

ORDINANCE NO. #2006 - 16

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA ESTABLISHING AN IMPACT FEE SCHEDULE FOR ROAD IMPROVEMENTS, PROVIDING FOR IMPACT FEES IN GENERAL; PROVIDING FOR IMPACT FEE COMPUTATION FORMULA; PROVIDING FOR IMPACT FEE EXEMPTIONS; PROVIDING FOR IMPACT FEE EXPENDITURES; PROVIDING FOR ESTABLISHMENT OF IMPACT FEE FUND; PROVIDING FOR SEVERABILITY, CONFLICT, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Doral's (City) Comprehensive Master Development Plan (CMDP) includes a Transportation Master Plan (TMP) and Capital Improvement Element (CIE) that provide for necessary improvements to the roadways within the City that will be required by the continuing growth of the City; and,

WHEREAS, it is necessary, and in the best interest of the City to provide for a source of funding for the necessary road improvements that is fair and reasonable, and that provides for new development to pay for its impact on the City's roads; and,

WHEREAS, the City has retained the services of a consultant, The Corradino Group, which has reviewed the recent and local data to determine a fair and reasonable methodology to calculate the impact fees, based upon a determination of cost for additional daily trips caused by the new development, and which has provided the written methodology and report to the City; and,

WHEREAS, the City has reviewed similar impact fees for surrounding or comparable municipalities, and determined that the proposed methodology and impact fee calculations are comparable with similar charges in those reviewed municipalities; and,

WHEREAS, the City Council finds that it is fair and reasonable, and in the best interest of the City, to charge impact fees to new development to fund that development's impact on the City's roads.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL, THAT:

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Short Title. This Ordinance shall be known and may be cited as the Roadway Improvement Impact Fee Ordinance.

Section 3. Definitions. In construing the provisions hereof and each and every word, term, phrase, or part hereof where the context will permit, the following definitions will apply:

Applicant means the person who applies for a building permit or submits a plat or waiver of plat.

Building means any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

Building Permit means an official document or certificate issued by the City of Doral authorizing the construction or change of use of any building.

City Manager shall mean the City Manager of the City of Doral, Florida.

City of Doral's Capital Improvement Program means a long term plan of proposed capital expenditures, the means and methods of financing and a schedule of priorities for implementation.

Credit means the present value of past provisions made by new developments for the cost of existing or future capital improvements.

Development Activity means any activity for which a Building Permit is required pursuant to the Florida Building Code latest addition or any applicable City Ordinance.

Existing Development means the lawful land use physically existing as of the effective date of this Ordinance and any Development or additional Development for which the landowner holds a valid Building Permit as of the effective date of this Ordinance. Existing Development shall also include that maximum level of Development Activity for which previous impact fee was paid under the provisions of this Ordinance.

Feepayer means a person intending to commence a proposed Development for which an impact fee computation is required under this Ordinance, or a person who has paid an impact fee, or provided a letter of credit pursuant to this Ordinance.

Long Range Transportation Plan means the adopted Metro-Miami-Dade Transportation Plan or successor document adopted by the Miami-Dade County Metropolitan Planning Organization.

Miami-Dade County Metropolitan Planning Organization or MPO means the local government entity designated by the Governor, pursuant to Chapter 339.175, Florida Statutes for the management of transportation planning process in Miami-Dade County.

Roadway Improvement Impact Fee, fee, or impact fee means the proportionate share charge required to be paid in accordance with this chapter.

Roadway capacity improvement or roadway improvement means any roadway element 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 and/or reconstruction of existing roadways including planning and removal of existing paved surfaces where such improvements will enhance the roadway capacity and service level; and
8. Other improvements shown by specific studies to enhance roadway capacity safety and operations.

In addition, the following roadway elements shall also be considered roadway improvements:

1. Curbs, medians, shoulders, and traffic signage;
2. Utility relocation; and
3. Sodding and tree planting.

Transportation Master Plan means the City of Doral's future plan to implement a set of projects in the three areas of Roadway, Transit and Transportation Management. Projects in each of these areas were examined in detail and

prioritized based on criteria developed by the community and approved by the City Council.

