



**TOWN OF MIAMI LAKES, FLORIDA**

**AGENDA**

**Planning and Zoning Board Meeting**

**December 3, 2019**

**6:30 PM**

**Government Center**

**6601 Main Street Miami Lakes, FL33014**

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1. **Call To Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approval of Minutes**

**a. Approval of Minutes**

**\*October 23, 2019 Planning and Zoning Meeting Minutes**

5. **Business Requiring Board Action**

**QUASI-JUDICIAL PUBLIC HEARINGS -**

Please be advised that the following items on the Board's agenda are quasi-judicial in nature. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Board to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. Any person presenting documents to the Board should provide the Town Clerk with a minimum of 10 copies. Further details of the quasi-judicial procedure may be obtained from the Clerk.

**a. Mobility Fee**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO MOBILITY FEES; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE X, "CONCURRENCY REGULATIONS AND MITIGATION OF DEVELOPMENT IMPACTS", DIVISION 2, "MOBILITY FEE"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pidermann)**

**6. Director's Report**

**7. Adjournment**

This meeting is open to the public. A copy of this Agenda and the backup therefore, has been posted on the Town of Miami Lakes Website at [www.miamilakes-fl.gov](http://www.miamilakes-fl.gov) and is available at Town of Miami Lakes Town Hall, 6601 Main Street, Miami Lakes, FL 33014. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact Town Hall at 305-364-6100 two days prior to the meeting. Anyone wishing to appeal any decision made by the Miami Lakes Planning and Zoning Board with respect to any matter considered at this meeting or hearing will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

**MINUTES**  
**Planning and Zoning Minutes**  
**October 23, 2019**  
**6:30 P.M.**  
**Government Center**  
**6601 Main Street, Miami Lakes, FL 33014**

**1. Call to Order:**

Chairman Robert Julia called the meeting to order at 6:35 p.m.

**2. Roll Call:**

The Deputy Town Clerk, Ashley Shepple, called the roll with the following Board Members being present: Fred Senra, Raul De La Sierra, Avelino Leoncio, Mariam Yanes, Vice Chairman Lynn Matos. Board Member Juan Carlos Fernandez was absent.

**3. Pledge of Allegiance/Moment of Silence:**

Board Member Fred Senra led the Pledge of Allegiance and the Invocation.

**4. Approval of Minutes:**

- July 24, 2019 Planning and Zoning Meeting minutes

Board Member Senra made a motion to approve the minutes. Board Member De la Sierra seconded the motion and all present were in favor.

**5. Business Requiring Board Action:**

- A. AN ORDER OF THE PLANNING AND ZONING BOARD OF THE TOWN OF MIAMI LAKES, FLORIDA, PURSUANT TO SECTION 13-764.3 OF THE TOWN OF MIAMI LAKES LAND DEVELOPMENT CODE; APPROVING A REASONABLE ACCOMMODATION REQUEST FROM SECTION 13-1606 TO PERMIT STORAGE OF A BOAT AND BOAT TRAILER IN THE REAR YARD OF A SINGLE-FAMILY HOME IN A RU-1 DISTRICT, FOR THE PROPERTY LOCATED AT 8944 NW 168TH ST, MIAMI LAKES, FLORIDA; PROVIDING FINDINGS; PROVIDING FOR APPROVAL OF THE REQUEST; PROVIDING FOR APPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.**

Deputy Town Attorney, Lorenzo Cobiella, explained this item was pulled from the agenda due to there being previous boat registration for the property. The homeowner needs to re-register their boat. Once this is resolved, the resident can come before the Board for the reasonable accommodation request if still needed.

Board Member Yanes states the reasonable accommodation resolution needed the list members and board members changed to reflect the new chairman and vice chairwoman.

**B. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO PERMITTED FENCE HEIGHTS FOR SINGLE-FAMILY AND TWO-FAMILY BUILDINGS; AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE", AT ARTICLE V, "ALLOWABLE ENCROACHMENTS INTO THE REQUIRED YARDS AND EXCEPTIONS TO THE MAXIMUM PERMITTED HEIGHTS", AT SECTION 13-1509, "FENCES, WALLS AND GATES,"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Manny Cid)**

Susana Alonso, Principal Town Planner, explained and answered questions regarding the ordinance. She suggested including in the ordinance 8-foot hedges as well as fences.

Board Member De la Sierra motioned to approve the ordinance as is but to include the 8-foot hedge option in the ordinance. Board Member Senra seconded the motion.

The Deputy Town Clerk, Ashley Shepple, called the roll and the motion passed.

**6. Director's Report:**

Susana Alonso asked the Board to consider to permanently select a day for meeting for the 1<sup>st</sup> week of the month to hold Planning and Zoning meetings.

Vice Chairwoman Matos made a motion to select the first Wednesday of the month. Board Member De la Sierra seconded.

Deputy Town Attorney Cobiella suggested due to publication reasons to consider having the meetings the first Tuesdays of the month.

