

ORDINANCE No. 2019-02

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE IV IN THE CITY'S CODE OF ORDINANCES TITLED, "TRANSPORTATION," IN CHAPTER 65, "IMPACT FEES," OF THE LAND DEVELOPMENT CODE; ALLOWING FOR THE VALUE OF LAND OR EQUIPMENT TO SERVE AS A CREDIT TOWARDS THE PAYMENT OF ROAD IMPACT FEES; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, section 65-73 of the City of Doral's (the "City") Land Development Code provides for the assessment and imposition of "roadway improvement impact fee" for development activity within the City as a means to generate funding for impact mitigating roadway improvements; and

WHEREAS, this Ordinance seeks to provide a mechanism to encourage developers to make certain contributions consistent with the City's roadway improvement goals by crediting the value of such contributions towards the payment of a corresponding roadway improvement impact fee; and

WHEREAS, the City Council finds it to be in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. RECITALS. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

Section 2. CODE AMENDED. Article IV, "Transportation," of Chapter 65, "Impact Fees," of the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 65. IMPACT FEES

ARTICLE IV. - TRANSPORTATION

Sec. 65-73. - Roadway improvement impact fee.

(g) Land or Equipment contributions in-lieu-of-fee.

- (1) Subject to the terms and conditions of this Section, a credit shall be granted against the Impact Fees imposed by this Ordinance for the donation of additional land which would not be required by the City for improvements required of the subject development activity, or equipment made pursuant to a Contribution in lieu of Impact Fee Agreement. Such donations shall be subject to the approval of the public works director. No credit shall be given for the donation of land unless such property is conveyed, in fee simple to the City without remuneration.
- (2) Prior to the Impact Fee payment due date pursuant to Section 65-73, the Feepayer shall submit to Public Works Director a proposed plan for donations or contributions. The proposed plan shall include:
 1. A legal description of any land proposed to be donated and a written appraisal;
 2. A list of the equipment or description of construction improvement sought to be donated;
 3. A written statement of the actual cost for any equipment or construction improvement to be donated; and
 4. A proposed time schedule for completion of the proposed plan.
- (3) The Public Works Director shall review the proposed plan and determine if the proposed donation of land or equipment by the Feepayer is consistent with the public interest.

- (4) The value of donated capital equipment shall be based upon actual costs of acquisition of capital equipment as shown by a manufacturer's or supplier's invoice or construction cost of the improvement.

- (5) The Feepayer contribution credit granted shall only be applied as a credit against the particular Impact Fee which provides the funds for the specific capital facility which is the subject of the donation.

~~(g)~~ (h) 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) Unless provided for to the contrary in the current effective development order, all development activity which is subject to an existing development of regional impact development order adopted pursuant to F.S. ch. 380, prior to June 4, 1989 shall be exempt from this chapter with regard to development approved by such development order. This exemption

provision does not apply to those development orders which may have been revoked or determined to be null and void or to any development not authorized in such development order by the City of Doral or Miami-Dade County. This exemption shall not apply to any additional development regardless of whether or not such additional development constitutes a substantial deviation pursuant to F.S. ch. 380. Any Development of Regional Impact development order amended after January 1, 2009, which generates additional vehicular trips above the previously approved development order shall be not be exempt for said additional trips.

- (4) 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.
- (5) A building replacement meeting the requirements of Florida Building Code Section 104.3(D) (replacement necessitated by partial destruction) is exempt.
- (6) 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.

(h) (i) 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 section 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.

- (j) Establishment of a fund. Roadway improvement impact fees collected pursuant to this section 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 subsection (h) above.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. 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 this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 9 day of January, 2019.

PASSED AND ADOPTED on SECOND READING this 13 day of February, 2019.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

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



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY