

MIAMI BEACH

PLANNING DEPARTMENT

Staff Report & Recommendation

PLANNING BOARD

TO: Chairperson and Members
Planning Board

DATE: May 24, 2022

FROM: Thomas R. Mooney, AICP 
Planning Director

SUBJECT: **PB22-0513 – ORD – Mobility Fees to Appendix A Clarification.**

RECOMMENDATION

Transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

HISTORY

On October 16, 2019, the City Commission adopted Ordinance No. 2019-4306, which replaced the previous transportation concurrency fee with a city-wide mobility fee.

On May 4, 2022, at the request of the City Manager, the City Commission referred the attached ordinance amendment to the Planning Board for review and recommendation (Item C4 U).

REVIEW CRITERIA

Pursuant to Section 118-163 of the City Code, in reviewing a request for an amendment to these land development regulations, the board shall consider the following when applicable:

1. **Whether the proposed change is consistent and compatible with the comprehensive plan and any applicable neighborhood or redevelopment plans.**

Partially Consistent – The proposed ordinance is consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. **Whether the proposed change would create an isolated district unrelated to adjacent or nearby districts.**

Consistent – The proposed amendment does not amend district boundaries nor create an isolated district unrelated to adjacent or nearby districts.

3. **Whether the change suggested is out of scale with the needs of the neighborhood or the city.**

Consistent - The proposed ordinance amendment does not affect the scale of development and is not out of scale with the needs of the neighborhood or the city.

4. **Whether the proposed change would tax the existing load on public facilities and infrastructure.**

Consistent – The proposed ordinance will not affect the load on public facilities and infrastructure as it does not increase the intensity of development.

5. **Whether existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

Not applicable – The proposed amendment does not modify district boundaries.

6. **Whether changed or changing conditions make the passage of the proposed change necessary.**

Consistent – The need to provide consistency with fees within Land Development Regulations and update certain fees due to increases in costs makes passage of the proposed change necessary.

7. **Whether the proposed change will adversely influence living conditions in the neighborhood.**

Consistent – The proposed ordinance amendment will not adversely affect living conditions in the neighborhood.

8. **Whether the proposed change will create or excessively increase traffic congestion beyond the levels of service as set forth in the comprehensive plan or otherwise affect public safety.**

Consistent – The proposed change will not create or increase traffic congestion from what is currently permitted, as the FAR is not being modified by this ordinance and the intensity of uses is not proposed to be increased.

9. **Whether the proposed change will seriously reduce light and air to adjacent areas.**

Consistent – The proposed will not reduce light and air to adjacent areas beyond what is currently allowed.

10. **Whether the proposed change will adversely affect property values in the adjacent area.**

Consistent – The proposed change will not adversely affect property values in the adjacent areas.

11. **Whether the proposed change will be a deterrent to the improvement or development of adjacent property in accordance with existing regulations.**

Consistent – The proposed change will not be a deterrent to the improvement or development of properties in the City.

12. **Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.**

Not applicable.

13. **Whether it is impossible to find other adequate sites in the city for the proposed use in a district already permitting such use.**

Not applicable.

COMPLIANCE WITH SEA LEVEL RISE AND RESILIENCY REVIEW CRITERIA

Section 133-50(b) of the Land Development Regulations establishes the following review criteria when considering ordinances, adopting resolutions, or making recommendations:

- (1) **Whether the proposal affects an area that is vulnerable to the impacts of sea level rise, pursuant to adopted projections.**

Partially Consistent – The proposal does affect areas that are vulnerable to the impacts of sea level rise in the long term.

- (2) **Whether the proposal will increase the resiliency of the City with respect to sea level rise.**

Partially Consistent – The proposal will not affect the resiliency of the City with respect to sea level rise.

- (3) **Whether the proposal is compatible with the City's sea level rise mitigation and resiliency efforts.**

Consistent – The proposal is compatible with the City's sea level rise mitigation and resiliency efforts.