Vice Chairwoman amended her motion and Board Member De La Sierra seconded. All were in favor.

**7. Adjournment:**

There being no further business to come before the Board, the meeting adjourned at 8:00 P.M.

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Robert Julia  
Chairman

Attest:

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Gina M. Inguanzo  
Town Clerk



## **Town of Miami Lakes Memorandum**

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**To:** Honorable Chairman of the Planning and Zoning Board & Board Members

**From:** Susana Alonso, AICP, Principal Town Planner

**Subject:** Mobility Fee Ordinance Adjustments

**Date:** December 3, 2019

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### **Background**

on April 25, 2016 the Town Council adopted a mobility fee ordinance as an alternative to traffic concurrency to allow for the mitigation of transportation impacts of development that will more equitably fund multimodal mobility improvements rather than only automobile related improvements, as well as encourage better quality development and be more business friendly by providing for a simpler and less time-intensive approval process.

On February 2019 the Town Council approved a new business item instructing staff to assess the performance of the mobility fee since adoption, commission a study to establish new rates, and recommend any changes in language that may improve processes.

### **Recommendation:**

Staff recommends approval of the attached ordinance

Attachments:  
Ordinance  
Mobility Fee Study by Corradino

**ORDINANCE NO. 19- \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO MOBILITY FEES; AMENDING CHAPTER 13, “LAND DEVELOPMENT CODE”, AT ARTICLE X, “CONCURRENCY REGULATIONS AND MITIGATION OF DEVELOPMENT IMPACTS”, DIVISION 2, “MOBILITY FEE”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (Pidermann)**

**WHEREAS**, Objective 1.2 of the Town of Miami Lakes (“Town”) Comprehensive Plan states that the Town shall maintain an effective and efficient Land Development Code (LDC); and

**WHEREAS**, subsequent to its adoption, the Town LDC has been amended by various ordinances (the “LDC Ordinances”) to better address and serve the needs of the Town; and

**WHEREAS**, on April 25, 2016 the Town Council adopted a mobility fee ordinance as an alternative to traffic concurrency to allow for the mitigation of transportation impacts of development that will more equitably fund multimodal mobility improvements rather than only automobile related improvements, as well as encourage better quality development and be more business friendly by providing for a simpler and less time-intensive approval process;

**WHEREAS**, on February 2019 the Town Council approved a new business item instructing staff to assess the performance of the mobility fee since adoption, commission a study to establish new rates, and recommend any changes in language that may improve processes.

**WHEREAS**, on \_\_\_\_\_, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, heard the item at a duly noticed public hearing and forwarded a recommendation of approval to the Miami Lakes Town Council; and

**WHEREAS**, on \_\_\_\_\_, the Town Council at a duly noticed public hearing, moved the item on First Reading; and

**WHEREAS**, on \_\_\_\_\_, the Town Council considered the ordinance at a duly advertised public hearing; and

**WHEREAS**, to that end, the Town Council of the Town of Miami Lakes hereby finds and declares that adoption of this Ordinance is appropriate and advances the public interest.

**WHEREAS**, the proposed amendments are in conformance with all applicable requirements of the Town's Code of Ordinances, including the LDC; and

**WHEREAS**, the proposed amendments will not be in conflict with the public interest, and are consistent and in harmony with the purpose and intent of the Town's Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate and advances the public interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2. Adoption of Amendments to Town Code.** The Town Council hereby adopts the amendments to Article III, Article X and Article XI of the Town LDC, which are attached hereto as Exhibits A, B and C, respectively, and incorporated herein.<sup>1</sup>

**Section 3. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 4. 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 5. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of Exhibits A, B and C of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

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<sup>1</sup> Additions to the text are shown in underline and deletions from the text are shown in ~~strike through~~.



**Section 6. Effective date.** This Ordinance shall become effective immediately upon its adoption on second reading.

**FIRST READING**

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on first reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid  
Vice Mayor Nelson Rodriguez  
Councilmember Carlos O. Alvarez  
Councilmember Luis Collazo  
Councilmember Joshua Dieguez  
Councilmember Jeffrey Rodriguez  
Councilmember Marilyn Ruano

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

[THIS SPACE INTENTIONALLY LEFT BLANK]

## SECOND READING

The foregoing ordinance was offered by Councilmember \_\_\_\_\_ who moved its adoption on second reading. The motion was seconded by Councilmember \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	_____
Vice Mayor Nelson Rodriguez	_____
Councilmember Carlos O. Alvarez	_____
Councilmember Luis Collazo	_____
Councilmember Joshua Dieguez	_____
Councilmember Jeffrey Rodriguez	_____
Councilmember Marilyn Ruano	_____

Passed and adopted on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Manny Cid  
MAYOR

Attest:

\_\_\_\_\_  
Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Raul Gastesi, Jr.  
Gastesi & Associates, P.A.  
TOWN ATTORNEY

