

ORDINANCE No. 2018-19

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 65, "IMPACT FEES", ARTICLE II, "PARKS AND RECREATION", SECTION 65-19, "IMPACT FEE NEW CONSTRUCTION"; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Florida Constitution grants local governments broad home rule authority to establish assessments, impact fees, franchise fees, enterprise fees, user fees and service charges to pay for capital facilities, and government operations; and

WHEREAS, in 2006, the Florida Legislature adopted the "Impact Fee Act" to provide general criteria for local governments interested in adopting an impact fee program; and

WHEREAS, in 2009, the "Impact Fee Act" was amended to place the burden of proof on local governments, through a preponderance of the evidence, that the imposition of the impact fee meets legal precedent and the requirements of Sec. 163.31801 Florida Statutes; and

WHEREAS, impact fees are designed to meet the infrastructure needs to accommodate the added growth because of new development; and

WHEREAS, the calculation of the City of Doral "Park Impact Fee" is based on the most recent and localized data obtained from the adopted 2017 City of Doral Parks Master Plan, prepared by Browning Day Mullins Dierdorf and the park level of service (LOS) standards established in the City's Comprehensive Plan; and

WHEREAS, the intent of the “Park Impact Fee Technical Report” is to demonstrate that the park impact fee meets the “dual rational test”, which requires a local government demonstrate a reasonable connection, or rational nexus between “Need” and “Benefits”; and

WHEREAS, in accordance with F.S. 163.31801(3)(d), this ordinance shall take effect 90 days after its adoption.

WHEREAS, the City Council hereby finds that the adoption of this ordinance is in the best interest and welfare of the residents of the City.

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

Section 1. **Recitals.** The above recitals are true, correct, and incorporated herein by this Ordinance upon adoption hereof.

Section 2. **Adoption of the “City of Doral Park Impact Fee Technical Report.”** The City Council hereby adopts the “City of Doral Park Impact Fee Technical Report”, dated June 28, 2018, prepared by NUE Urban Concept, LLC. A copy of the Park Impact Fee Technical Report is provided in Exhibit A.

Section 3. **Code Amendment.** The Code of Ordinances of the City of Doral is hereby amended as follows:

Chapter 65 – IMPACT FEES

* * *

ARTICLE II. PARKS AND RECREATION

* * *

Sec. 65-19. Parks Impact fee.

~~(a) A city parks and recreation impact fee of \$4,230.77 \$5,750.60 \$1,453.40 shall be applied to each unit of a new construction single-family, duplex and multifamily buildings.~~

(a) 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:

- (a) *Applicant* means the person who applies for a building permit or submits a plat or waiver of plat.
- (b) *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.
- (c) *Building permit* means an official document or certificate issued by the City of Doral Building Official, authorizing the construction or siting of any building. For purposes of this chapter, the term "building permit" shall also include tie-down permits for those structures or buildings, such as a mobile home, that do not require a building permit in order to be occupied.
- (d) *Comprehensive Plan (CP)* means the Comprehensive Plan of the City of Doral adopted pursuant to the Local Government Comprehensive Planning and Land

Development Regulation Act, 163.3161 et seq., Florida Statutes as may be amended from time to time.

(e) *Contributions* mean all dedications of land and/or provision of specific improvements in lieu of cash.

(f) *City park system or park system* means all park and recreation land and facilities owned, operated or maintained by the City of Doral.

(g) *City wide* as it relates to this chapter means the jurisdictional boundaries of the City of Doral.

(f) *Credits* means the present value of past, present or future provisions made by new developments for the cost of existing or future capital improvements or dedications.

(g) *Dwelling unit* means a building or portion of a building designed for or whose primary purpose is for residential occupancy, and which consists of one or more rooms which are arranged, designed or used as living quarters for one or more persons. Dwelling unit includes mobile home, motel/hotel/rooming house if converted to condominium, servants' quarters or congregate living facilities as that term is defined by Section 400.402, Florida Statutes.

