## Chapter 33E ROAD IMPACT FEES [[1]](#BK_B934136308D77373BC2064576D90CA49)

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[Sec. 33E-17. Miami-Dade County Road Impact Fee Manual.](#BK_7B769D0A392C1F2693374946A4AF0E1E)

Sec. 33E-1. Incorporation of provisions by reference.

The matters set forth above [in the introductory clauses of Ordinance Number 88-112] are hereby found to be true and are hereby adopted and incorporated by reference.

(Ord. No. 88-112, § 1(1), 12-6-88)

Sec. 33E-2. Short title, authority and applicability.

(a) This chapter [Ordinance Number 88-112], effective June 4, 1989, shall be known and may be cited as the "Miami-Dade County Road Impact Fee Ordinance."

(b) The Board of County Commissioners of Miami-Dade County has the authority to adopt this chapter pursuant to Article VIII, Section 6 of the Constitution of the State of Florida, [Section 1.01](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.01PO) of the Charter of Miami-Dade County and Chapters 163 and 380, Florida Statutes.

(c) This chapter shall be applicable to land development in the entirety of Miami-Dade County.

(Ord. No. 88-112, § 1(2), 12-6-88; Ord. No. 09-08, § 1, 1-22-09)

Sec. 33E-3. Intent and purposes.

(a) This chapter is intended to implement and be consistent with the Miami-Dade County Comprehensive Development Master Plan adopted pursuant to Chapter 163, Florida Statutes.

(b) The purpose of this chapter in regulating development is to ensure that all new development bears its proportionate share of a portion of the capital cost of roadway capacity improvements necessary to allow an adequate level of roadway service.

(Ord. No. 88-112, § 1(3), 12-6-88; Ord. No. 08-135, § 1, 12-2-08)

Sec. 33E-4. Rules of construction.

(a) The provisions of this chapter shall be liberally construed to effectively carry out its purpose in the interest of the public health, safety and welfare.

(b) For the purposes of administration and enforcement, unless otherwise stated, the following rules of construction shall apply to the text of this chapter:

(1) If there is any conflict between the text of this chapter and any table, summary table or illustration, the text shall control.

(2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

(3) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

(4) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(5) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(6) The word "he" means "he or she" and "his" means "his or her."

(Ord. No. 88-112, § 1(4), 12-6-88)

Sec. 33E-5. Definitions.

(a) The words and terms listed below are hereby defined for the purpose of this chapter:

(1) *Adjusted gross income* means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the County Planning and Zoning Director, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code.

(2) *Affordable Housing,* pursuant to the Florida Housing Planning and Community Assistance Act (Chapter 420, Part VI, Florida Statutes) and for the purpose of eligibility for a road impact fee exemption shall mean:

a. With respect to a housing unit to be occupied by very-low-income persons, that monthly rents, or monthly mortgage payments including property taxes and insurance, do not exceed 30 percent of that amount which represents 50 percent of the median annual income for households within Miami-Dade County, divided by 12.

b. With respect to a housing unit to be occupied by low-income persons, that monthly rents, or monthly mortgage payments including taxes and insurance, do not exceed 30 percent of that amount which represents 80 percent of the median annual income for households within Miami-Dade County, divided by 12.

(3) *Arterial roadway* means a roadway intended to serve moderate to large traffic volumes traveling relatively long distances. These facilities are characterized by long trip lengths and high speeds and volumes.

(4) *Building permit* shall mean an official document or certificate issued by the Building Official authorizing the construction, alteration or installation of any building, structure or any part thereof. The building permit application plans shall bear the impress seal and signature of a licensed architect or registered professional engineer and indicate the use and occupancy of all parts of the building or structure.

(5) *Collector roadway* means a roadway which is intended to serve as the connecting link for local streets and to provide intraneighborhood transportation. These facilities are characterized by relatively short trip lengths and moderate speeds and volumes.

(6) *County Manager* means the Chief Administrative Officer of Metropolitan Miami-Dade County or his designee.

(7) *County Public Works Director* means the Director of the Miami-Dade County Public Works Department or his designee.

(8) *County Planning and Zoning Director* means the Director of the Miami-Dade County Department of Planning and Zoning or his designee.

(9) *Development activity, development* or *activity* means any activity for which a building permit is required pursuant to the South Florida Building Code and/or any applicable County or municipal ordinance.

(10) *Existing development* means the lawful land use physically existing at any time during the period from December 6, 1988 through June 4, 1989 and any development or additional development for which the landowner holds a valid building permit as of June 4, 1989. Existing development shall also include the maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter. As used in this chapter, the term "lawful land use" shall not include a land use which has been established or maintained in violation of this chapter or applicable municipal codes.

(11) *Feepayer* means a person intending to commence a proposed development for which an impact fee computation is required, or a person who has paid an impact fee, provided a letter of credit, or made a contribution in-lieu-of-fee pursuant to this chapter.

