

1 RESOLUTION NO. 2009-

2  
3 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
4 BROWARD COUNTY, FLORIDA, PERTAINING TO TRANSIT  
5 CONCURRENCY FEES, AMENDING CHAPTER 27, "OPERATIONAL  
6 POLICY, ENVIRONMENTAL PROTECTION AND GROWTH  
7 MANAGEMENT DEPARTMENT," DELETING SECTION 27.41, "CREDIT  
8 FOR TRANSIT ORIENTED DEVELOPMENT"; DELETING EXHIBIT 27.K,  
9 "LEVELS OF CREDIT FOR TRANSIT CONCURRENCY ASSESSMENT,"  
10 AND EXHIBIT 27.L, "DEGREE OF CREDIT AVAILABLE BASED ON  
11 LEVEL OF MITIGATION AND PROJECT LOCATION"; AMENDING  
12 APPENDIX A, "TRIP RATES BY LAND USE EFFECTIVE OCTOBER 1,  
13 2007," PROVIDING TRIP GENERATION RATES BY LAND USE TYPES";  
14 AMENDING EXHIBIT B, "FEE SCHEDULE BY PEAK-HOUR TRIP,"  
15 PROVIDING FOR REDUCTION IN CONCURRENCY FEES; PROVIDING  
16 FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE BROWARD  
17 COUNTY ADMINISTRATIVE CODE; AND PROVIDING FOR AN  
18 EFFECTIVE DATE.

19 WHEREAS, Chapter 5, Article IX, Broward County Code of Ordinances, the Land  
20 Development Code, Section 5-182(a), requires development permit applications and  
21 requests for a Transportation Concurrence Satisfaction Certificate to be reviewed for  
22 adequacy of the Regional Transportation Network; and

23 WHEREAS, Subsection 5-182(a)(5) establishes the method of calculation of the  
24 Transit Concurrence Assessment, which method was based on the adopted County Transit  
Program, and requires that the schedules of trip generation rates and costs per trip for the  
calculation of this assessment be incorporated in the Broward County Administrative Code;  
and

WHEREAS, on March 24, 2009, the Board of County Commissioners enacted  
Ordinance No. 2009-13, adopting an amendment to the Broward County Comprehensive  
Plan by amending the Transportation Element; and

1 WHEREAS, the amended Transportation Element incorporated substantial revisions  
2 to the regional transportation concurrency management system, including changing "Transit  
3 Oriented Concurrency Districts" to "Transportation Concurrency Management Areas"  
4 (TCMA's), and revising the Level of Service Standards within each TCMA; and

5 WHEREAS, the County Transit Program has been deleted as a separate document  
6 and the revised the Level of Service Standards within each TCMA are no longer dependent  
7 on the annual updating of the County Transit Program; and

8 WHEREAS, the revised Level of Service Standards require revisions to the costs per  
9 trip listed in Appendix B of Chapter 27 of the Broward County Administrative Code; and

10 WHEREAS, Appendix A, as amended, is revised from time to time based on more  
11 current trip generation data obtained from the Institute of Transportation Engineers (ITE) or  
12 local traffic studies; and

13 WHEREAS, the Board of County Commissioners last amended Appendix A  
14 establishing revised trip rates by land use on September 25, 2007, to be effective October 1,  
15 2007; and

16 WHEREAS, ITE recently published a new 8<sup>th</sup> edition of the Institute's *Trip Generation*  
17 *Report*, which contains the latest trip generation rates for various land uses based on the  
18 most current data available; and

19 WHEREAS, staff has reviewed the 8<sup>th</sup> edition of the ITE *Trip Generation Report* and  
20 considers it necessary to amend Appendix A to reflect the revised trip generation rates  
21 contained therein; and

22 WHEREAS, the School Board of Broward County recently adopted a student  
23 generation rate for "Mid Rise" dwelling units which is different from the student generation  
24 rate for "High Rise" dwelling units; and