ANALYSIS

Chapter 122 of the Land Development Regulations sets forth mobility fees, which are assessed on new development or changes of use that increase the transportation impact of development. Section 122-24 establishes the Mobility Fee rates and the proposed Ordinance would move the fees from this section of the LDR's to the fee schedule in Appendix A. This will provide better consistency with the location of other fees assessed by the Planning Department, as well as improve fee transparency as the Mobility Fees would all be located within the same Code section. Additionally, the annual process of updating the fees pursuant to the Consumer Price Index (CPI) would be better standardized in Appendix A. The mobility fees are currently subject to annual updates pursuant to the CPI and under the existing regulations this update is set on a different schedule from the remainder of fees.

While the proposed Ordinance may give the appearance of a fee increase, it does not modify the current mobility fees. The fees currently codified are those that were originally adopted in 2019, and they have only changed on an annual basis pursuant to the CPI, as required by section 122-24. However, these increases pursuant to the CPI have not been reflected in section 122-24, and the proposed Ordinance will update the codified fees to those currently in effect. Moving forward the codified fees will remain up to date when Appendix A undergoes an annual CPI updating process.

The Ordinance also proposes an update to the courier fee that is assessed on land use board applications; this fee covers the cost of delivering packages to land use board members. The proposal increases the courier fee from \$10.00 per package to \$15.00 per package. Over the last year, the average cost of couriating each package, which contains multiple applications and exhibits, to land use board members has increased from approximately \$28.00 per package to \$36.00 per package. As a result, the costs to the Planning Department have increased significantly. This fee modification is intended to cover these costs, as well as provide a framework, moving forward, that will better reflect CPI updates.

RECOMMENDATION

In view of the foregoing analysis, staff recommends that the Planning Board transmit the proposed Ordinance amendment to the City Commission with a favorable recommendation.

Mobility Fees Appendix A Clarification

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CODE OF THE CITY OF MIAMI BEACH BY AMENDING CHAPTER 122, ENTITLED “CONCURRENCY MANAGEMENT AND MOBILITY FEES,” ARTICLE III, ENTITLED “MOBILITY FEES,” AT SECTION 122-24 ENTITLED “CALCULATION OF MOBILITY FEE,” AND APPENDIX A, ENTITLED “FEE SCHEDULE,” TO MOVE THE MOBILITY FEES TO APPENDIX “A” FOR CONSISTENCY WITH OTHER FEES ASSESSED BY THE CITY; AND AMENDING APPENDIX “A” TO MODIFY CERTAIN FEES RELATED TO THE LAND USE BOARD PROCESS; AND PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City of Miami Beach (the “City”) has the authority to enact laws which promote the public health, safety and general welfare of its citizens; and

WHEREAS, the City Code of Ordinances contains fees for development review, permitting, and other services to cover the costs of implementing the regulations and provide public services within Appendix A – Fee Schedule; and

WHEREAS, the Section 122-24 of the Land Development Regulations contains Mobility Fees which are assessed primarily to provide infrastructure and public facilities to enhance mobility within the City; and

WHEREAS, in an effort to improve transparency for fees, the City seeks to consolidate fees into a single section of the City Code of Ordinance; and

WHEREAS, there are increases in courier costs to send packages to land use board members; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 122 of the City Code, entitled “Concurrency Management and Mobility Fees,” Article III, entitled “Mobility Fees,” at Section 122-23, entitled “Imposition and collection of mobility fees,” is hereby amended as follows:

Sec. 122-24. Calculation of mobility fee.

[(a) Reserved.]

(b) The calculation of the mobility fee requires the adjustment of the person miles of travel (PMT) for each land use by the origin and destination adjustment factor (ODAF). The ODAF is equal to 0.5. Trip generation rates represent trip-ends at the site of a land use. Thus, a single-origin trip from a residence to a workplace counts as one trip-end for the residence and one trip-end for the workplace, for a total of two trip-ends. To avoid double-counting of trips, the PMT

for each land use shall be multiplied by 0.5. This distributes the impact of travel equally between the origin and destination of the trip, and eliminates double charging for trips. The PMT for each land use begins with the entering and exiting daily trips for each land use. The adjusted PMT is then multiplied by the PMT rate of \$129.37 to determine the mobility fee rate per each land use on the mobility fee schedule.

