

ORDINANCE NO. 2016-4065

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING APPENDIX A, ENTITLED "FEE SCHEDULE," TO CHAPTER 98 OF THE MIAMI BEACH CITY CODE, ENTITLED "STREETS AND SIDEWALKS," AMENDING ARTICLE III, ENTITLED "EXCAVATIONS," AMENDING DIVISION 2, ENTITLED "PERMIT," AMENDING SECTION 98-92, ENTITLED "APPLICATION; AMOUNT OF DEPOSIT; USE OF DEPOSIT TO REPLACE SURFACE; PERMIT FEE," BY AMENDING THE FEES AND HOURS REGARDING PERMITS FOR BLOCKING OF RIGHT-OF-WAY FOR MAJOR THOROUGHFARES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, at the May 13, 2016 Neighborhood/Community Affairs Committee (NCAC) meeting, the Committee recommended in favor of staff's recommendation for adjustments to the rush hour times during which lane closures along major thoroughfares would not be permitted; and

WHEREAS, at the same meeting, the NCAC recommended in favor staff's recommendations to pursue adjustments to the Fee Schedule for lane closures along major thoroughfares; and

WHEREAS, the recommendation of the NCAC for restrictions to the closure times at major thoroughfares was approved by the City Commission at its September 27, 2016 meeting, pursuant to Resolution No. 2016-29583, which authorized such amendments to the City of Miami Beach City Code and the Citywide Procedure regarding the Traffic Flow Mitigation Plan (See Exhibit A); and

WHEREAS, the City Administration has worked on refinements to the existing fee structure for work along Major Thoroughfares that will help reduce traffic congestion; and

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

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

SECTION 1. Appendix A, entitled "Fee Schedule," to Chapter 98 of the Miami Beach City Code, entitled "Streets and Sidewalks," Article III, entitled "Excavations," Division 2, entitled "Permit," Section 98-92, entitled "Application; Amount of Deposit; Use of Deposit to Replace Surface; Permit Fee," is hereby amended as follows:

APPENDIX A- FEE SCHEDULE

Section this Code		Description	Amount (Ordinance 2012-3779, Effective Oct. 15, 2012; Ordinance 2016-_____, Effective Dec. 24, 2016)
98-92 (c)	(1)	Street Excavation Permit	
		* * *	
	(17)	Blocking of right-of-way (Cranes only) Note: For arterial roadways <u>Major Thoroughfares</u> , full day permit is defined as six hours <u>five hours and thirty minutes</u> between 9:00 a.m. and 3:00 p.m. <u>10:00 a.m. and 3:30 p.m.</u> pursuant to Resolution No. 2016-29583	
		Cranes	
		Standard review (full day permit)	
		• Local road	320.43
		• Collector road	427.24
		• Arterial road <u>Major Thoroughfares</u>	534.05 <u>1000.00</u>
		Priority review (same day permit review)	
		• Local road	384.51
		• Collector road	512.27
		• Arterial road <u>Major Thoroughfares</u>	640.86 <u>1000.00</u>
		Consecutive multi-day additional fee (per day) <u>For Local and Collector Roads</u>	54.96
		<u>Consecutive multi-day additional fee (per day)</u> <u>For Major Thoroughfares</u>	<u>1000.00</u>

		Partial day permit (4 hours or less)	
		• Local road	159.69
		• Collector road	213.62
		Blocking right-of-way (all others) <u>for Local and Collector Roads</u> : The greater of \$0.25 per L.F. per day or \$0.03 per S.F. per day)	
		<u>Blocking right-of-way (all others) for Major Thoroughfares</u> : The greater of \$2.50 per L.F. per day or \$0.30 per S.F. per day)	

SECTION 2. REPEALER.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

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

SECTION 4. CODIFICATION.

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

SECTION 5. EFFECTIVE DATE.

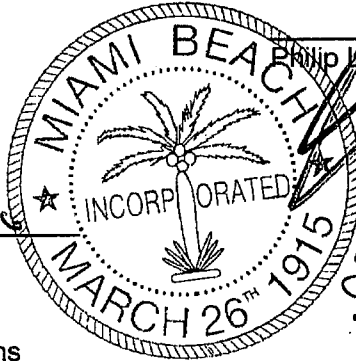
This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this 14 day of December, 2016.