# EXHIBIT A

## ARTICLE X. - CONCURRENCY REGULATIONS AND MITIGATION OF DEVELOPMENT IMPACTS

\* \* \* \*

### DIVISION 2. - MOBILITY FEE

\* \* \* \*

#### Sec. 13-2004. - Timing of calculation and payment of mobility fee due.

- (a) All development projects occurring within the incorporated area of the Town shall pay the mobility fee established in this division, except as explicitly otherwise provided for herein. For purposes of this division, the term "development projects" shall include any construction activity, or the establishment of a land use or change of a land use and any activities appurtenant thereto.
- (b) Except as otherwise provided in this division, the mobility fee shall be paid directly to the Town prior to the issuance of a building permit or a certificate of use, as applicable, whichever occurs earlier.
- (c) Where a development project or change of use requires a conditional use, site plan or plat approval prior to issuance of a building permit, the amount of the mobility fee due may, at the option of the applicant, be calculated and established as part of one of those processes, and such amount when established shall remain in effect until the conditional use, site plan or plat approval expires or a full calendar year, whichever comes first, regardless of any changes in the rate per daily trip that may occur in the interim between such approval and the issuance of a building permit or certificate of use, as applicable. However, if such approval is subject to a request for an extension, either administrative or granted by the State of Florida, the mobility fee due shall be reevaluated as part of the extension application and any changes in the rate per daily trip that have occurred in the interim between the original approval and the expiration of the approval (regardless of when the application for extension is submitted) shall be applied.
- (d) For development projects involving the subdivision of land into single family or two-family lots, the entire mobility fee due shall be paid prior to issuance of the first building permit in the subdivision, regardless of whether such permit authorizes construction of a residential structure or other structure, such as a club house, guard house or similar common amenity.
- (e) For proposed development other than subdivision into single family or two-family lots, the mobility fee due shall be paid prior to issuance of the first building permit that includes authorization to begin work on a structure or paving.

(Ord. No. 16-192, § 2, 4-25-2016)

#### Sec. 13-2005. - Calculation of mobility fee due.

- (a) The mobility fee due for a development project shall be calculated as follows:
  - (1) The project's net daily person-trip generation, as determined according to the procedures in this section, shall be multiplied by the rate per daily trip established according to the procedures in Section 13-2006.
  - (2) From the result of Subsection (a)(1), subtract the value of any mobility credits earned according to Section 13-2007. The result is the mobility fee due.
- (b) A development project's net daily person-trip generation shall be determined by one of the following methods:

- (1) The development project's net daily person-trip shall be calculated by multiplying the number of units of the proposed use by the amount shown in the following Flat Trip Chart:

<u>Residential --- Single Family and Town home (per unit)</u>	<u>9.44</u>
<u>Residential --- Multifamily (per unit)</u>	<u>7.32</u>
<u>Commercial --- Retail (per 1000 sf or portion thereof)</u>	<u>61.64</u>
<u>Commercial --- Restaurant full service (per 1000 sf or portion thereof)</u>	<u>112.18</u>
<u>Commercial --- Restaurant fast food (per 1000 sf or portion thereof)</u>	<u>470.95</u>
<u>Office --- General (per 1000 sf or portion thereof)</u>	<u>9.74</u>
<u>Office --- Medical (per 1000 sf or portion thereof)</u>	<u>34.80</u>
<u>Industrial (per 1000 sf or portion thereof)</u>	<u>1.94</u>

- ~~(4)~~(2) The greater of either the weekday or weekend trip generation rate of the land use(s) proposed in the development project, minus the pass-by rate, as calculated, signed and sealed by a duly licensed traffic engineer and according to the most current edition of the Trip Generation Manual, published by the Institute for Transportation Engineers (ITE) (hereafter "Trip Generation Manual"). Thereafter, multiply the result by the mean auto occupancy of trips generated by that land use, determined according to Subsection (b)(2). In the event that a development project involves a land use not included in the Trip Generation Manual, the Administrative Official shall calculate the appropriate mobility fee. The Administrative Official shall utilize as a standard in this determination the trip generation rates in the most similar land use category or any other generally accepted standard source of transportation engineering or planning.
- ~~(2)~~(3) The mean auto occupancy of trips generated for each land use shall be established, and amended from time to time, by resolution of the Town Council. Mean auto occupancy shall be based on the best available data, and shall initially be determined by the October 2000 Southeast Florida Regional Travel Characteristics Study. Upon the publication of more recent, professionally-accepted data and analysis appropriate to establish mean auto occupancy, the Town Council shall amend the mean auto occupancy by land use by resolution.
- ~~(3)~~(4) Alternative trip generation study.
- a. In the event an applicant reasonably believes that the daily trip generation pursuant to Subsection (b)(1) does not reasonably approximate the likely actual trip generation of the proposed development, then the applicant may, prior to issuance of a building permit for such development project, file with the Administrative Official an alternative trip generation study, along with the fee prescribed by Article XI, that seeks to establish an alternative fee. This study shall be based on standard engineering and planning practice, using the Trip Generation Manual as a base. The Administrative Official shall review the alternative calculations and make a determination within 30 days of submittal as to whether such calculation complies with the requirements of this section. Failure to render a decision within 30 days shall be deemed a denial.