The formulas for each step in the calculation of the mobility fee are as follows:

Person Trips (PT) per Land Use	=	(TG x % NEW) x PMT Factor
Person Trips (PT) by Mode	=	PT x MS for each of the five modes of travel
Person Mile of Travel (PMT) per Land Use	=	SUM of (PT by Mode * TL by MODE)
Person Mile of Travel (PMT) Rate	=	\$129.37 per PMT
Mobility Fee (MF) per Land Use	=	(PMT * ODAF) * PMT RT
<u>Where:</u>		
PT	=	Person Trips
PMTF	=	Person Miles of Travel Factor of 1.33 to account for multi-modal travel
TG	=	Daily Trip Generation during average weekday
% NEW	=	Percent of trips that are primary trips, as opposed to pass-by or diverted-link trips
MS	=	Mode Share Goals per Miami Beach Transportation Plan for each of the five modes of travel
TL	=	Average length of a trip by Mode and by Trip Purpose
PMT	=	Person Miles of Travel
PMT RT	=	Person Miles of Travel Rate = \$129.37
ODAF	=	Origin and Destination Adjustment Factor of .50 to avoid double-counting trips for origin and destination
MF	=	Mobility Fee calculated by (PMT x .50) x PMT RT

- (c) The adopted mobility fee for each land use category are set forth in "Schedule A-Appendix A – Fee Schedule," below:

Schedule A – Mobility Fee

Mobility Fee Schedule Category/Land Use Type	Unit of Measure	Mobility Fee
Residential		
Single-family with a unit size less than 3,500 sq. ft. ¹	Per unit	\$1,847.00
Single-family with a unit size between 3,500 and 7,000 sq. ft. ¹	Per unit	\$2,461.00
Single-family with a unit size greater than 7,000 sq. ft. ¹	Per unit	\$3,076.00
Multifamily apartments	Per unit	\$1,515.00
Affordable housing	Per unit	\$379.00

Workforce housing	Per unit	\$758.00
Co-living/micro apartments	Per unit	\$758.00
Recreation and Entertainment		
Marina (including dry storage)	Per berth	\$308.00
Golf course	Per hole	\$3,881.00
Movie theater	Per screen	\$22,823.00
Outdoor commercial recreation ²	Per acre	\$1,829.00
Community center/civic/gallery/lodge/museum	Per sq. ft.	\$1.86
Indoor commercial recreation/health club/fitness	Per sq. ft.	\$4.54
Institutional		
Continuing care facility/nursing home/memory care/congregate care facility/assisted/independent living	Per bed	\$740.00
Private school (Pre-K-12)	Per sq. ft.	\$2.09
Place of worship, including ancillary and accessory buildings	Per sq. ft.	\$1.78
Day care center	Per sq. ft.	\$3.87
Industrial		
Warehousing/manufacturing/industrial/production (under roof)	Per sq. ft.	\$1.53
Mini-warehousing/boat/RVs and other outdoor storage ³	Per sq. ft.	\$0.46
Distribution/fulfillment center/package delivery hub	Per sq. ft.	\$2.14
Office		
General office/research/higher education/financial/bank	Per sq. ft.	\$3.33
Medical/dental/clinic/veterinary/hospital	Per sq. ft.	\$7.60
Service/Retail/Nonresidential		
Retail sales/personal and business services ⁴	Per sq. ft.	\$10.11
Pharmacy/dispensary/pain management clinic	Per sq. ft.	\$15.40
Supermarket	Per sq. ft.	\$16.37
Takeout restaurant with no seating ⁵	Per sq. ft.	\$11.07
Restaurant with seating ⁵	Per seat	\$877.00
Restaurant drive-thru ⁵	Per drive-thru	\$9,110.00
Bar/night club/pub without food service ⁴	Per sq. ft.	\$26.12
Motor vehicle and boat sales/service/repair/cleaning/parts	Per sq. ft.	\$6.26
Hotel/lodging ⁶	Per room	\$1,721.00
Convenience retail ⁷	Per sq. ft.	\$19.48
Motor vehicle fueling	Per fuel position	\$6,413.00
Bank drive thru lane, stand-alone ATM or ATM drive thru lane ⁸	Per drive thru lane and/or per ATM	\$12,170.00
Notes:		
¹ Floor area is based on areas that count towards the maximum unit size pursuant to the single-family district regulations.		
² The sq. ft. for any buildings or structure shall not be excluded from the acreage.		
³ Acreage for any unenclosed material and vehicle storage shall be converted to sq. ft.		
⁴ Areas under canopy for seating, display, storage and sales shall be converted to sq. ft.		
⁵ Separate fees are associated with any drive thru lane(s) associated with a restaurant.		
⁶ Restaurant/bar/night club and/or retail sales, that are not exclusive to hotel guests only, shall be calculated based on the separate applicable land use classification.		

