 30 << Ac @ \$ 7500]]	[[150,000]] >> 196,020 <<		
Finish Grading (20 Ac @ \$ 3500]]	[[70,000]] >> 130,680 <<		
Top Soil 4" (15 Ac @ \$ 11,000]]	[[165,000]]		
Sod >> w/topsoil << (20 Ac @ \$6500]]	[[97,500]] >> 609,840 <<		
Trees (30) >> 20 << Ac @ \$ 4,000]]	[[120,000]] >> 110,160 <<		
Irrigation ((15 Ac @ \$ 5500))	[[82,500]] >> 177,724 <<		
Pump House	[[6,000]] >> 30,000 <<		
Signage	[[10,000]] >> 12,000 <<		
Park Furniture	[[10,000]] >> 22,500 <<		
Tot Lot (Lg)	[[80,000]] >> 125,000 <<		
Access Control (internal & external) ((6,000 Lin. Ft. @ \$20/lin.ft.))	[[120,000]] >> 99,550 <<		
Walkways (6,000 lin. Ft. @ \$12/lin.ft.))	[[72,000]] >> 135,000 <<		
Recreation Center Building ((5,000sq.ft. @ \$150/sq.ft))	[[750,000]] >> 802,500 <<		
Concession/Storage/Restroo m Building ((2,000 sq.ft. @ \$150/sq.ft))	[[300,000]] >> 423,750 <<		
Picnic Shelters(2) >> medium <<	[[90,000]] >> 121,500 <<		
Lighted ((Ballfields)) >> Soccer Fields <<(2)	[[190,000]] >> 400,000 <<		
Lighted Multipurpose Courts(2)	[[94,000]] >> 108,000 <<		
Lighted Tennis Courts(4)	[[200,000]] >> 240,200 <<		
Vita Course >> and << Signage	[[5,500]] >> 35,000 <<		
Parking [[150 spaces @ \$750]] >> lighted <<	[[112,500]] >> 540,000 <<		
Security/Area Lighting	[[30,000]] >> 232,500 <<		
Utilities	[[400,000]] >> 364,113 <<		
	[[2,855,000]] >> 4,916,038 <<		
Sub-Total Facility Cost	<		
20% A&E, Design, Inspection	[[571,000]] >> 983,207 <<		
12% Contingency	[[342,600]] >> 589,924 <<		
1.5% Structures-Art	[[17,100]] >> 20,216 <<		
Community Park Improvements	\$[[3,785,700]] << 6,509,387 <<	\$[[126,190]] >> 216,979 <<	\$[[75.71]] x .00060 = >> 130.19 <<

District Park Improvements (Based on 200 Acres w/25 AC Lake)			
	COST	COST/ACRE	ACRE/PERS.
Clear and Grub			
((175))>>200<<	\$[[875,000]]>>1,306.80		
Ac[[@\$5000]]	0<<		
>>Finish Fill and Contour	\$1,782,240<<		
Finish			
Grading[[175]]>>138<<Ac[[@			
\$3500]]	[[612,500]]>>601,128<<		
[[Top Soil 4"(125 Ac @ \$			
11,000)	1,375,000]]		
Sod >>with			
topsoil<<((175))>>138<<	[[487,500]]>>3,005,640		
Ac[[@\$6500]]	<<		
[[Seeding(50 Ac @ \$4000)			
200,000]]			
Trees ((125))>>138<< Ac [[@	[[500,000]]>>1,043,280		
\$4000]]	<<		
Shrubs/Groundcover/Accents	[[100,000]]>>150,000<<		
Irrigation >>System<<[[148	[[650,000]]>>1,071,576		
Ac @ \$5500]]<	<<		
Pump House[[2 @ \$15,00]]	[[30,000]]>>60,000<<		
Signage >>and Entry	[[100,000]]>>120,000<<		
Feature<<			
Park Furniture	[[100,000]]>>150,000<<		
Tot Lot(1 Large)	[[80,000]]>>125,000<<		
Tot Lot (1 Small)	[[40,000]]>>60,000<<		
Access Control(perimeter)	[[240,000]]>>679,649<<		
[[12,000lin. Ft. @ \$20/lin.ft.]]			
[[Interior(5000 lin.ft. @			
\$20/lin.ft.)	400,000]]		
Walkways/Path[[10,000lin.ft.			
@ \$12/lin.ft.]]	[[120,000]]>>595,565<<		
Recreation Center			
Building>>(Large)<< [[10,000	[[1,500,000]]>>1,050.00		
sq. ft. @ \$150/sq.ft.]]	0<<		
Fieldhouse/Gymnasium	[[2,000,000]]>>2,760.00		
[[20,000sq.ft. @ \$100/sq.ft.]]	0<<		
Concession/Storage/Restroo			
m Building[[2,200 sq.ft. @	[[375,000]]>>1,695.000		
\$150/sq.ft.]]	<<		