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1           WHEREAS, the 8<sup>th</sup> edition of the ITE *Trip Generation Report* includes a separate trip  
2 generation rate for "Mid Rise" dwelling units; and

3           WHEREAS, staff considers it appropriate to incorporate this trip generation rate into  
4 Appendix A; and

5           WHEREAS, Appendix A contains a trip generation rate for a land use type labeled  
6 "Flex Industrial" for industrial/warehouse buildings that contain up to thirty percent (30%)  
7 showroom and commercial uses; and

8           WHEREAS, staff considers it beneficial to change the term "Flex Industrial" to  
9 "Industrial/Showroom" in order to clarify the permitted uses within this land use type and to  
10 differentiate it from certain zoning connotations; and

11           WHEREAS, the Board of County Commissioners is desirous of adopting these  
12 revised peak hour trip generation rates and of clarifying rate for warehouses containing  
13 showrooms; and

14           WHEREAS, the Level 2, 3 and 4 transit concurrency fee credits provided by Chapter  
15 27.41 and Exhibits 27.K and 27.L of the Administrative Code have not been utilized as  
16 expected to promote transit oriented development; and

17           WHEREAS, the transit concurrency fee credits provided by Chapter 27.41 and  
18 Exhibits 27.K and 27.L are no longer considered necessary as the revised Level of Service  
19 Standards are no longer "transit oriented," based on the provision of expanded transit  
20 service, but on maintaining the current levels of transit service and improving mobility via  
21 traffic operations improvements and transit capital improvements; NOW, THEREFORE,

22           BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
23 BROWARD COUNTY, FLORIDA:

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1 Section 1. Chapter 27, "Operational Policy, Environmental Protection and  
2 Growth Management Department," Section 27.41, "Credit for Transit Oriented  
3 Development," is hereby deleted in its entirety.

4 Section 2. Chapter 27 is hereby amended to delete Exhibit 27.K, "Levels of  
5 Credit for Transit Concurrency Assessment," and Exhibit 27.L, "Degree of Credit  
6 Available Based on Level of Mitigation and Project Location."

7 Section 3. Chapter 27, Appendix A, "Trip Rates by land Use Effective  
8 October 1, 2007," is hereby amended to read as follows:

9 APPENDIX A - TRIP RATES BY LAND USE

10 EFFECTIVE OCTOBER 1, ~~2007~~ 2009

11

12 <i>Land Use Type (units)</i>	<i><u>Trip Rate/P.M. Peak Hour</u></i>	
13		
14 <i>Residential (dwelling units)</i>		
15 Single Family	1.01	
16 Townhouse	<del>0.54</del>	<u>0.66</u>
17 Garden Apartment	<del>0.64</del>	<u>0.60</u>
18 Mobile Home	0.59	
19 <u>Mid Rise</u>	<u>0.39</u>	
20 High Rise	<del>0.36</del>	<u>0.37</u>
21 Retirement Community	<del>0.20</del>	<u>0.24</u>
22 Hotel	<del>0.62</del>	<u>0.70</u>
23 ALF	<del>0.26</del>	<u>0.22</u>
24		

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1	<i>Office, Institutional and Recreational (1,000 sq. ft.)</i>	
2	Office	
3	Less than 100,000 sq. ft.	$\ln(T)=0.737 \ln(FA) + 1.831$
4	Greater than or Equal to 100,000 sq. ft.	$T = 1.12(FA) + 78.81$
5	Hospital	<del><math>T = 0.71(FA) + 233.89</math></del>
6		<u><math>T = 0.78(FA) + 186.59</math></u>
7	Bank (Free standing and/or drive-thru)	<del>38.70</del> <u>25.82</u>
8	Church (weekday)	<del>0.66</del> <u>0.55</u>
9	Community Facility	<del>1.64</del> <u>1.45</u>
10	Library	<del>7.09</del> <u>7.30</u>
11	Nursing Home (bed)	0.22
12	Elementary School (School)	85.00
13	Secondary School	<del>1.03</del> <u>1.08</u>
14	Private School (no day care)	<del>0.82</del> <u>0.86</u>
15	Passive Park (acre)	1.31
16	Active Park (acre)	3.34
17	Marina (boat berth)	0.19
18	Golf Course (acre)	0.30
19		
20	<i>Industrial (1,000 sq. ft.)</i>	
21	General Industrial (Permits up to 30% Office)	<del>0.77</del> <u>0.72</u>
22	General Industrial (acre)	<del>8.33</del> <u>8.45</u>
23	Mini-warehouse	0.26
24	Flex Industrial (Permits up to 30% Commercial)	1.29