⁷ Convenience retail rates are separate from the fee due for vehicle fueling positions. Rates per vehicle fueling position also apply to gas stations and service stations with fuel pumps. The fee for any restaurant square footage, seating or drive thru in a convenience store will be based on the individual fee rate for the land use, not the convenience store rate.

⁸ Bank building square footage falls under office and is an additive fee beyond the fee due for bank/ATM drive thru lanes or free-standing ATM's. These rates are per drive thru lane for the bank and per drive thru lane with an ATM. The freestanding ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.

NOTE: The list of uses in the mobility fee schedule is subject to compliance with permitted uses in the city's land development regulations.

Mobility fee rate. Except as otherwise provided in this subsection, the mobility fee rates established above in "Schedule A" shall be automatically adjusted in the future by applying the percent increase in "Consumer Price Index For All Urban Consumers (CPI-U), Not Seasonally Adjusted, U.S. city average for all items (1982-84=100)" (To be known as Annual CPI) from the prior year. For reference, the 2018 value is 251.107. The CPI adjustment shall never be less than 0.0 percent. Adjustments shall take place by September 1 of each year, and shall take effect on October 1 of each year, beginning in 2020. The adjustment calculation is below:

The change shall be calculated as follows:

$$\frac{(\text{"Annual CPI" for Prior Calendar Year} - \text{"Annual CPI" for Calendar Year Two Years Prior})}{(\text{"Annual CPI" for the Calendar Year Two Years Prior})} = \text{"Change in CPI"}$$

then

$$(\text{"Change in CPI"} + 1) * (\text{Fee Currently in Force}) = (\text{New Fee for Next Year}).$$

If the "Change in CPI" is less than 0.0, then 0.0 shall replace the actual "Change in CPI" in the calculation for that 12-month period.

Schedule A may be adjusted administratively on an annual basis, pursuant to the formula above.

- (d) Incentive areas. In order to incentivize the revitalization of targeted areas, the city commission hereby designates the area of the city north of 63rd Street, as a mobility fee incentive area. Within the incentive area, a mobility fee reduction of 62.5 percent shall be provided until August 31, 2022; between September 1, 2022, and August 31, 2023, a mobility fee reduction of 50 percent shall be provided; between September 1, 2023, and August 31, 2024, a mobility fee reduction of 38 percent shall be provided; and between September 1, 2024, and August 31, 2025, a mobility fee reduction of 26 percent shall be provided.
- (e) Mobility Fee shall be automatically adjusted by applying the CPI percent increase as directed by the City of Miami Beach Office of Management and Budget which shall be adjusted to the nearest cent.
- (f) A mobility fee administration fee, in the amount identified in Appendix A, shall be assessed, for the purposes of calculating and processing payment of the mobility fee, as well as to fund future mobility fee and concurrency studies.
- (g) Mobility Fee Administration Fee shall be automatically adjusted by applying the CPI percent increase as directed by the City of Miami Beach Office of Management and Budget which shall be adjusted to the nearest dollar.

