

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, REQUIRING TRAFFIC STUDIES FOR CERTAIN NEW DEVELOPMENTS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, ENFORCEABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission accepted the recommendation of the City’s Transportation Advisory Board that the City review the traffic impact study procedure developed by the Board in Resolution 2017-213; and

WHEREAS, the City Commission wishes to require that a traffic impact study be conducted whenever a proposed development will generate 100 or more added (new) peak direction trips to or from the site during the adjacent roadway’s peak hours or the development’s peak hours; and

WHEREAS, the City Commission wishes that any major traffic generator (which may include approved or anticipated developments) must be considered as a potential candidate for traffic impact analysis. Examples include high-density residential areas, offices, retail/commercial hotels, business park, hospitals/medical offices, schools, industrial facilities and stadiums/coliseums; and

WHEREAS, developments generating less than 100 new trips may require a limited traffic study to address special considerations; and

WHEREAS, the traffic-impact study conducted by an applicant provides useful information to determine the impact of the project on the traffic in the area, the City Commission feels that an independent traffic-impact study is preferable in that it provides a fully objective perspective; and

WHEREAS, in order to protect its residents, visitors and businesses, and to ensure the proper mitigation of traffic impacts created by certain new developments, the City Commission feels that the adoption of this ordinance is in the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. Chapter 74, Article III, Division 7 of the Code of the City of Coral Gables, Florida, is hereby created to read as follows:

Chapter 74 – Traffic and Vehicles

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Article III. – Stopping, Standing, and Parking

Division 7. – Independent Traffic-Impact Study for Private Developments

Sec. 74-208. – Study Criteria, Process, and Expenses. –

- (a) *Study Criteria.* An independent traffic-impact study shall be required whenever a proposed development will generate 100 or more added (new) peak direction trips to or from the site during the adjacent roadway's peak hours or the development's peak hours. A proposed development that is likely to be a major traffic generator shall be considered as a potential candidate for traffic impact analysis. A development that is likely to be a major traffic generator includes, but is not limited to, high-density residential areas, offices, retail/commercial hotels, business park, hospitals/medical offices, schools, industrial facilities and stadiums/coliseums. Developments generating less than 100 new trips may require a limited traffic study to address special considerations. The area for the study shall be determined by the Public Works Director or designee.
- (b) *Process.* The Public Works Director or designee shall establish a pool of providers. Each provider shall be qualified to conduct independent traffic-impact studies for new developments. The pool shall be established through a competitive process, which will include pricing, and shall be renewed every three (3) years. Once established, the providers shall be chosen on a rotating basis.
- (c) *Conflict of Interest.* Any provider that has materially participated in the development of the application or is currently working for the applicant on any application is prohibited from conducting the independent traffic study for that application.
- (d) *Expenses.*
 - 1. All reasonable expenses incurred in undertaking and conducting the independent traffic-impact study shall be paid by the applicant at the rates set out in the City's continuing contract.
 - 2. Before the study begins, the applicant shall pay an amount equal to fifty percent (50 %) of the expenses estimated by the provider set to perform the study, in accordance with subsection (b) above.
 - 3. After the study is completed, but before any permit may be issued, the applicant shall pay the difference between the amount paid and the actual expenses incurred for the study.

Sec. 74-209. – Applicant's Option on Delay and Mitigation –

- (a) *Option on Delay.* If the traffic-impact study is not completed within ninety (90) business days after the initial payment is made under Sec. 74-208(d)(2), the applicant may request that the Public Works Director or designee instead rely

on the traffic-impact study conducted by the applicant. However such traffic-impact study must comply in scope, form, and manner of study as determined by the the Public Works Director or designee. The Public Works Director or designee may do so at his or her discretion.

(b) *Mitigation.* The Applicant shall be responsible for mitigating the adverse traffic impacts identified in the traffic-impact study. If the applicant disagrees with the amount of mitigation necessary, the applicant may appeal the amount to the Public Works Director or designee, City Manager and ultimately to the City Commission.

SECTION 3. The Public Works Director or designee may adopt rules and regulations to carry out the requirements of Division 7.

SECTION 4. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5. If any section, part of section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 6. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 7. If the City Code’s Tables of Contents, Supplemental History Table, or other reference portions are affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 8. This ordinance shall become effective upon adoption but implementation of the program shall begin on or before November 27, 2018 in order to allow time to establish a pool of qualified consultant to perform the studies.

PASSED AND ADOPTED THIS _____ DAY OF FEBRUARY, A.D. 2018.

APPROVED:

RAUL VALDES-FAULI
MAYOR

ATTEST:

WALTER FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY