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 RELOCATE CERTAIN MOBILITY FEE PROVISIONS TO APPENDIX "A" TO THE CITY CODE, CONSISTENT WITH OTHER FEES ASSESSED BY THE CITY; AND AMENDING APPENDIX "A" TO MODIFY CERTAIN FEES RELATED TO THE LAND USE BOARD REVIEW 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 establishes fees for development review, permitting, and other services to cover the costs of administering and enforcing the City's development regulations; and

WHEREAS, Section 122-24 of the Land Development Regulations establishes a Mobility Fee, which is assessed primarily to fund infrastructure improvements and public facilities that enhance mobility within the City; and

WHEREAS, in an effort to promote transparency and for ease of reference, the City desires to consolidate fee provisions into a single section of the City Code; and

WHEREAS, the City also desires to amend the Fee Schedule to reflect increased costs to courier meeting agendas and application 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:

CHAPTER 122
CONCURRENCY MANAGEMENT AND MOBILITY FEES

* * *

ARTICLE III. – MOBILITY FEES

* * *

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
Where:		
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:~~

~~("Annual CPI" for Prior Calendar Year minus "Annual CPI" for Calendar Year Two Years Prior)/(Annual CPI for the Calendar Year Two Years Prior) = "Change in CPI"~~

~~then~~

~~("Change in CPI" + 1) * (Fee Currently in Force) = (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) 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.

(f) The mobility fee and mobility fee administration fee shall be subject to annual adjustment by the city manager, effective October 1 of each year, to reflect increases in the Consumer Price Index, pursuant to section 1-15 and Appendix "A" to this Code.

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

APPENDIX A

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.

* * *

Section of this Code	Description	Amount (Sales tax or other taxes may apply)	Annual Adjustment (References shown are defined at the end of this Appendix A)
Subpart B. Land Development Regulations			
Chapter 118. Administration and Review Procedures			
	* * *		
118-7	Resubmittal Fee (after 2nd submittal)	1,328.00	[A]
	Courier (per package)	~~10.00~~ 15.00	~~N/A~~ [A]
	* * *		
Chapter 122. Concurrency and Mobility Fees			
122-24	Mobility Fee Administration Fee	~~**400.00**~~ **412.67**	[A]
122-24	Review of Estimate of Concurrency Mitigation and Mobility Fee	~~**200.00**~~ **206.14**	[A]

122-24	**MOBILITY FEE**			
	Residential			
	Single-family with a unit size less than 3,500 sq. ft.[1]	Per unit	1,903.67	[B]
	Single-family with a unit size between 3,500 and 7,000 sq. ft.[1]	Per unit	2,536.50	[B]
	Single-family with a unit size greater than 7,000 sq. ft.[1]	Per unit	3,170.37	[B]
	Multifamily apartments	Per unit	1,561.48	[B]
	Non-elderly and elderly low and moderate income housing	Per unit	0.00	[B]
	Workforce housing	Per unit	781.26	[B]
	Co-living/micro apartments	Per unit	781.26	[B]
	Recreation and Entertainment			
	Marina (including dry storage)	Per berth	317.45	[B]
	Golf course	Per hole	4,000.07	[B]
	Movie theater	Per screen	23,523.21	[B]
	Outdoor commercial recreation[2]	Per acre	1,885.11	[B]
	Community center/civic/gallery/lodge/museum	Per sq. ft.	1.92	[B]
	Indoor commercial recreation/health club/fitness	Per sq. ft.	4.68	[B]
	Institutional			
	Continuing care facility/nursing home/memory care/congregate care facility/assisted/independent living	Per bed	762.70	[B]
	Private school (Pre-K-12)	Per sq. ft.	2.15	[B]
	Place of worship, including ancillary and accessory buildings	Per sq. ft.	1.83	[B]
	Day care center	Per sq. ft.	3.99	[B]
	Industrial			
	Warehousing/manufacturing/industrial/production (under roof)	Per sq. ft.	1.58	[B]
	Mini-warehousing/boat/RVs and other outdoor storage[3]	Per sq. ft.	0.47	[B]
	Distribution/fulfillment center/package delivery hub	Per sq. ft.	2.21	[B]
	Office			
	General office/research/higher education/financial/bank	Per sq. ft.	3.43	[B]
	Medical/dental/clinic/veterinary/hospital	Per sq. ft.	7.83	[B]

	Service/Retail/Nonresidential			
	Retail sales/personal and business services[4]	Per sq. ft.	10.42	[B]
	Pharmacy/dispensary/pain management clinic	Per sq. ft.	15.87	[B]
	Supermarket	Per sq. ft.	16.87	[B]
	Takeout restaurant with no seating[5]	Per sq. ft.	11.41	[B]
	Restaurant with seating[5]	Per seat	903.91	[B]
	Restaurant drive-thru[5]	Per drive-thru	9,389.50	[B]
	Bar/night club/pub without food service[4]	Per sq. ft.	26.92	[B]
	Motor vehicle and boat sales/service/repair/cleaning/parts	Per sq. ft.	6.45	[B]
	Hotel/lodging[6]	Per room	1,773.80	[B]
	Convenience retail[7]	Per sq. ft.	20.08	[B]
	Motor vehicle fueling	Per fuel position	6,609.75	[B]
	Bank drive-thru lane, stand-alone ATM or ATM drive-thru lane[8]	Per drive thru lane and/or per ATM	12,543.38	[B]
	Footnotes for mobility fees imposed pursuant to Section 122-24:			
	[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 a 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.
	* * *

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.

_____
Dan Gelber
Mayor

ATTEST:

_____
Rafael E. Granado
City Clerk

APPROVED AS TO
FORM AND LANGUAGE
& FOR EXECUTION

_____ 8-9-22
City Attorney NK Date

First Reading: July 20, 2022
Second Reading: September 14, 2022

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

T:\Agenda\2022\7_July 2022\Planning\Mobility Fee Appendix A - Second Reading ORD.docx