SECTION 2. Appendix A, entitled “Fee Schedule” is hereby amended as follows:

APPENDIX A - FEE SCHEDULE

FEE SCHEDULE

Pursuant to section 1-15 of this Code, this appendix includes all fees and charges established by the city commission that are referred to in the indicated sections of the Code of Ordinances. Certain specified fees and charges, as identified herein, shall be subject to annual adjustment by the city manager, pursuant to the provisions of section 1-15 and this Appendix "A". A schedule of all current city fees and charges as set forth in Appendix "A" shall be maintained on the city's website.

* * *

	Subpart B. Land Development Regulations			
	Chapter 118. Administration and Review Procedures			
	* * *			
118-7	Resubmittal Fee (after 2nd submittal)	5,248.00		[A]
	Courier (per package)	40.00 15.00		N/A [A]
	* * *			
	Chapter 122. Concurrency and Mobility Fees			
122-24	Mobility Fee Administration Fee	400.00		[A]
122-24	Review of Estimate of Concurrency Mitigation and Mobility Fee	200.00		[A]
<u>Section of Code</u>	<u>Description:</u> <u>Mobility Fee Schedule Category/Land Use Type</u>	<u>Unit of Measure</u>	<u>Mobility Fee</u>	<u>Annual Adjustment (References shown are defined at the end of this Appendix A)</u>
122-24	Residential			
	<u>Single-family with a unit size less than 3,500 sq. ft.¹</u>	<u>Per unit</u>	<u>1,903.67</u>	[B]
	<u>Single-family with a unit size between 3,500 and 7,000 sq. ft.¹</u>	<u>Per unit</u>	<u>2,536.50</u>	[B]
	<u>Single-family with a unit size greater than 7,000 sq. ft.¹</u>	<u>Per unit</u>	<u>3,170.37</u>	[B]
	<u>Multifamily apartments</u>	<u>Per unit</u>	<u>1,561.48</u>	[B]
	<u>Affordable housing</u>	<u>Per unit</u>	<u>0.00</u>	[B]

	<u>Workforce housing</u>	<u>Per unit</u>	<u>781.26</u>	[B]
	<u>Co-living/micro apartments</u>	<u>Per unit</u>	<u>781.26</u>	[B]
	Recreation and Entertainment			
	<u>Marina (including dry storage)</u>	<u>Per berth</u>	<u>317.45</u>	[B]
	<u>Golf course</u>	<u>Per hole</u>	<u>4,000.07</u>	[B]
	<u>Movie theater</u>	<u>Per screen</u>	<u>23,523.21</u>	[B]
	<u>Outdoor commercial recreation²</u>	<u>Per acre</u>	<u>1,885.11</u>	[B]
	<u>Community center/civic/gallery/lodge/museum</u>	<u>Per sq. ft.</u>	<u>1.92</u>	[B]
	<u>Indoor commercial recreation/health club/fitness</u>	<u>Per sq. ft.</u>	<u>4.68</u>	[B]
	Institutional			
	<u>Continuing care facility/nursing home/memory care/congregate care facility/assisted/independent living</u>	<u>Per bed</u>	<u>762.70</u>	[B]
	<u>Private school (Pre-K-12)</u>	<u>Per sq. ft.</u>	<u>2.15</u>	[B]
	<u>Place of worship, including ancillary and accessory buildings</u>	<u>Per sq. ft.</u>	<u>1.83</u>	[B]
	<u>Day care center</u>	<u>Per sq. ft.</u>	<u>3.99</u>	[B]
	Industrial			
	<u>Warehousing/manufacturing/industrial/production (under roof)</u>	<u>Per sq. ft.</u>	<u>1.58</u>	[B]
	<u>Mini-warehousing/boat/RVs and other outdoor storage³</u>	<u>Per sq. ft.</u>	<u>0.47</u>	[B]
	<u>Distribution/fulfillment center/package delivery hub</u>	<u>Per sq. ft.</u>	<u>2.21</u>	[B]
	Office			
	<u>General office/research/higher education/financial/bank</u>	<u>Per sq. ft.</u>	<u>3.43</u>	[B]
	<u>Medical/dental/clinic/veterinary/hospital</u>	<u>Per sq. ft.</u>	<u>7.83</u>	[B]
	Service/Retail/Nonresidential			
	<u>Retail sales/personal and business services⁴</u>	<u>Per sq. ft.</u>	<u>10.42</u>	[B]
	<u>Pharmacy/dispensary/pain management clinic</u>	<u>Per sq. ft.</u>	<u>15.87</u>	[B]
	<u>Supermarket</u>	<u>Per sq. ft.</u>	<u>16.87</u>	[B]
	<u>Takeout restaurant with no seating⁵</u>	<u>Per sq. ft.</u>	<u>11.41</u>	[B]
	<u>Restaurant with seating⁵</u>	<u>Per seat</u>	<u>903.91</u>	[B]
	<u>Restaurant drive-thru⁵</u>	<u>Per drive-thru</u>	<u>9,389.50</u>	[B]