Maintenance			
Building	200,000		
Maintenance and Equipment	>>900,000<		
Yard	<		
Picnic Shelters			
1 Large	>>135,000<		
6 Medium	>>364,500<		
Small	>>162,000<		
Fields			
3 Baseball Lighted	693,606<<		
4 Softball Lighted	>>924,808<		
5 Football/Soccer Lighted	>>1,250,000<<		
Courts			
6 Tennis-Lighted	>>360,000<		
6 Multipurpose-Lighted			
4 Handball/Racquetball Lighted			
4 Volleyball lighted			
Vita Course Signage			
Batting Cage	315,000<<		
Aquatic Facility	4,500,000<		
Parking Lighted	>>3,476,400<<		
Area/Security Lighting	>>2,160,000<<		
Utilities			
Roadway	>>1,560,000<<		
Sub-Total Facility Cost	>>35,943,702<<		
20% A & E, Design, Inspection	>>7,188,740<<		
12% Contingency	>>4,313,244<<		
1.5% Structures-Art	>>176,497<<		
Regional District Park Improvements		\$93,288.50	
		>>238,110	\$50.37
		<<	x 0.00054= >>128.58<<

Single Purpose Park (Based on 15 Acres)	COST	COST/ACRE	ACRE/PERS.	COST/PERS.
Clear and Grub (15 Ac @ \$7500)	\$37,500			
Finish Fill and Contour	\$668,340.00			
Finish Grading (7 Ac @ \$3500)	\$24,500			
Top Soil (3 Ac @ \$11,00)	\$33,000			
Sod w/Top Soil (7 Ac @ \$6500)	\$45,500			
Trees (5 Ac @ \$4000)	\$20,000			
Irrigation (7 Ac @ \$5500)	\$38,500			
Pump House	\$30,000			
Signage	\$6,000			
Park Furniture	\$15,000			
Access Control (1500 lin.ft. @ \$20/lin.ft.)	\$30,000			
Walkways (500 lin.ft. @ \$12/lin.ft.)	\$6,000			
Field Center	\$423,570			
Practice Field Unlit	\$150,000			
Concession/Storage/Restroom Building (2000 sq. ft. @ 150 sq. ft.)	\$300,000			
Soccer fields-3 Lighted	\$810,000			
Facility Development including Lights	\$250,000			
Single Use-Baseball/Tennis/Football/etc				
Parking (100 Spaces @ \$750)	\$75,000			
Utilities	\$188,736			
Sub-Total Facility Cost	\$3,216,281			
20% A & E, Design, Inspection	\$643,256			
12% Contingency	\$385,953			
1.5% Structures-Art	\$8,606			
Single Purpose Improvements	\$4,254.0	\$283,606	X 0.00027	\$76.57
Weighted Park Improvement Cost		\$114,871.17/ACRE		
LOCAL PARK IMPROVEMENTS PER PERSON				\$416.19

>>¹ These values are subject to annual adjustment pursuant to Section 33H-4.<<

* * *

(c) *Improvements to local public park land in lieu of improvement fee.* When the feepayer agrees to supply, build, or install park and recreation improvements to a local park in lieu of or in combination with a monetary fee, the value of those improvements may be credited up to one hundred (100) percent of the local park improvement fee requirements. Such credit is based on a finding by the Director that the improvements are in the public interest based upon the ~~[[satisfactions (1) through (8)]]~~ >>criteria<< below. The feepayer shall be subject to the administrative, architectural and engineering (A&E), design, and inspection charges and procedures found in the manual.

(1) Improvements shall be located within the same park benefit district as the development specified in Section 33H-11 and the improvements shall conform to the park master plan in accordance with Section 33-303 of the Miami-Dade County Code.

>>(2) Improvements by the feepayer are determined to accelerate an approved County park development schedule and reduce the costs that the County would otherwise pay for the improvements as specified in Section 33H-11.<<

~~[[2]]~~>>(3)<<The ~~[[facilities]]~~>>improvements<< proposed shall be ~~[[general local]]~~ park facilities that will meet the needs of the residents of the development as determined by the Director. Facilities other than those listed as minimum required may be provided where there are local needs identified in the leisure interest survey on file with the Department and where such improvements are equal in value to the improvements listed in Table ~~[[2]]~~ >>3<<. The Director must approve any and all proposed alternative facilities.

~~[[3]]~~>>(4)<<A detailed site plan of the facilities shall be reviewed and approved by the Director, and all improvements shall conform to Park and Recreation Department specifications.