- b. If the Administrative Official determines that the data, information and assumptions utilized by the applicant to establish an alternative trip generation is more appropriate, then the mobility fee assessed shall be paid based on the alternative methodology.
  - c. If the Administrative Official determines that the data, information and assumptions utilized by the applicant to establish an alternative trip generation does not demonstrate that it is a more appropriate approximation of the likely actual daily trip generation of the development project, then the Administrative Official shall provide to the applicant written notification of the rejection of the alternative trip generation and the reasons therefore, including notification that the mobility fee as applicable, shall be paid in accordance with the provisions of this division.
  - d. An applicant who submits a proposed alternative trip generation pursuant to this subsection and desires the issuance of a building permit prior to the resolution of a pending alternative fee shall pay the applicable mobility fee prior to or at the time said applicant desires the building permit. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any rights. Any difference in the amount of the fee after resolution of the pending alternative fee shall be refunded to the applicant or owner.
- (d) In the event a development project involves a mixed-use project, the Administrative Official shall calculate the mobility fee based upon the sum of each land use category included in the proposed mixed use project, ~~and the proportion of the total project represented by each land use category.~~
- (e) An applicant may appeal any determination of the Administrative Official under the provisions of this section in accordance with Subsection 13-302(i).

(Ord. No. 16-192, § 2, 4-25-2016)

\* \* \* \*

Sec. 13-2007. - Mobility fee credits.

The Town Council finds that certain improvements or actions instituted or committed to as part of a development project tend to partially mitigate the development's impact upon the transportation system, reduce peak hour traffic congestion and/or shift trips from single-occupant vehicle travel to other modes. Therefore, those improvements or actions, when not otherwise required by local, state or federal laws or regulations, may reduce the mobility fee due for a development project, as further set out herein.

- (1) A developer wishing to receive a mobility fee credit shall submit an application to the Administrative Official with the fee prescribed in Article XI of the chapter. The application shall set forth what improvements or actions, not otherwise required by local, state or federal laws or regulations, are proposed and what mobility fee credit is due for those improvements or actions; In reviewing the application, the Administrative Official shall follow the procedures for applications as enumerated in Section 13-301. The Administrative Official shall take action on the application by written development order, and may approve, approve with modifications and/or conditions or deny the application. Where the application for a mobility fee credit is submitted in conjunction with another application under this chapter, the Administrative Official may combine the development order under this subsection with that of the other application. Any appeals of the Administrative Official's decision shall be in accordance with Subsection 13-302(i).
- (2) The following table sets forth the improvements or actions eligible for a mobility fee credit, and the amount of such credit:

Improvement or Action	Type of Eligible Project	Credit Available (Daily Trips)	Special Requirements
Bicycle parking spaces on-site	All types of development/uses other than single family and two-family projects. However, bicycle parking spaces developed as part of a single family or two family development as part of common areas may, at the discretion of the Administrative Official, be eligible so long as said bicycle parking spaces are accessible to the general public.	One-half trips [trip] per bicycle parking space not located on a site adjacent to a designated greenway. One trips [trip] per bicycle parking space located on a site adjacent to a designated greenway.	All bicycle parking spaces used for mobility fee credit shall be over and above those otherwise required by the LDC or which are provided as part of another incentive program under the LDC. In order to receive mobility fee credits for bicycle parking spaces, said spaces be must accessible to the general public and so located on the site as to encourage bicycle use, as determined by the Administrative Official.
Mixed-Use Development	Projects that include at least two different general types of land uses (i.e. residential, commercial, office and industrial) wherein no one use category exceeds 75 percent of the total floor area.	Up to ten percent of daily trips, at the discretion of the Administrative Official.	Applicants must demonstrate that the mixed use project is so designed to achieve internal trip capture and encouragement of alternative modes. The percent of daily trips credited shall be based on the level

			of mitigation of transportation impacts expected due to the mixed use nature of the development, supported by data and analysis submitted by the applicant.
Preferred parking for carpools	Nonresidential development	Three trips for preferred carpool parking space, up to ten percent of daily trips.	<del>Preferred parking for carpools shall be demonstrated to be advantaged over other parking spaces at the facility.</del>
Pedestrian throughways and bicycle facilities.	All	Maximum of three percent of daily trips.	Applicant must demonstrate that the proposed pedestrian throughway will contribute to creating a safe, comfortable and convenient pedestrian and bicycle network in Miami Lakes, or will help to complete a designated greenway. Any such facility receiving a mobility fee credit shall be accessible to the general public. One or more easements for public access may be required, at the discretion of the Administrative Official.
Placing parking in the rear	Nonresidential, mixed use and multifamily residential development	Maximum of three percent of daily trips.	The amount of credit given shall be based on the proportion of parking placed in the rear of the building. All parking must be placed in the rear in order to receive the full three percent credit.
<del>Flexible work arrangements and/or staggered work arrangements</del>	Nonresidential development and uses	Up to five percent of daily trips	
Employer provided	<del>Any property or use, other than single family, two-family</del>	One percent for each	<del>One transit pass shall equal a Miami-Dade County transit</del>