(h) *Existing development* means the lawful land use which physically exists or for which the landowner holds a valid building permit as of the effective date of this chapter or that maximum level of development activity for which a previous impact fee was paid under the provision of this chapter.

- (i) Feepayer means a person intending to commence a proposed development for which an impact fee computation is required, or a person who has paid an impact fee, provided a letter of credit, or made a contribution-in-lieu-of-fee pursuant to this chapter.
- (j) Frontage means the distance measured along a road right-of-way.
- (k) Impact means the effect of additional population generated by residential construction on the City of Doral park network.
- (l) Impact determination means the amount of property required or the cost related to the impact of residential dwelling units pursuant to the park and recreation impact fee contained herein.
- (m) Level of Service Standard (LOS) means the City of Doral's LOS ~~level of service standard~~ for the minimum provision of local recreation open space as identified in the Comprehensive Plan, as amended from time to time.
- (n) Multi-family dwelling unit means a structure that contains more than two (2) residential housing units located in a single-building or part of a multi-building complex. Units may be rental or owner-occupied.
- (o) New Construction means a development or proposed development which does not possess a valid building permit as of the effective date of this chapter and has not paid an impact fee for the maximum level of development activity.
- (p) Nonresidential development means any development not providing for residential dwelling units within a planned project.

(q) Off-site park improvement or off-site improvement means any improvement located outside of the boundaries of a parcel proposed for development or platted subdivision parcel but within the City of Doral.

(r) Owner means the person holding legal title to the real property.

(s) Parent tract means a parcel of land designated as land to be subdivided for purposes of subdivision.

(t) Park means City -provided park, that serves the local recreation needs and that is designated by the Department as a city park.

(u) Park impact fee technical report means the document prepared by NUE URBAN CONCEPTS dated August of 2018 for the City Manager and adopted by the City Council which contains information, sets forth procedures and implements policies essential to the administration of the Parks Impact Fee Ordinance.

(v) Park improvement means preliminary engineering, design studies, land surveys, engineering, permitting, construction and, installation and/or modification of land, structures, landscaping, and/or equipment thereon.

(w) Residential development means any single-family attached, single-family detached, multi-family attached building or buildings designed to be used as residential dwelling units. Dwelling unit may be one (1) single-family dwelling unit or two (2) or more dwelling units in a planned project or subdivision.

(x) *Single-family attached dwelling unit* means a housing unit which shares a common wall with an adjoining unit. The common wall must extend from the foundation through the attic.

(y) *Single-family detached dwelling unit* means a conventional home where one family normally occupies one (1) unit in one (1) structure. May be found in subdivision or on single lot.

(z) *Unit(s) of development* means a quantifiable increment of development activity dimensioned in terms of dwelling units, or other appropriate measurements contained in the impact fee schedule.

(b) *Park Impact Fee*

A city parks and recreation impact fee of \$4,230.77 ~~\$5,750.60~~ \$1,453.40 shall be applied to each unit of a new construction single-family, duplex and multifamily buildings.

(c) *Application of New Impact Fees*

All building permits subject to *Park Impact Fee* issued within one year after the effective date of this ordinance shall be obligated to pay forty-five percent (45%) of the computed fee as determined herein. All building permits subject to the *Park Impact Fee* and issued more than one year after but less than two years after the effective date of this Ordinance shall be obligated to pay fifty-five percent (55%) of the computed fee as determined herein. all building permits subject to the Park Impact Fee and issued more than two years after but less than three years after the effective date of this Ordinance shall be obligated to pay seventy-five percent (75%) of the computed fee as determined herein Beginning

the fourth year after the effective date of this ordinance, all building permits subject to the
Park Impact Fee shall be obligated to pay one hundred percent (100%) of the computed
fee as determined herein.

The foregoing Ordinance was offered by Councilmember Cabrera who moved its adoption. The motion was seconded by Vice Mayor Mariaca 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 12 day of September, 2018.

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

PASSED AND ADOPTED on THIRD 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

CODING: Words in ~~struck through~~ type are deletions from existing law.
Words in underscored type are additions.