~~[[4]]~~>>(5)<<A one hundred ten (110) percent performance bond or letter of credit shall be posted prior to the time of building permit issuance for all improvements in accordance with procedures set forth in the manual.

After the Department of Planning and Zoning receives the bond or letters of credit and the feepayer has paid the computed A&E, design, inspection charges, and the administrative fee, the County may issue building permits for that part of the proposed development for which the park improvement fee is determined by the County to be satisfied by the improvements. Release of such bonds or letters of credit for improvements shall not be issued by the >>Department of<< Planning and Zoning ~~[[Department]]~~ until such contributed improvements have been completed and accepted by the Director.

~~[[5]]~~>>(6)<<All improvements shall become the sole property of the County upon completion and acceptance by the County.

~~[[6]]~~>>(7)<<The time limit for completion and acceptance of said improvements to meet the requirements as specified above shall be the earlier of: two (2) years from date of a written agreement between the feepayer and the Director or prior to issuance of building permits for more than fifty (50) percent of the dwelling units.

~~[[7]]~~>>(8)<<Failure to comply with the requirements in Section 33H-7(c)(6) above will result in forfeiture of the bond and/or denial of future development orders.

~~[[8]]~~>>(9)<<If the Director accepts improvements with a cost in excess of the impact fee computed herein, the feepayer, upon written request, shall be reimbursed without accrued interest for the amount of the excess cost as said cost is determined by the Director pursuant to Section 33H-13. The Director must receive a feepayer's written request for reimbursement within one (1) year from the date of the release of the bond. The feepayer shall only be eligible for reimbursement after the improvement is completed and accepted by the Director. Reimbursements shall only be made from available monies existing within the corresponding park benefit district trust fund. No reimbursement shall

be made after one (1) year from the date of the release of the bond.

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

- (a) The feepayer shall pay a park impact fee amount based upon the impact fee schedule per dwelling unit set forth below developed pursuant to the formula set forth in Sections 33H-6 and 33H-7, together with impact fee administrative costs.

The following impact fee schedule shall be used by the Director in computing the park impact fee:

IMPACT FEE SCHEDULE¹

District	Single Family Detached		Single Family Attached		Multi-Family	
	Park Open Space Fee/Unit	Park Improvement Fee/Unit	Park Open Space Fee/Unit	Park Improvement Fee/Unit	Park Open Space Fee/Unit	Park Improvement Fee/Unit
1	[[\$608]] >>\$1522<<	[[\$744]] >>\$1403<<	[[\$515]] >>\$1267<<	[[\$645]] >>\$1207<<	[[\$286]] >>\$839<<	[[\$404]] >>\$878<<
2	[[\$400]] >>\$707<<	[[\$737]] >>\$1357<<	[[\$316]] >>\$546<<	[[\$613]] >>\$1140<<	[[\$214]] >>\$378<<	[[\$461]] >>\$916<<
3	[[\$94]] >>\$525<<	[[\$690]] >>\$1315<<	[[\$83]] >>\$467<<	[[\$648]] >>\$1224<<	[[\$33]] >>\$254<<	[[\$470]] >>\$886<<

¹ The open space values for single family detached, single family attached and multifamily dwellings in the fee schedule have ~~[[already]]~~ been reduced >>by a tax credit<< to account for monies paid through ad valorem taxes toward capital expansion of local parks. >>The ~~[[A]]~~ administrative ~~[[costs are]]~~ fee set forth in Section 33H-8(b) is <<in addition to the impact fees or credits issued.

>>² These values are subject to annual adjustment pursuant to Section 33H-4<<

- (b) The cost per dwelling unit shall be the open space fee plus the improvement fee multiplied by ~~[[1.075]]~~ >>1.05<< to accommodate the general administrative charge of ~~[[seven and one half (7 1/2)]]~~ >>five (5)<< percent.

* * *

Sec. 33H-9. Fee computation by independent study.

* * *

(d) If the feepayer elects to use an independent fee computation study, and the subject of the study relates in whole or in part to the property valuation, the feepayer shall, at his own expense and in accordance with the provisions of the Manual, retain a real estate appraiser certified in accordance with Section 475.501, Florida Statutes to prepare the valuation element of such a study. The documentation shall be in accordance with procedures in the Manual. The appraiser shall use the land valuation assumptions contained in this section. The valuation shall be predicated on the following:

(1) Land valuation assumptions:

* * *

b. Assumptions. For the purposes of this appraisal, the following shall be assumed:

1. The property is ready to be developed with building improvements and no funds would have to be expended for site development work, >>regulatory permitting<< or materials.