<del>transit passes</del>	<del>and townhouse properties, which has employees on site.</del>	<del>pass purchased.</del>	<del>pass that will allow an employee to access the site for work for one year. Employers must demonstrate good faith in encouraging use of transit, and making reasonable scheduling accommodation to account for transit schedules.</del>
Developer or employer sponsored transit	Office and industrial development or uses cumulatively accounting for at least 150 employees. More than one employer on a single site or on more than one site that are located within one-quarter mile of a central point may jointly apply to receive this credit.	Up to three and one-half percent of daily trips	The applicant or applicants for developer or employer sponsored transit shall submit a plan to be considered for approval by the Administrative Official.
<u>Dollar-for-Dollar contribution</u>	<u>All projects</u>	<u>At the sole discretion of the Town, an applicant may elect to construct, pay for, or contribute, a qualified capital improvement or right-of-way contribution to a mobility facility in the mobility network in order to satisfy its mobility fee obligation on a dollar-for-dollar basis against the value of said contributed, qualified capital improvement</u>	<u>Qualified capital improvements will include technology improvements that the Town has identified, adopted, and prioritized as part of its strategic planning</u>

- (3) ~~Mobility fee credits to be received via flexible work arrangements, staggered work schedules, or developer or employer sponsored transit must include, along with the application for mobility fee credits, a detailed plan for how these arrangements will be implemented and, upon approval by the Administrative Official, a declaration of restrictions, in a form acceptable to the Administrative Official and the Town Attorney, shall be executed and recorded by the property owner to ensure continued implementation of the plan.~~

- ~~(4)~~ (3) Failure to implement construct or maintain any plan or facility pursuant to Subsection ~~(3-2)~~ shall be punishable by any lawful means available to the Town, including but not limited to code enforcement proceedings. In addition, any trips previously credited will be due and payable as a mobility fee at the rate in place at the time of failure or removal of facilities that generated the credit.

(Ord. No. 16-192, § 2, 4-25-2016)

## MEMORANDUM

### 2019 Update to Town of Miami Lakes Mobility Fee

#### Background

The Miami Lakes Mobility Fee was adopted via Ordinance 16-192 on December 1, 2015. Its purpose is to ensure that multimodal transportation infrastructure, necessary to support level of service standards, is in place at the time of development. It also creates a platform for developments to contribute to the funding and implementation of those projects in order to mitigate the developments impact to the multimodal transportation network, as well as fund multimodal mobility enhancements not just automobile related improvements. The mobility fee encourages better quality development and is more business friendly as it provides for an easier approval process.

Per the recommendation of the Alternative to Concurrency Study, the Town Council established a Mobility Fee in lieu of traditional transportation concurrency. Chapter 13 Land Development Code Division 2 Sec. 13-2006 (a) states:

*The rate per daily trip, and subsequent amendments thereto, shall be established by the Town Council by resolution, based on the methodology as described in subsection (b) of this section. The rate per daily trip shall be reviewed by the Town Council at least once every three years but may be reviewed more frequently. The initial and each review thereafter shall consider changes to the demand component of the mobility fee equation, changes to the Town's CIE, changes in construction, land acquisition and related costs, changes in historical and projected funding, adjustments to the assumptions and conclusions or findings set forth in the Study.*

#### Analysis

The 2019 Mobility fee update will review the above as required by Ordinance 16-192, as included in the Miami Lakes Land Development Code and other technical aspects of the fee schedule. Changes in growth rates, traffic generation rates, and land use changes will also be documented in this update memorandum. Any updates to the Mobility Fee proposed will continue to support the funding of multi-modal transportation projects within the Town of Miami Lakes. In addition, any changes to the Mobility Fee will only be based on the most current data per Florida Statutes. The Miami Dade County Long Range Transportation Plan 2045 is not complete, as such it will not be referenced in this update.