Unit or Unit of Development means a residential structure which is a quantifiable Increment of Development Activity, e.g. a single-family home, or a residential module, e.g. each condominium or apartment unit within a condominium complex or building.

Section 4. Impact Fees; In General.

1. Any application for Building Permit or Development Activity within the corporate limits of the City of Doral shall be subject to the assessment of a Roadway Improvement Impact Fee in the manner and amount set forth in this Ordinance. No Building Permit shall be issued by the City until the Applicant has paid the assessed Impact Fee as calculated pursuant to this Ordinance.
2. Notwithstanding payment of the Impact Fee pursuant to this Ordinance, other state, county and city Development regulations may limit the issuance of Building Permits for Development Activity.
3. In the event Impact Fees are paid prior to or concurrently with the issuance of a Building Permit and subsequently, the Building Permit is amended, the Applicant shall pay the Impact Fee in effect at the time the amended Building Permit is issued with credit being given for the previous fees paid.
4. In the case of change of use, redevelopment, or expansion or modification or an existing use on a site, other than a single-family home, which requires the issuance of a Building Permit, the Impact Fee shall be based upon the net increase in the Impact Fee for the new use as compared to the existing use.
5. If a Building Permit is canceled without Development commencing, then the Impact Feepayer shall be entitled to a refund, without interest, of the

Impact Fee paid except that the City shall retain five percent (5%) of the fee to offset a portion of the costs of collection and refund. The Impact Feepayer shall submit an application for such a refund to the City Manager or his designee within thirty (30) days of the expiration of the order or permit, or thereafter be deemed to waive any right to a refund.

6. Funds shall be deemed expended for the purposes of the Ordinance when a contract or agreement encumbering all or a portion of the payment of said funds shall be approved by final City action.

Section 5. Roadway Improvement Impact Fee Formula.

1. The Feepayer shall pay a Roadway Improvement Impact Fee amount based on the formula set forth below. The fee shall be collected by the **Planning and Zoning** Department for all structures for which a Building Permit is issued. Such fee will be based on the capital cost of roadway improvements required to serve any increase in transportation requirements resulting from proposed development activities together with impact fee administrative costs. The formula to be used to calculate the Roadway Improvement Impact Fee shall be as follows:
 - a. Step 1. Compute Total Daily Trips for the proposed development using the latest available edition of the Institute of Transportation Engineers (ITE) Trip Generation Handbook.
 - b. Step 2. Multiply the Total Daily Trips as computed in step 1 above by the Impact Fee Cost per daily trip of **\$209.57**.
 - c. Step 3. Multiply the total from step 2 by 1.05 to accommodate the general administrative charge of five (5) percent in effect at the time of adoption of this ordinance. This formula will change automatically upon any change to the administrative charge.
 - d. The resulting total is the Roadway Improvement Impact Fee and administrative charge which shall be paid by the Feepayer.

- e. The City shall review the administrative charge on at least an annual basis to ensure that this charge continues to approximate the costs to the City of administering the program. Any necessary adjustment shall be made by the City Manager, and the formula set forth in Step 3 above shall be automatically amended to reflect any changes to the administrative costs.
2. The City Manager shall periodically review the contents, including the Impact Fee Cost per daily trip rate of **\$209.57**, of the adopted Roadway Improvement Impact Fee Ordinance and, if appropriate, make recommendations for revisions to the adopted Roadway Improvement Impact Fee Ordinance to the City Council. The City Council shall consider the City Manager's recommended revision(s) to the Roadway Improvement Impact Fee Ordinance at least once every twelve (12) months. The Manager's recommendations and the Councils' action shall 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 share of the costs of mitigating road impacts, and the procedures for administering the impact fee process remain efficient.
3. If the type of activity within the proposed or current Development is not specified, the City Manager or his designee shall use the activity most nearly comparable in computing the fee.