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1	<u>Industrial/Showroom (Permits up to 30%</u>		
2	<u>Commercial)</u>	<u>1.29</u>	
3	Industrial/Office (Permits up to 50% Office)	<del>4.13</del>	<u>1.09</u>
4			
5	<i>Commercial/Retail (1,000 sq. ft.)</i>		
6	Restaurant	<del>9.59</del>	<u>9.90</u>
7	Fast Food Restaurant	<del>19.57</del>	<u>19.15</u> (43% pass-by)
8	Convenience Store	<del>20.03</del>	<u>22.30</u> (60% pass-by)
9	Service Station w/ Conv. Store		
10	(fuel positions)	<del>9.83</del>	<u>10.07</u> (26.5% pass-by)
11	Drug Store	<del>8.62</del>	<u>9.73</u>
12	Day Care	<del>13.18</del>	<u>12.46</u>
13	Auto Dealership	<del>2.64</del>	<u>2.59</u>
14	Health/Fitness Club	<del>4.73</del>	<u>3.53</u>
15	Nursery/Garden Center	3.80	
16	Auto Care Center	3.38	
17	Commercial Recreation (acre)	<del>7.85</del>	<u>5.77</u>
18	Other Commercial:		
19	Less than 20,000 sq. ft.	<del>7.50</del>	<u>10.85</u>
20	Greater than 20,000 sq. ft.	Ln(T)=0.660 Ln(FA)+3.403	
21	Commercial Recreation (acre)	7.85	
22			
23	NOTE: For uses not listed above, consult with staff.		
24			

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1 Section 4. Chapter 27, Appendix B, "Fee Schedule By Peak-Hour Trip," is  
2 hereby amended to read as follows:

<u>Concurrency Fees by District</u>	<i>Fee Per Peak-Hour Trip</i>
<i>Concurrency District</i>	
Northeast.....	\$1,387 <u>1,116</u>
North Central.....	\$1,594 <u>995</u>
Eastern Core.....	\$1,288 <u>1,116</u>
Port/Airport.....	\$1,139 <u>995</u>
Central.....	\$1,246 <u>1,116</u>
Sawgrass.....	\$1,331 <u>1,116</u>
Southeast.....	\$1,042 <u>995</u>
South Central.....	\$1,648 <u>995</u>

13 ...

14 Section 5. SEVERABILITY.

15 If any portion of this Resolution is determined by any Court to be invalid, the  
16 invalid portion shall be stricken, and such striking shall not affect the validity of the  
17 remainder of this Resolution. If any Court determines that this Resolution, or any  
18 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),  
19 property(ies), or circumstance(s), such determination shall not affect the applicability  
20 hereof to any other individual, group, entity, property or circumstance.

21 Section 6. INCLUSION IN CODE.

22 It is the intention of the Board of County Commissioners that the provisions of  
23 this Resolution shall become and be made a part of the Broward County Administrative  
24 Code; and that the sections of this Resolution may be renumbered or re-lettered and the

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1 word "ordinance" may be changed to "section," "article," or such other appropriate word  
2 or phrase in order to accomplish such intention.

3 Section 7. EFFECTIVE DATE.

4 This Resolution shall become effective on \_\_\_\_\_, 2009.

5  
6 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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