This memo documents updates to technical aspects of the fee schedule, such as lower anticipated growth rates, changes in transportation revenue programs, and increased costs of providing transportation facilities and services. Some of the specific changes incorporated include:

- Updating traffic generation rates for some land uses to address a newly- released version of the Institute of Transportation Engineers Trip Generation reference
- Proposing Flat Trip Generation Rates for specific use types
- Gas Station/Service Station with Convenience Store Analysis

- Fast-Casual Restaurant Analysis
- Trip Generation based on vested and committed development projects

### Recommendations

Trip characteristics utilized in the Mobility Fee were taken from the Institute of Transportation Engineers' (ITE) Trip Generation reference report 9<sup>th</sup> Edition. Changes in this report include updated traffic generation rates provided in the 10<sup>th</sup> Edition Institute of Transportation Engineers' Trip Generation reference, released in late 2017. The changes are listed below:

- 230 Condominium/Townhouse is no longer a land use in the ITE 10<sup>th</sup> edition
- 231 Mid-Rise Residential with 1<sup>st</sup> Floor Commercial and 232 High-Rise Residential with 1<sup>st</sup> Floor Commercial were added as they are in the ITE manual 10<sup>th</sup> edition
- 492 Racquet Club/Health Club/Spa/Dance Studio and 437 Bowling Alley rates were changed because of the time period in which the rate was taken. In the 9<sup>th</sup> edition the weekday period was used. However, the 10<sup>th</sup> edition does not have this time period as an option. The rates for these land uses were taken from the weekday, PM peak hour time period.
- 820 Retail (1,000-50,000 s.f) thru 820 Retail (greater than 500,000 s.f.) is one single land use 820 Shopping Center. The 10<sup>th</sup> edition land use is incorporated.
- 120 General Heavy Industrial is no longer a land use and there is no alternative in the 10<sup>th</sup> edition
- 152 High-Cube Warehouse is no longer a land use, 154-157 were added and are included in the 10<sup>th</sup> edition

Another recommendation is to assess a flat trip rate that is justifiable to apply against acreage and dwelling units. Flat trip rates have now been added as part of the mobility fee update. For the chart below, the trip generation rates for residential land uses are trips/dwelling unit. For commercial, institutional, and industrial, the trip generation rates are per 1000 sq. ft.

<b>Flat Trip Rate for Residential Low Density</b>	<b>7.23</b>
<b>Flat Trip Rate for Residential Low-Med Density</b>	<b>7.32</b>
<b>Flat Trip Rate for Residential Med Density</b>	<b>2.87</b>
<b>Flat Trip Rate for Residential Med-High Density</b>	<b>0.31</b>
<b>Flat Trip Rate for Recreational</b>	<b>78.92</b>

<b>Flat Trip Rate for Institutional</b>	<b>7.69</b>
<b>Flat Trip Rate for Commercial (includes Transient, Office and Retail)</b>	<b>61.64</b>
<b>Flat Trip Rate for Industrial</b>	<b>1.94</b>

### **Gas Stations/Convenience Stores**

An additional recommendation for the revision to the Mobility Fee Schedule is to the gas stations with convenience stores use. A recent trend is larger convenience markets with more fueling stations. It is recommended that an amendment be made to pass-by trip percentage from 66% to 77% based on FDOT Trip Generation Recommendations for Convenience Markets with Gas Pumps. There has been an increase in the size on convenience stores and number of fueling positions. These new facilities offer additional services, such as car washes, larger markets, fast food restaurants, and the ability to pay at the pump, have changed travel characteristics.

### **Fast-Casual Restaurant**

An emerging trend in the area is the Fast-Casual Restaurant. Including Fast- Casual Restaurant (930) in the Mobility Fee Schedule is another recommendation. A fast-casual restaurant is a sit-down restaurant with no wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared, and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than fast food restaurants. The website [tripgeneration.org](http://tripgeneration.org) (accessed on 7/19/2018) provided a database of four studies of Fast- Casual restaurants, yielding an average rate of 179.78 trip- ends per 1,000 s.f. The percent new trips and trip length values from the High- Turnover, Sit- Down restaurant were found to be suitable and were applied to this land use. Miami Lakes is a prime location for the development of fast-casual/food hall type dining. The average vehicle trip rate per 1,000 s.f. is 315.17 based on the 10<sup>th</sup> Edition Trip Generation Manual.

### **Trips**

Per Ordinance 16-192(b), the rate per daily trip shall be calculated by determining the difference between current development and projected future development levels. The vested and committed projects were reviewed. Based on the total vested and committed projects for 2016-2019 newly approved projects (as compared to when the fee was first adopted), there is an additional 16,684 trips. The following lists trips generated by use:

Total Residential Trips	6,798
Total Multi Use Trips	4,065
Total Commercial Trips	1,443
Total Industrial Trips	310
Total Institutional Trips	934
Total Services Trips	3,134
Total New Trips	16,684

In determining the maximum allowed built capacity, the 2013-2017 ACS housing units (10,397) were subtracted from the FLU maximum allowed built capacity (27,746 d/u), which totaled 17,349 dwelling units. Vested units amount to 1,472. Therefore, there are now 15,876 units of remaining capacity. This is a reduction from the original study from 18,172 housing units, as there are now pending developments.