(12) *Level of service* is the qualitative measure of traffic service provided by a road under a particular volume condition as described in the current edition of the Highway Capacity Manual, Special Report 209, published by the nonprofit Transportation Research Board of the National Research Council serving the National Academy of Engineering.

(13) *Local street* means a roadway which has the primary function to serve adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds, and small traffic volumes.

(14) *Long range transportation plan* means the adopted Miami-Dade Transportation Plan or successor document adopted by the Miami-Dade County Metropolitan Planning Organization.

(15) *Low-income persons* means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual income for households within Miami-Dade County.

(16) *Median Annual Income For Households Within Miami-Dade County* is equivalent to Median Family Income (MFI) for Miami-Dade County as determined for the current fiscal year by the U.S. Department of Housing and Urban Development.

(17) *Miami-Dade County Metropolitan Planning Organization* or *MPO* means the local government entity designated by the Governor, pursuant to Section 339.175, Florida Statutes, for the management of transportation planning process in Miami-Dade County.

(18) *Miami-Dade Road Impact Fee Manual* or *impact fee manual* or *the manual* means the document adopted by resolution of the Board of County Commissioners which contains information, sets forth procedures and implements policies essential to the administration of the road impact fee pursuant to this chapter.

(19) *Off-site roadway improvement* or *off-site improvement* means any arterial and collector roadway improvement located outside of the boundaries of a parcel proposed for development or platted subdivision parcel excluding those improvements required to be dedicated or improved pursuant to the subdivision or zoning regulations. This definition also includes roadway improvements, including right-of-way dedication, which are located beyond those zoned right-of-way limits specified in [Section 33-133](../level3/PTIIICOOR_CH33ZO_ARTVIIIRI-WPLMIWI.docx#PTIIICOOR_CH33ZO_ARTVIIIRI-WPLMIWI_S33-133RI-WPLMIWISTWA), Miami-Dade County Code.

(20) *Road impact fee, fee,* or *impact fee* means the proportionate share charge required to be paid in accordance with this chapter.

(21) *Road impact fee schedule* or *impact fee schedule* means the table of impact fee per unit of development used by the Public Works Director in computing the roadway impact fee pursuant to [Section 33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC) of this chapter.

(22) *Roadway capacity improvement* or *roadway improvement* means any roadway element or select transit capital improvement which will serve to enhance the vehicular movement or increase the vehicular volume in any corridor. The following roadway elements shall be considered as roadway capacity improvements:

a. Thru lanes;

b. Turn lanes;

c. Bridges;

d. Drainage facilities that serve to enhance vehicular movement or volume;

e. Traffic signalization;

f. Sidewalks or bike facilities that serve to enhance vehicular movement or volume;

g. Resurfacing of existing roadways including planning and removal of existing paved surfaces where such improvements will enhance the roadway capacity and service level; and

h. Select Transit Capital Improvements; and

i. Other structural improvements shown by specific studies to enhance roadway capacity.

In addition, the following roadway elements shall also be considered roadway capacity improvements when undertaken as components of a complete roadway project:

a. Curbs, medians, shoulders, striping, and traffic signage;

b. Utility relocation; and

c. Sodding and tree planting.

Furthermore, the following activities: preliminary engineering, design studies, land surveys, engineering design, right-of-way acquisition, and permitting, shall also be construed as roadway capacity improvements when associated with the construction of any of the aforementioned roadway elements.

Expenditures for all such improvements shall be in accordance with [Section 33E-12](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-12IMFEEX) and implementing provisions of the Road Impact Fee Manual.

(23) *Select Transit Capital Improvement* means a specific transit capital project located inside the Urban Infill Area that has been determined by the Board of County Commissioners to be of strategic value in providing roadway capacity inside the Urban Infill Area pursuant to [Section 33E-12](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-12IMFEEX)(d).

(24) *Short range transportation improvement program* means the five-year roadway program adopted annually by the Miami-Dade County Metropolitan Planning Organization as amended from time to time.

(25) *Student* means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college or university.

(26) *Total Trips* means total outbound trips. (Outbound trips are attributed to the proposed development. Return trips are attributed to the destination.)

(27) *Unit(s) of development* means a quantifiable increment of development activity dimensioned in terms of dwelling units, one thousand (1,000) square feet of floor area, hotel/motel rooms, parking spaces, students or other appropriate measurements contained in the impact fee schedule or in the current edition of "Trip Generation, an Informational Study" published by the Institute of Traffic Engineers.

(28) *Urban Infill Area* or *UIA* pursuant to the adopted Comprehensive Development Plan means that part of Miami-Dade County located east of, and including S.R. 826 (Palmetto Expressway) and NW/SW 77 Avenue and, excluding the area north of and west of I-95, and the City of Islandia.

(29) *Very-low-income persons* means one or more natural persons or a family, not including students as defined herein, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual income for households within Miami-Dade County.

(Ord. No. 88-112, § 1(5), 12-6-88; Ord. No. 89-53, § 1, 6-6-89; Ord. No. 89-130, § 1, 12-19-89; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 00-76, § 1, 6-6-00; Ord. No. 08-135, § 2, 12-2-08; Ord. No. 09-08, § 2, 1-22-09)

Sec. 33E-6. Road impact fee imposition.