ATTEST:

RS 12/23/16
Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions



Philip Levine Mayor

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Phil Levine
City Attorney

11/24/16
Date

(Sponsored by Commissioner John Elizabeth Aleman)

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: December 14, 2016

10:25 a.m. Second Reading Public Hearing

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING APPENDIX A, ENTITLED "FEE SCHEDULE," TO CHAPTER 98 OF THE MIAMI BEACH CITY CODE, ENTITLED "STREETS AND SIDEWALKS," AMENDING ARTICLE III, ENTITLED "EXCAVATIONS," AMENDING DIVISION 2, ENTITLED "PERMIT," AMENDING SECTION 98-92, ENTITLED "APPLICATION; AMOUNT OF DEPOSIT; USE OF DEPOSIT TO REPLACE SURFACE; PERMIT FEE," BY AMENDING THE FEES AND HOURS REGARDING PERMITS FOR BLOCKING OF RIGHT-OF-WAY FOR MAJOR THOROUGHFARES; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

RECOMMENDATION

The Administration recommends that the City Commission approve the amendment to the attached Ordinance on Second Reading.

ANALYSIS

In February 2016, the City hosted a Commission Workshop on Traffic Management to discuss various initiatives to manage traffic congestion and improve mobility in the City. One of the initiatives identified at the workshop was the implementation of further restrictions to public right-of-way closure times and adjustments to the permit fees for lane closures along major corridors. In January 2015, the Citywide Procedure for Traffic Flow Mitigation was implemented to ensure the maximization of traffic flow along major thoroughfares, especially during rush hours Monday through Friday. As per the procedure, weekday rush hours are defined as 7:00 AM to 9:00 AM and 4:00 PM to 7:00 PM. No lane closures are permitted during these hours with the exception of emergency projects of an engineering nature.

Based on the characteristics of traffic circulation in the City, at the May 13, 2016 Neighborhood/Community Affair Committee (NCAC) meeting, staff recommended adjustments to the rush hour times to reduce conflicts with commuter traffic. The Committee approved staff's recommendation to further extend restrictions for closure of public right-of-way along major thoroughfares from 7:00 AM to 10:00 AM and from 3:30 PM to 7:00 PM and to increase fees for lane closures along major thoroughfares. The classification of major thoroughfare shall be exclusive to the following roadways pursuant to the Citywide Procedure for Traffic Flow Mitigation:

- Alton Road
- 5th Street
- West Avenue
- 16th Street
- Collins Avenue

- 17th Street
- Indian Creek
- Dade Boulevard
- Pine Tree/La Gorce Drive
- 41st Street
- Abbott Avenue/Harding Avenue
- 71st Street
- Washington Avenue
- 63rd Street

The recommendation of the NCAC for further restrictions to the closure times along major thoroughfares was approved by Resolution of the City Commission at its September 27, 2016 meeting.

The current fee schedule (Appendix A of Section 98-92 of City Code) provides no incentive for contractors to identify creative constructability solutions or accelerate schedules to create less disruption on traffic. Based on this review, at the May 13, 2016 NCAC meeting, staff recommended that an increase to the existing fee schedule for closures along major thoroughfares be considered. The NCAC approved staff's recommendation for a more aggressive fee schedule.

The advantage of increasing the fee schedule for closures along major thoroughfares is that it will motivate contractors to conduct more work from the minor streets when feasible or work at night. Work requiring lane closures related to City Projects during the prohibited hours would be subject to City Commission approval. All emergency utility work requiring lane closures, by the City or utility companies, shall be reviewed and approved by the City's Public Works Director. Currently, the State of Florida exempts utility franchises from any permitting fees. As such, utility companies shall be exempted from any City Right-of-Way fees; however, these companies will have to comply with the restricted hours of work unless emergency work is approved by the City. Additionally, Florida Department of Transportation (FDOT) is exempt from any City Right-of-Way permit fees for any work on roadways under its jurisdiction. Further, FDOT is not required to comply with the City's established lane closure restriction hours; however, the City and FDOT have been working collaboratively to minimize any roadwork requiring lane closures along major thoroughfares during the restricted times approved by the City Commission.