The total maximum allowed built capacity in acres (taking into consideration the FAR and height) for each land use category is 259 acres for commercial and 528 acres for industrial. There was a reduction in the total maximum allowed built capacity in acres from 555.98 as part of the original study to 528 acres for industrial and from 260 to approximately 259 acres of commercial, due to pending developments within the land use categories. Additionally, 25.09 acres of Commercial and 42.05 acres of Industrial land uses are currently vested. Remaining assessable capacity then, are 234.2 acres for commercial and 485.95 acres for industrial.

As noted previously, there were some changes to the daily weekday person-trip generation due to changes in the Trip Generation Manual 10<sup>th</sup> Edition. Also, flat trip rates have now been added as part of the mobility fee update.

To keep the fee accurate as time progresses, an annual adjustment based on inflation should be made to the assessments of the remaining transportation projects. This adjustment can come from a variety of sources – the Bureau of Labor Statistics maintains a Consumer Price Index as a benchmark, as does the Florida Department of Transportation, in regards to transportation projects, in the form of a Work program inflation factor; the current model accounts for this change by recommending an annual change rate based on the Florida Department of Transportation's rate, given its closer relationship with transportation infrastructure development. Transportation improvement costs from the Town's Capital Improvements Element (CIE), and other adopted Town transportation mobility plans and policies were computed. Costs were adjusted from the time of their original estimation to account for inflation, according to the "Inflation Factors" published by the Florida Department of Transportation (FDOT).

As the impact fee is contingent on the trips generated versus the infrastructure necessary to support the incoming population, as large scale amendments to the future land use accrue, staff should carefully evaluate and consider amendments to the fee in order retain appropriate levels of justification relative to the changes in the build out model utilized in the designation of the fee. Based on evidence that there was very few large-scale amendments, it has been determined after careful review that no future land use amendments since the adoption of the Mobility Fee have a large enough impact on trips generated versus infrastructure to make any changes to the actual fee structure. However, recommended changes are due to updates in the ITE 10<sup>th</sup> Edition Manual.

### **Credits**

After a full review of the existing mobility fee credits, minor changes are recommended for the mobility fee credit system. These changes include the considerations for technology improvements enhancing local mobility as desired by the Town, and removal of several existing credit categories.

The Town should continue to issue mobility fee credits to developments with the following types of development for the following improvement types:

- Bicycle Parking Spaces
- Mixed Use Development
- Pedestrian Throughways and Bicycle Facilities
- Rear Parking
- Developer/Employer sponsored Transit

No changes to established ratios within the current code is recommended at this time. It is recommended that the Town, similar to other entities in Florida which are adopting Mobility Fees, continue to utilize the 3-year period as the mandated update to review the fee and associated assumptions.

Due to the difficulties in administration, it is recommended that the Town remove the following fee credits:

- Preferred Parking Carpools
- Flexible/Staggered Work Arrangements
- Employer provided Transit Passes

It is recommended that the Town consider the following additions to the fee system:

- Dollar-for-Dollar contribution – It is recommended that the Town include the following in its consideration for text amendments:

“At the sole discretion of the Town, an applicant may elect to construct, pay for, or contribute, a qualified capital improvement or right-of-way contribution to a mobility facility in the mobility network in order to satisfy its mobility fee obligation on a dollar-for-dollar basis against the value of said contributed, qualified capital improvement.”

In consideration of application of this ordinance, the Town should indicate that qualified capital improvements will include technology improvements that the Town has identified, adopted, and prioritized as part of its strategic planning.

## **Exemptions**

There are no recommended changes to Sec. 13-2009. Exemptions.

As projects become fully funded, they should be removed from the list of planned infrastructure requiring funding. These projects, once implemented, will thus not be impacted by annual increases based on inflation. As newer development is approved and funding from the impact is assessed, the impact of that development, both in population growth and trips generated, as well as the fees assessed, count towards both ends of the fee’s model structure, which is based on cost per trips generated. The application of reduction of both trips and fees assessed keeps the fees model in equation; as long as the fees assessed are based on trips. Only two of the projects listed as Mobility Fee Expenditures are listed on the Existing Transportation Projects list.

- Initiative 1.1.6 Incorporate Greenway Path (0.38 miles) along NW 60<sup>th</sup> Avenue from NW 154 (Miami Lakes Drive) to NW 138<sup>th</sup> Street- Phase 1 – Total estimated project cost is \$1.3 million. \$300,000 Mobility Fee Expenditure
- Initiative 1.9.1 Incorporate Adaptive Signalization along NW 154<sup>th</sup> - \$80,940 Mobility Fee Expenditure

When comparing the mobility fee revenues vs expenditures, mobility fees collected in Fiscal Years 2017 and 2018 amount to \$761,271. Expenditures in those same years amount to \$751,503. There was a balance of \$9,768. Projected revenues for Fiscal Years 2019 and 2020 amount to \$1,686,688. This depends on the actual future development permits being processed as proposed. Thus far all mobility funds are accounted for. However, there are a number of transportation projects from the 2014 list that have not been completed. The overall transportation projects list has been updated in order to project cost estimates for the designation of future mobility fees.

