



MEMORANDUM

Agenda Item No. 5(A)

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

DATE: May 17, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to
road impact fees;
amending Section 33E-6.1
of the Code; delaying by one
year the scheduled percentage
increase of the road impact fee;
providing retroactive
application; providing
severability inclusion in the
Code and an effective date

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

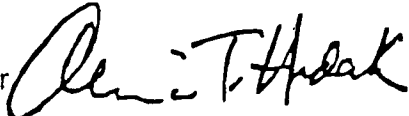
RAC/cp

Memorandum



Date: May 17, 2011

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

From: Alina T. Hudak
County Manager 

Subject: Ordinance relating to road impact fees; delaying by one year the scheduled percentage increase of the road impact fee

It is estimated that the proposed ordinance will decrease Road Impact Fee (RIF) revenue by approximately \$750,000 for the one year extension of time. Therefore, even though the County will forgo receiving these funds, they were not programmed in the FY 2010-11 Adopted Budget for the Public Works Department and will not impact current budgeted projects.



Jennifer Glazer-Moyn, Special Assistant/Director
Office of Strategic Business Management

Fis3211





MEMORANDUM

(Revised)

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

DATE: May 17, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5(A)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing - waived at 5/3/11 BCC
- 4 weeks notification to municipal officials required prior to public hearing - waived at 5-3-11 BCC
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager'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. 5(A)
5-17-11

ORDINANCE NO. _____

ORDINANCE RELATING TO ROAD IMPACT FEES; AMENDING SECTION 33E-6.1 OF THE CODE OF MIAMI-DADE COUNTY (CODE); DELAYING BY ONE YEAR THE SCHEDULED PERCENTAGE INCREASE OF THE ROAD IMPACT FEE; PROVIDING RETROACTIVE APPLICATION; 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. Subsection 33E-6.1 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 33E-6.1 Payment of Road Impact Fees

* * *

(h) All developments subject to road impact fees paid ~~[[less than one (1) year after the effective date of this ordinance]]~~ >>on or after April 22, 2009, but prior to April 22, 2010,<< shall be obligated to pay thirty (30) percent of the fee as computed herein. All developments subject to road impact fees paid ~~[[one (1) year but less than two (2) years after the effective date of this ordinance]]~~ >>on or after April 22, 2010, but prior to April 22, 2012,<< shall be obligated to pay fifty (50) percent of the fee as

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.

computed herein. All developments subject to road impact fees paid ~~[[two (2) years but less than three (3) years after the effective date of this ordinance]]~~ >> on or after April 22, 2012, but prior to April 22, 2013, << shall be obligated to pay sixty-five (65) percent of the fee as computed herein. All developments subject to road impact fees paid ~~[[three (3) years but less than four (4) years after the effective date of this ordinance]]~~ >> on or after April 22, 2013, but prior to April 22, 2014, << shall be obligated to pay eighty (80) percent of the fee as computed herein. All developments subject to road impact fees paid ~~[[four (4) years but less than five (5) years after the effective date of this ordinance]]~~ >> on or after April 22, 2014, but prior to January 1, 2015 << shall be obligated to pay ninety (90) percent of the fee as computed herein. ~~[[Beginning five (5) years after the effective date of this ordinance, all developments subject to road impact fees]]~~ >> All developments subject to road impact fees paid on or after January 1, 2015, << shall be obligated to pay one hundred (100) percent of the fee as computed herein. This subsection shall expire on January 1, ~~[[2014]]~~ >> 2015. <<

Section 2. Developments that were obligated to pay sixty-five (65) percent of the road impact fee on or after April 22, 2011, but prior to the effective date of this ordinance shall be reimbursed the difference between the amount paid and fifty (50) percent of the road impact fee as computed pursuant to Section 33E-6.1 of the Code. It is provided, however, that no reimbursement shall be made unless the fee payer submits an application for reimbursement to the Department of Planning and Zoning Impact Fee Section within one year from the effective date of this ordinance.

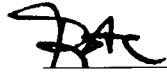
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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 ten (10) days after enactment, unless vetoed by the Mayor, and if vetoed, shall become effective on such date only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Coller

Prime Sponsor: Commissioner Bruno A. Barreiro