

MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: (Second Reading 4-5-22)
February 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to impact
fees; amending section 33H-3
of the Code; allowing the use of
park impact fees for greenways

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado and Co-Sponsor Commissioner Rebeca Sosa.



Geri Bonzon-Keenan
County Attorney


GBK/smm

Memorandum




Date: April 5, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to the Use of Park Impact Fees for Greenways

Although the implementation of this ordinance will not have a fiscal impact to Miami-Dade County, there may be a direct impact to funds allocated for park improvements, such as improvements to local parks, as the proposed changes allow for the use of park impact fees for greenways. It is anticipated that the change will not require additional staffing resources nor generate additional operating expenses.




Jimmy Morales
Chief Operations Officer

Memorandum



Date: April 5, 2022

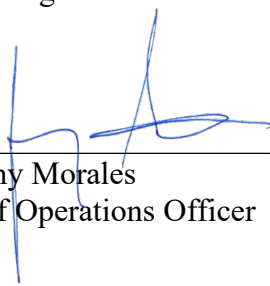
To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Allowing Use of Park Impact Fees for
Greenways - Supplement to File No. 220101

The proposed ordinance allowing the use of park impact fees for greenways may allow for the development of trails and greenways and creating open spaces that provide recreational opportunities, encourage physical fitness and healthy lifestyles, provide non-motorized alternate means of transportation and reduce the need for motorized transportation for County residents, which would have a positive social equity impact.

The proposed ordinance defines a Greenway as a linear trail or park in the unincorporated area of the County 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.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 5, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 7(B)
4-5-22

ORDINANCE NO. _____

ORDINANCE RELATING TO IMPACT FEES; AMENDING SECTION 33H-3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING THE USE OF PARK IMPACT FEES FOR GREENWAYS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 33H-3 of the County Code defines “greenway” as “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[s] opportunities for pedestrian, bicycling and horseback use”; and

WHEREAS, greenways strengthen the community by creating open spaces that provide recreational opportunities, encourage physical fitness and healthy lifestyles, provide non-motorized alternate means of transportation and reduce the need for motorized transportation for County residents; and

WHEREAS, residential development of property to accommodate the burgeoning population throughout the County results in more use and demand for greenways; and

WHEREAS, impact fees provide a source of funding for park land acquisition and capital improvements to provide parks and recreational amenities to address the impacts of new development; and

WHEREAS, current Florida law requires that feepayers receive a benefit for the impact fees they have paid; and

WHEREAS, park impact fees are currently used for local parks but are not used for the development of greenways; and

WHEREAS, it is appropriate and legally permissible to use park impact fees to create new greenways, expand and improve existing greenways, and extend greenways closer to feepayers' residences; and

WHEREAS, the use of impact fees for greenways will confer a substantial benefit to feepayers; and

WHEREAS, this Board wishes to encourage the development of greenways in this County by specifying that greenways qualify for expenditures from and contributions-in-lieu-of impact fees for local park open space and local public park improvement pursuant to chapter 33H of the County Code,

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

Section 1. The foregoing recitals are incorporated as if set forth herein and are approved.

Section 2. Section 33H-3 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, Florida, shall apply to this chapter except as otherwise provided in the following definitions:

* * *

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 remain unchanged.

(y) *Greenway* means a linear trail or park >>in the unincorporated area of the County<< 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. >>Solely for purposes of calculating and expending park impact fees pursuant to this chapter, greenways shall be considered local parks and local recreation open spaces; it is specifically provided that this classification shall not be construed to designate greenways as local parks for purposes of incorporation or annexation.<<

* * *

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

* * *

(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 spaces in County-provided local parks as determined by statistical analysis as .00201 acres/person and include mini-parks, neighborhood parks, community parks, >>greenways,<< single purpose parks, and portions of 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.

(ff) *Local Recreation Open Spaces* consist of (1) County-provided mini-parks, neighborhood parks, community parks, >>greenways,<< single purpose parks, and portions of 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 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 resident.

* * *

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, 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 5. 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:

Melanie J. Spencer

Prime Sponsor: Commissioner Raquel A. Regalado
Co-Sponsor: Commissioner Rebeca Sosa