	<u>Bar/night club/pub without food service⁴</u>	<u>Per sq. ft.</u>	<u>26.92</u>	<u>[B]</u>
	<u>Motor vehicle and boat sales/service/repair/cleaning/parts</u>	<u>Per sq. ft.</u>	<u>6.45</u>	<u>[B]</u>
	<u>Hotel/lodging⁶</u>	<u>Per room</u>	<u>1,773.80</u>	<u>[B]</u>
	<u>Convenience retail⁷</u>	<u>Per sq. ft.</u>	<u>20.08</u>	<u>[B]</u>
	<u>Motor vehicle fueling</u>	<u>Per fuel position</u>	<u>6,609.75</u>	<u>[B]</u>
	<u>Bank drive-thru lane, stand-alone ATM or ATM drive-thru lane⁸</u>	<u>Per drive thru lane and/or per ATM</u>	<u>12,543.38</u>	<u>[B]</u>
	<u>Notes:</u>			
	<u>¹ Floor area is based on areas that count towards the maximum unit size pursuant to the single-family district regulations.</u>			
	<u>² The sq. ft. for any buildings or structure shall not be excluded from the acreage.</u>			
	<u>³ Acreage for any unenclosed material and vehicle storage shall be converted to sq. ft.</u>			
	<u>⁴ Areas under canopy for seating, display, storage and sales shall be converted to sq. ft.</u>			
	<u>⁵ Separate fees are associated with any drive-thru lane(s) associated with a restaurant.</u>			
	<u>⁶ Restaurant/bar/night club and/or retail sales, that are not exclusive to hotel guests only, shall be calculated based on the separate applicable land use classification.</u>			
	<u>⁷ Convenience retail rates are separate from the fee due for vehicle fueling positions. Rates per vehicle fueling position also apply to gas stations and service stations with fuel pumps. The fee for any restaurant square footage, seating or drive-thru in a convenience store will be based on the individual fee rate for the land use, not the convenience store rate.</u>			
	<u>⁸ Bank building square footage falls under office and is an additive fee beyond the fee due for bank/ATM drive-thru lanes or free-standing ATM's. These rates are per drive-thru lane for the bank and per drive-thru lane with an ATM. The freestanding ATM is for an ATM only and not an ATM within or part of another non-financial building, such as an ATM within a grocery store.</u>			
<u>Section of Code</u>	<u>Description</u>	<u>Amount (Sales tax or other taxes may apply)</u>	<u>Annual Adjustment (References shown are defined at the end of this Appendix A)</u>	
	Chapter 130. Off-Street Parking			

SECTION 3. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 4. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" maybe changed to "section" or other appropriate word.

SECTION 5. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this ____ day of _____, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

First Reading: March ____, 2022

Second Reading: April ____, 2022

Verified By: _____
Thomas R. Mooney, AICP
Planning Director