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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 7(D)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 2, 2008

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

SUBJECT: Ordinance pertaining to road impact fees

Ordinance No. 08-135

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez, and Co-Sponsors Commissioner Dennis C. Moss, Commissioner Katy Sorenson and Commissioner Rebeca Sosa.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance pertaining to Road Impact Fees; amending the Road Impact Fee Formula

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The ordinance amending the Road Impact Fee (RIF) formula will not have a fiscal impact to Miami-Dade County as a whole. The ordinance allows for RIF funds to be used for transit capital projects under certain conditions.

Ysela Llort
Assistant County Manager

fiscal06508

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 2, 2008

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

SUBJECT: Amended Agenda Item No. 7(D)

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
Veto _____
Override _____

Amended
Agenda Item No. 7(D)
12-2-08

ORDINANCE NO. **08-135**

ORDINANCE PERTAINING TO ROAD IMPACT FEES; AMENDING SECTIONS 33E-3, 33E-5 AND 33E-12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); PROVIDING FOR TRANSIT USE OF ROAD IMPACT FEES UNDER CERTAIN CONDITIONS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

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

Section 1. Section 33E-3 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:[1]

* * *

Sec. 33E-3. Intent and purposes.

(a) This chapter is intended to implement and be consistent with the Miami-Dade County Comprehensive Development Master Plan adopted pursuant to Chapter 163, Florida Statutes.

(b) The purpose of this chapter in regulating development is to ensure that all new development bears its proportionate share of a portion of the capital cost of [[~~road facilities~~]] >>roadway capacity improvements<< necessary to allow an adequate level of roadway service.

* * *

Section 2. Section 33E-5 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:

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

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* * *

Sec. 33E-5. Definitions.

* * *

(q) *Roadway capacity improvement* or *roadway improvement* means any roadway element >>or select transit capital improvement<< which will serve to enhance the vehicular movement or increase the vehicular volume in any corridor. The following roadway elements shall be considered as roadway capacity improvements:

(1) Thru lanes;

(2) Turn lanes;

(3) Bridges;

(4) Drainage facilities that serve to enhance vehicular movement or volume;

(5) Traffic signalization;

(6) Sidewalks or bike paths that serve to enhance vehicular movement or volume;

(7) Resurfacing of existing roadways including planning and removal of existing paved surfaces where such improvements will enhance the roadway capacity and service level; [[~~and~~]]

(8) >>Select Transit Capital Improvements; and

9.<< Other structural improvements shown by specific studies to enhance roadway capacity.

In addition, the following roadway elements shall also be considered roadway capacity improvements when undertaken as components of a complete roadway project:

(1) Curbs, medians, shoulders, striping, and traffic signage;

(2) Utility relocation; and

(3) Sodding and tree planting.

Furthermore, the following activities: preliminary engineering, design studies, land surveys, engineering design, right-of-way acquisition, and permitting, shall also be construed as roadway capacity improvements when associated with the construction of any of the aforementioned roadway elements.

Expenditures for all such improvements shall be in accordance with Section 33E-12 and implementing provisions of the Road Impact Fee Manual.

(r) >>*Select Transit Capital Improvement* means a specific transit capital project located inside the Urban Infill Area that has been determined by the Board of County Commissioners to be of strategic value in providing roadway capacity inside the Urban Infill Area pursuant to Sec. 33E-12(d).<<

[[~~(r)~~]]>>(s)<< *Short range transportation improvement program* means the five-year roadway program adopted annually by the Miami-Dade County Metropolitan Planning Organization as amended from time to time.

[[~~(s)~~]]>>(t)<< *Unit(s) of development* means a quantifiable increment of development activity dimensioned in terms of dwelling units, one thousand (1,000) square feet of floor area, hotel/motel rooms, parking spaces, students or other appropriate measurements contained in the impact fee schedule or in "Trip Generation," fourth Edition, September, 1987, published by the Institute of Traffic Engineers.

[[~~(t)~~]]>>(u)<< *Urban Infill Area or UIA* pursuant to the adopted Comprehensive Development Plan means that part of Miami-Dade County located east of and including S.R. 826 (Palmetto Expressway) and NW/SW 77 Avenue and excluding the area north of and west of I-95 and the City of Islandia.