## Mobility Fee

The following represents the methodology to construct and maintain the impact fee system as well as the recommended update to the actual mobility fee.

1. Determine increase in socio-economic data from base year to target future year (20 years). Determination of this factor is based upon the difference between current development levels and future development levels. To accomplish this, the future land use must be employed and compared to existing development.

	2019
Residential	15,876 dwelling units
Commercial	234.2 acres
Industrial	485.95 acres

It is important to note there was an assumed land use spread when calculating the rate for commercial with 20% transit-oriented development/mixed use, 30% office, and 50% retail.

2. Determine trip generation rates for resulting land use increases from step 1 above using daily trip rates (weekday) from ITE Trip Gen Handbook 9<sup>th</sup> Edition and Household Survey Model. The updated rates from the ITE Trip Generation Handbook 10<sup>th</sup> Edition were used as part of this update.

	2019 Trips
Residential	86,557
Commercial	522,329
Industrial	16,525
Total	625,411

However, a proportion of this must be taken to relate to the same timeframe as the existing current projects, as this is for 20 years and the CIP is for 5 years. Growth is not linear, but rather based on existing market conditions – this is a primary reason why the fee must be



adjusted with new assumptions every 3 years. For the current cycle, we expect growth to continue at similar pace as before, with some slowdown due to the amount of existing growth, and assume a slower 10% growth in trips.

Assuming 10% the daily trips generated is:

2019 daily trips
62,541

3. Compute transportation improvement costs from the Town's Capital Improvement Element (CIE), Transportation Master Plan (TMP), the Town's transportation mobility plans, and Unfunded Projects from the MPO's Long Range Transportation Plan (LRTP).

Using the compiled transportation projects master list (Attachment C), an aggregate cost to complete all the projects can be constructed. In considering the various projects that can be built, it is important to consider that there are projects which may have funding that is reasonably expected from outside funding sources, including grants. In cases where this funding is reasonably expected, these projects should not be included in the computation costs.

Rationale: Not Included = Projects fully funded in the MPO's Transportation Improvement Program (TIP) and those from their LRTP where funding is reasonably expected (federal, state, county and other). Included = Projects included in the Town's Transportation Master Plan (TMP) and the Capital Improvement Element (CIE) such as roadway widening, roadway reconstruction, road resurfacing, lighting, traffic signals, roadway drainage, intersection improvements, roadway landscaping, sidewalks, bike paths.

The costs as noted in the previous report were current at that time. However, as the projects were carried over for multiple years, inflation factors were included using the FDOT Work Program inflation factors.

Additional projects have been placed in the Town's Master Plan, resulting in a need to adjust the fee.

2014	2019
\$12,549,293	\$35,170,229

For the 2019 numbers, it should be noted that \$1,114,086 has been previously collected for local improvements. In addition, the Town is slated to receive \$9,096,994 in grants. The remaining \$ 24,959,149 are unvested and unfunded items the Town intends to assess as part of the mobility fee. \$ 12,479,575 of the projects should be assessed to implement the new multimodal facilities to mitigate future impact of trips.

In addition, the Town's recently adopted SMART Technology Implementation Plan 2020-2035 contains \$15,194,500 of projects for implementation, of which \$14,309,500 is eligible as mobility-based projects. Given the timeframe and adopted strategic action items, the combination of master plan and technology implementation plan is \$26,789,075.

4. Compute Total Cost per Daily Trip

For the purposes of this calculation, we are utilizing the Total cost per daily trip as indicated by the expected daily trips based on the designated build out, as this is a more accurate representation of expected development in the time period.

Total cost per daily trip = Total Cost/daily trips generated

2014 Total Cost per daily trip	2019 Total Cost per daily trip
\$160.00 per trip	\$428.34 per trip

The per fee trip has increased due to a change in the number of trips resulting from the update of the ITE Trip Generation Manual and due to the increase in the cost and number of transportation projects, which added approximately \$2.7 million in additional costs. The latter factor is the primary factor in the increase. As stated previously, the 9<sup>th</sup> Edition was used for the previous study.

5. Add 5% administrative costs.

**Total Per Trip Fee \$449.76.**

In summary, costs were updated to take into account inflation, updates to the Town's TMP, CIE, and the MPO's LRTP, and newly approved developments.

*Operational improvements:*

During the course of the study, it was indicated that certain land use categories have higher than average fees due to the potential for high trip calculations. In those cases, it is recommended that the Town utilize a pass-through factor mutually agreed upon by both the Town and the applicant to reduce the number of trips in unique cases. Pass through rates are provided within the ITE Trip Generation Manual, 10<sup>th</sup> Edition, and have been updated from the prior 9<sup>th</sup> Edition Manual.

Further, the current ordinance provides that Council may, at its discretion, agree to lower the fee assessment on a case by case basis. It is recommended that the Town continue to keep this provision of the ordinance and exercise as needed in unique cases such as with the above.