* * *

Sec. 33H-10. Land suitability

Site characteristics. The location, configuration, size and/or other general factors of the land proposed for dedication shall follow the guidelines in Section 33H-10. All land dedications for park and recreation purposes, shall be reviewed and approved by the Director. The Director shall consider:

(1) Size: The size of the parcel shall be expressed in net acres. The net acre calculation shall exclude street right-of-way, existing and proposed easements, borrow pits, lakes, other man-made and natural conditions which restrict or impede the intended use of such areas for local park and recreation purposes. Five (5) net acres is the minimum acceptable size for local parks. Smaller sites may only be accepted>>, at the sole discretion of the Department,<<if>>:

- a.<< they meet the provisions in Section 33H-10(7), "Traditional Neighborhood Development" (Section 33-284.46, Miami-Dade County Code), or ~~[[if]]>>~~
- b.<< the site may presently or in the future be combined with other public park properties~~[[.]]>>~~, or>>
- c. the site is part of an "Urban Center District,"
or,
- d. the site will be maintained by other than
County funding.<<

* * *

Sec. 33H-12. Impact fee expenditures.

- (a) Except as otherwise provided herein, funds from the park trust funds, including any accrued interest, shall be limited to the financing of park acquisition, park expansion, park improvements to real property, capital facilities >>(including start-up equipment and technology)<<, or for principal and interest payments (including sinking fund payments) on bonds or other borrowed revenues. Such funds shall only be used to mitigate the impact of and benefit new development within the respective park benefit districts from which the fees are collected or for projects in other park benefit districts which benefit the park benefit district from which the funds were collected. Trust account funds may be used to purchase additional land from a feepayer where such purchase is consistent with the purpose of this chapter or for excess improvement costs approved in accordance with Section 33H-7(c)(8).

* * *

- (d) ~~[[A financial and management report on the impact fee trust funds shall be prepared annually by the department and submitted to the County Manager within one hundred and twenty (120) days of the end of the County's fiscal year.]]>>~~The County Manager shall periodically review this chapter and the park impact fee manual and, if appropriate, make recommendations to the Board of County Commissioners for revisions to this chapter and the

park impact fee manual. The purpose of this review is to ensure that the benefits to a fee paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate fair share of the costs of mitigating park impacts of new developments, and that the procedures for administering the impact fee shall remain efficient. Additionally, within one hundred twenty (120) days from the date of the end of the fiscal year, the Office of Capital Improvements shall submit to the County Manager a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Manager shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Manager shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioner's consideration. The County Manager shall provide a companion report to the Board advising of any County Manager recommended impact fee program changes and detailing comments received from the annual impact fee public meeting.<<

* * *

Sec. 33H-14. Exemptions.

- (a) The following shall be exempted from payment of park impact fees:
 - (1) Alterations, expansion or replacement of existing dwelling unit(s) where no additional dwelling units are created and no additional population is generated.
 - (2) The construction of accessory buildings or structures which will not create additional dwelling units.
 - (3) The issuance of a tie-down permit on a mobile home on which applicable park impact fee has previously been paid.

>>(4)>>The re-occupancy of a mobile home space on which applicable park impact fee has previously been paid.<<

[[~~(4)~~]]>>(5)<<The replacement of a dwelling unit(s) which replacement meets the requirements of Section 104.3 (D), South Florida Building Code (replacement necessitated by partial destruction).

* * *

Section 2. Those parts of Section 1 of this ordinance amending Sections 33H-8 and 33H-14 of the Code of Miami-Dade County (modifying the amount of the Miami-Dade Park Impact Fee and deleting the exemption for affordable housing) shall not apply to any complete building permit application filed in the appropriate building department prior to the effective date of this ordinance (February 6, 2006), if a building permit is issued by April 28, 2006. For purposes of this section, a “complete building permit application” shall be defined as a building permit application which contains plans signed and sealed by a State of Florida licensed engineer or architect showing all applicable site work, zoning compliance, and architectural, structural, electrical and plumbing work.

Section 3. 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 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made 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 5. This ordinance shall become effective one hundred and twenty (120) days from the date of adoption, unless vetoed by the Mayor, and if vetoed, shall become effective on such date only upon an override by this Board. Those parts of this ordinance amending Sections 33H of the Code of Miami-Dade County shall not apply to any complete building permit application filed in the appropriate building department prior to the effective date of this ordinance, if a building permit is issued by April 28, 2006. For purposes of this section, a "complete building permit application" shall be defined as a building permit application which contains plans signed and sealed by a State of Florida licensed engineer or architect showing all applicable site work, zoning compliance, and architectural, structural, electrical and plumbing work.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Craig H. Collier