[[~~(u)~~]]>>(v)<< *Building Permit* shall mean an official document or certificate issued by the Building Official authorizing the construction, alteration or installation of any building, structure or any part thereof. The building permit application plans shall bear the impress seal and signature of a licensed architect or registered professional engineer and indicate the use and occupancy of all parts of the building or structure.

* * *

Section 3. Section 33E-12 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

* * *

Sec. 33E-12 Impact Fee Expenditures.

(a) Funds from the roadway impact fee trust funds, including any accrued interest, shall be used only in accordance with Section 33E-11 for the purpose of financing roadway >>capacity<<improvements incorporated into the Miami-Dade

County Metropolitan Planning Organization's adopted long range transportation plan or short range transportation improvement program, except that an amount not to exceed three (3) percent of the gross receipts shall be used by Miami-Dade County to offset the cost of administering the provisions of this chapter.

(b) Highest priority for impact fee trust account expenditures shall be for roadway >>capacity<< improvements deemed by the Miami-Dade County Metropolitan Planning Organization (MPO) as most needed to serve new development. Such determination by the MPO shall consider recommendation from a joint County/municipal committee as provided for in the Metro-Miami-Dade road impact fee manual. This recommendation is not limited to only County or State designated roadways, but may include municipal roads >>and select transit capital improvements pursuant to subsection 33E-12 (d).<< Before funds can be allocated or expended for any capacity enhancement projects on local roads within any one Road Impact Fee District, funding for all programmed capacity needs for County arterial and collector roadways, and municipal collector roadways, within said District must have been identified and encumbered, as determined by the Miami-Dade County Public Works Director. Trust account funds shall be deemed expended in the order in which they are collected. Policies to be used in scheduling the expenditure of impact fee trust funds through the long range transportation plan and short range transportation improvement program shall be set forth in the impact fee manual.

The County may construct or provide any of the roadway improvement elements listed above or alternatively may contract with a municipality to construct or provide such elements with road impact fees.

(c) Roadway trust funds may be expended on roadway improvements to the State road network within the benefit district. Except in the case of roadway improvements to a State road which has vehicular access within the benefit district, no roadway trust fund moneys shall be exp[[a]]>>e<<nded on the State roads network unless such expenditures are reimbursable. Where reimbursable by the State, payments shall be made pursuant to an interlocal agreement between the State and County entered into pursuant to Section 163.01 Florida Statutes. Reimbursements shall be deposited into the appropriate benefit district trust account.

(d) >>Roadway trust funds may be expended on select transit capital improvements provided that the Board of County Commissioners, after recommendation from the Mayor in consultation with the Public Works Director and after public hearing, determines that any such transit use of roadway trust funds would be effective as part of the county's strategy for providing roadway capacity within the Urban Infill Area. Roadway trust funds may only be used for select transit capital improvements within the Urban Infill Area. Only impact fees generated from within the Urban Infill Area may be used for select transit capital projects. Transit projects are to be selected for road impact fee funding on the basis of their expected effectiveness as roadway capacity improvements.

(e)<< Each year the County Public Works Director shall present to the Metropolitan Planning Organization pursuant to the Organization's procedures for their review and approval, the annual program for expenditure of roadway >>capacity<< improvements projects[[,]] utilizing road impact fee trust fund monies, to be included within the transportation improvements program. The Public Works Director shall also present the recommended priorities as determined by the joint County/municipal committee for the expenditure of road impact fee trust fund monies. Trust fund monies, including any accrued interest not assigned in any fiscal year, shall be retained in the trust fund until the next fiscal year, except as provided by the refund provisions of this chapter pursuant to Section 33E-13.

Section 4. 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 5. 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 6. This ordinance shall become effective (90) days from date of 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: **December 2, 2008**

Approved by County Attorney
as to form and legal sufficiency. RAC

Prepared by: CHC

Craig H. Coller

Prime Sponsor: Commissioner Carlos A. Gimenez
Co-Sponsors: Commissioner Dennis C. Moss
Commissioner Katy Sorenson
Commissioner Rebeca Sosa