Section 6. Exemptions.

1. Alterations, expansion or replacement of an existing development where the use is not changed and the number of total daily trips is not increased shall not be subject to the Roadway Improvement Impact Fee. The burden of demonstrating the previous existence of a use or structure or previous payment of Impact Fee shall be upon the Feepayer. In cases

where there is an existing use, any additional fees shall be based upon the alteration to the existing use or structure.

2. Government or public facilities are exempt from the Impact Fee, including those parcels, grounds, building or structures owned by Federal, State, County or the City government, the Miami-Dade County School Board or the South Florida Water Management District and related to the operation of those entities and used for governmental purposes including, but not limited to, governmental offices, police and fire stations, airports, seaports, parking facilities, equipment yards, sanitation facilities, water control structures, schools, parks and similar facilities or through which general government operations are conducted. It is provided, however, that the following shall not be considered governmental or public facilities and shall be subject to the provisions of the Ordinance: (1) privately owned properties or facilities leased for governmental operations or activities; and (2) public properties or facilities used for private residential, commercial or industrial activities.
3. The construction of accessory buildings or structures where the use is not changed, such that an additional impact does not result and the number of total daily trips is not increased, is exempt.
4. A building replacement meeting the requirements of Florida Building Code Section 104.3(D) (replacement necessitated by partial destruction) is exempt.
5. An exemption must be claimed by the Feepayer prior to paying the Impact Fee. Any exemption not so claimed shall be deemed to have been waived by Feepayer.

Section 7. Roadway Improvement Impact Fee Expenditures.

1. Funds from the Roadway Improvement Impact Fee Fund, including all interest, shall be used only for the purpose of implementing roadway improvements incorporated into the City of Doral's Capital Improvement

Program, Transportation Master Plan and Unfunded Projects from the Miami-Dade County Metropolitan Planning Organization's adopted long range transportation plan except that an amount representing the costs to the City of administering the provisions of this Ordinance is levied as provided herein.

2. Highest priority for Impact Fee expenditures shall be for roadway improvements deemed by the City Council as most needed to serve new development.
3. Roadway improvements that are a condition of approval to a proposed development and are out of the scope of the City of Doral's Capital Improvement Program, Transportation Master Plan and Unfunded Projects from the Miami-Dade County MPO's adopted long range transportation plan and which are found to provide a direct benefit to the proposed development resulting from the traffic impact review, will be the sole financial responsibility of the Feepayer in addition to the Impact Fee.

Section 8. Establishment of a Fund. Roadway Improvement Impact Fees collected pursuant to this Ordinance shall be accounted for in a **Capital Outlay Impact Fee Fund** to be established by the City. Expenditures from this Fund shall be made only as authorized by Section 7 above.

Section 9. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of the Ordinance.

Section 10. Codification. It is the intention of the City Council of the City of Doral that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Doral, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word

“Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

Section 11. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

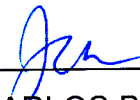
Section 12. Effective Date. This Ordinance shall become effective as provided by law.

A motion to approve the Ordinance was offered by Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman Van Name and upon being put to a vote, the vote was as follows:

Councilman Michael DiPietro	Yes
Councilwoman Sandra Ruiz	<i>(unavailable at the time of the vote)</i>
Councilman Robert Van Name	Yes
Vice Mayor Pete Cabrera	Yes
Mayor Bermudez	Yes


Passed and adopted on 1st reading this 10th day of May, 2006.

Passed and adopted on 2nd reading this 14th day of June, 2006.



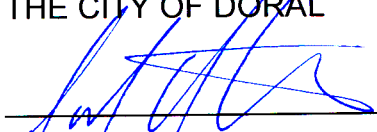
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA-HILL, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE OF
THE CITY OF DORAL



~~JOHN J. HEARN, ESQ., CITY ATTORNEY~~
Jacob G. Horowitz