Staff proposes that the existing fee schedules be changed as reflected in the following table:

98-92(c)	(1) Street excavation permit:	
	50 lineal feet or less	\$362.95
	Each additional lineal foot	\$3.05
	(2) Sidewalk repair permit:	
	50 lineal feet or less	\$298.65
	Each additional lineal foot	\$3.05
	(3) Sidewalk construction permit:	
	50 lineal feet or less	\$298.65
	Each additional lineal foot	\$3.05
	(4) Paving or resurfacing of parkway or shoulder area permit:	
	25 lineal feet or less	\$298.65
	Each additional lineal foot	\$6.48
	(5) Landscaping, per tree	\$103.70
	(6) Landscaping, bedding	\$103.70
	(7) Building line and grade survey permit:	

50 lineal feet or less	\$362.96
Each additional lineal foot	\$7.25
(8) Driveway construction permit, each driveway	\$129.62
(9) Flume excavation permit, each excavation	\$298.65
(10) Utility placement permit, poles, splice pits, manholes, hand holes, catch basins, pedestals, vaults and auger holes	\$298.65
Plus, for each additional, per block on same permit	\$14.51
Underground utility service connection right-of-way excavation permit, each	
(11) water, gas, electric, telephone, cable, television or sanitary sewer connection from base building line to the utility located within the public right-of-way	\$298.65
(12) Groundwater monitoring wells, each well	\$298.65
(13) Permit renewal fee: 90-day extension of permit fee expiration date	\$129.62
After-the-fact permit fee. For any work described in (1) through (12), (16) and	
(14) (17) herein, performed without proper permits and inspections, quadruple the fees	
Reinspection fees. When additional inspection is required for work previously	
(15) inspected and rejected by the department of public works, a reinspection fee will be required, for each reinspection	\$114.07
(16) Dewatering permit fee	\$362.95
Blocking of right-of-way (Cranes only)	
(17) Note: For arterial roadways <u>major thoroughfares</u> , full day permit is defined as six hours <u>five hours and thirty minutes</u> between 9:00 a.m. and 3:00 p.m. <u>10:00 a.m. and 3:30 p.m.</u>	
Cranes	
Standard review (full day permit)	
• Local road	\$320.43
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Priority review (same day permit review)	
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Consecutive multi-day additional fee (per day) <u>For Local and Collector Roads</u>	\$54.96
Consecutive multi-day additional fee (per day) <u>For Major Thoroughfares</u>	\$1,000.00
Partial day permit (4 hours or less)	
• Local road	\$159.69
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Blocking right-of-way (all others) <u>for Local and Collector Roads</u> : The greater of \$0.25 per L.F. per day or \$0.03 per S.F. per day)	
Blocking right-of-way (all others) for Major Thoroughfares: The greater of \$2.50 per L.F. per day or \$0.30 per S.F. per day)	
(18) Revocable permit	

Application fee, involving city property	\$4,148.00
Mailing fee, per address within 375 feet	\$0.51
(19) Coastal review	\$918.78
(20) Sewer capacity certification letter application	\$155.55

Staff performed a high-level analysis of the potential effects of the proposed adjustments to current Right-of-Way closure fees based on historical permit data. Based on this research, it was found that 85% of all crane permits are two (2) days or less in duration while the 85th percentile duration of all other right-of-way permits is approximately 24 days. Under the current fee structure, a typical 2-day closure of a single travel lane for a length of 100' along a major thoroughfare for crane installation/operation would cost \$624.96 for both days. Under the proposed ordinance, the cost for the same closure would be \$1,610 per day (for total cost of \$3,220 for a typical 2-day crane permit). Similarly, under the existing fee structure, a typical 24-day closure of a lane on a major thoroughfare would have a cost of \$36 per day (for a total cost of \$864 for a typical 24-day lane closure permit). Under the proposed Ordinance, the cost for the same lane closure would be \$360 per day (for a total cost of \$8,640 for a typical 24-day lane closure permit).

The table below provides a cost comparison between the amounts that an applicant would have to pay for a typical 2-day crane permit and typical 24-day lane closure permit, respectively, under the current fee structure as compared to the proposed fee structure. It is worth noting that under the current fee structure, for a typical 2-day crane permit, the additional cost per day is \$54.96.

	Current Fee (\$/day)	Current Total Fee (\$)	Proposed Fee (\$/day)	Proposed Total Fee (\$)
Crane Permit	\$570/day	\$624.96 for 2-days	\$1,610/day	\$3,220 for 2-days
Lane Closure Permit	\$36/day	\$864 for 24-days	\$360/day	\$8,640 for 24-days

KEY INTENDED OUTCOMES SUPPORTED

Ensure Comprehensive Mobility Addressing All Modes Throughout The City

FINANCIAL INFORMATION

The proposed Ordinance Amendment is not anticipated to have a financial impact and can be enforced through existing resources.

Legislative Tracking

Transportation

Sponsor

Commissioner John Elizabeth Aleman

ATTACHMENTS:

Description

- Ordinance