

ORDINANCE #2008- 05

AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY'S IMPACT FEE SCHEDULE FOR ROAD IMPROVEMENTS CONSISTENT WITH THE REQUIREMENTS OF ORDINANCE 2006-16; AMENDING SECTION 5 OF ORDINANCE 2006-16, THE COST PER DAILY TRIP; PROVIDING COMPUTATION OF DAILY TRIP GENERATION BASED ON LAND USE; PROVIDING FOR SEVERABILITY, CONFLICT, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, at its meeting of June 14, 2006, the City Council of the City of Doral adopted Ordinance 2006-16 which established the City's first impact fee schedule for road improvements; and

WHEREAS, the Ordinance provided for the City Manager to periodically review the contents, including the impact fee cost per daily trip rate; and

WHEREAS, the City has retained the services of its consultant, The Corradino Group, the same consultant that provided the previous fair and reasonable methodology to calculate impact fees and has provided the revised impact fee schedule after proper study; and

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

WHEREAS, the City has further revised the computation of daily trip generation based on land use to further ensure the fairness and reasonableness of its methodology; and

WHEREAS, the City Council finds that it is fair and reasonable and in the best interests of the City to amend its impact fees to new development and to base the computation of daily trip generation on specific land use to fund that development's impact on the City's roads;

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

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

Section 2. Section 5 of Ordinance 2006-16 is hereby amended to read as follows:

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 using the following ITE Land Use Codes (LUC):
 - i. **Residential land uses** - use appropriate trip generation rates per dwelling unit from latest available version of the Institute of Transportation Engineers (ITE) Trip Generation (TG) publication to reflect the actual number and type of residential units. Use ITE TG 7th Edition corresponding Land Use Code (LUC) such as: 210, 220, 221, 222, 223, 224, 230, 231, 232, 233, 240, 251, 252, 253, 254, 255, 260 and 270.

- ii. **Office land use** - use appropriate trip generation rate from latest available version of ITE Trip Generation publication to reflect land use in 1,000 square feet area. Use ITE TG 7th Edition LUC #710 (General Office Building).
 - iii. **Industrial/Warehouse land use** - use appropriate trip generation rate from latest available version of ITE Trip Generation publication to reflect land use in 1,000 square feet area. Use ITE TG 7th Edition LUC #150 (Warehousing).
 - iv. **Retail land use** - for all retail uses including, but not limited to, restaurants, pharmacy/drug stores, commercial banks, specialty retail, discount stores, convenience markets, supermarkets, etc. use appropriate trip generation rate from latest available version of ITE TG publication to reflect land use in 1,000 square feet area. Use ITE TG 7th Edition LUC #820 (Shopping Center).
 - v. **House of Worship/Church/Synagogue** - use ITE TG 7th Edition LUC #560 (Church) weekday trip generation rate per 1,000 square feet of area.
 - vi. **Hotels** - for all hotels use daily trip generation rates per room using ITE TG 7th Edition LUC #310 (Hotel).
 - vii. For other land uses not listed above, consult with and obtain approval from the City regarding use of the appropriate daily trip generation rate.
- b. Step 2. Multiply the Total Daily Trips as computed in Step 1 above by the Impact Fee Cost per daily trip of \$190.43. ~~\$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 \$190.43 ~~\$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 periodically ~~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 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 3. Severability. That if any section, subsection, sentence, clause, phrase, word or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 4. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 5. Inclusion in Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective as provided by law.

The foregoing 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:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Peter Cabrera	Yes
Councilmember Michael DiPietro	Yes
Councilwoman Sandra Ruiz	(Councilwoman Ruiz was not present at the time of the vote)
Councilmember Robert Van Name	Yes

PASSED AND ADOPTED upon FIRST READING the 7th day of April, 2008.

PASSED AND ADOPTED upon SECOND READING the 14th day of May, 2008.



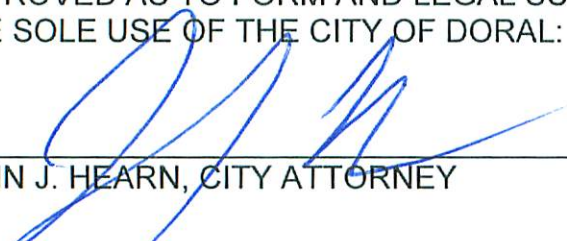
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

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



JOHN J. HEARN, CITY ATTORNEY