(a) Any application for a building permit for development activity within Miami-Dade County shall be subject to the imposition of a road impact fee in the manner and amount set forth in this chapter. All building permits issued after the effective date of this chapter shall be subject to the imposition of the computed impact fee as determined herein. However, any application for a building permit where the required road impact fee payment is made prior to October 1, 1994 shall not be subject to Ordinance 94-134 amending [Chapter 33E](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE) of the Code of Miami-Dade County and the Miami-Dade Manual provided said building permits are issued prior to January 29, 1995.

No such building permit shall be issued by the County or any Miami-Dade County municipality unless and until the applicant has paid such impact fee, or presented a letter of credit for such impact fee in a form acceptable to the Miami-Dade County Planning and Zoning Director, for contributions in-lieu-of-fee as provided in [Section 33E-10](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-10ROIMCO-F). This shall not prohibit a feepayer from initiating an independent fee computation study as provided for in [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST) herein.

(b) Notwithstanding the payment of a road impact fee or provision of a contribution in-lieu-of-fee in conjunction with land development activity, other State, County and municipal development regulations may limit the issuance of building or use permits for development activity.

(c) Nothing herein shall prohibit any municipality or Miami-Dade County from paying the required impact fee on behalf of any applicant or feepayer. In such an instance, said impact fee payment shall be from other allowable fundable sources other than prior impact fee revenues.

(Ord. No. 88-112, § 1(6), 12-6-88; Ord. No. 90-60, § 1, 6-19-90; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 94-185, § 1, 9-22-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98)

Sec. 33E-6.1. Payment of road impact fees.

(a) The feepayer shall pay a road impact fee amount based on the formula set forth in [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO)

(b) Payment shall be made in cash, personal check, cashier's check, or money order payable to Miami-Dade County; however, when a municipality is the permitting authority, payment shall not be made by personal check.

(c) No building permit shall be issued by the county or any municipality therein until payment for the road impact fee has been received or a bond accepted pursuant to subsection [33E-6.1](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-6.1PAROIMFE)(g). The total road impact fee shall be paid prior to issuance of a certificate of completion, temporary certificate of use and occupancy or certificate of use and occupancy for any part of construction authorized by the building permit.

(d) Upon receiving notice that a payment proffered for an impact fee is invalid due to insufficient funds, improper execution or for any other reason, the appropriate county or city building department shall have the authority to stop all construction authorized by the permit until payment in full is received. Payment in full shall include the amount owed for the road impact fee plus any penalty amount charged by a bank against the county as a result said invalid payment, plus, pursuant to Section 68.065 Florida Statutes, a service fee of ten dollars ($10.00) or five (5) percent of the face amount of the invalid payment, which ever is greater.

(e) If the amount of the impact fee paid is found to have been insufficient for any reason, the appropriate County or city building department shall have the authority [to] stop all construction authorized by the permit until payment in full is received.

(f) The County shall have the authority to lien real property for which a Final Certificate of Use and Occupancy (C.O.) has been issued but for which the correct required road impact fee has not been paid in full. Such lien must be filed within three years from the date of issuance of the C.O.

(g) Road impact fees exceeding twenty-five thousand dollars ($25,000.00) may be deferred provided that the feepayer submits either a surety performance bond (the bond) or an automatically renewable, irrevocable letter of credit (the bond), for the total amount of the impact fee. Upon acceptance of the bond by the County Planning and Zoning Department the building permit may be issued.

(h) All developments subject to road impact fees paid on or after April 22, 2009, but prior to April 22, 2010, shall be obligated to pay thirty (30) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2010, but prior to April 22, 2013, shall be obligated to pay fifty (50) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2013, but prior to April 22, 2014, shall be obligated to pay sixty-five (65) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2014, but prior to April 22, 2015, shall be obligated to pay eighty (80) percent of the fee as computed herein. All developments subject to road impact fees paid on or after April 22, 2015, but prior to January 1, 2016 shall be obligated to pay ninety (90) percent of the fee as computed herein. All developments subject to road impact fees paid on or after January 1, 2016, shall be obligated to pay one hundred (100) percent of the fee as computed herein. This subsection shall expire on January 1, 2016.

(i) Any development subject to road impact fees for which a plat has been filed in the public records prior to January 1, 2009, and for which road impact fees are paid prior to January 1, 2011, shall be charged for road impact fees in accordance with the Fee Schedule in effect for the year 2008. A copy of the 2008 Table 100 and 2008 Table 100A Fee Schedules shall be included in the road impact fee manual until the date of expiration of this provision. This subsection shall expire on January 1, 2011.

(Ord. No. 09-08, § 3, 1-22-09; Ord. No. 11-31, § 1, 5-17-11; Ord. No. 12-19, § 1, 3-20-12)

Sec. 33E-7. Road impact fee formula.

(a) The feepayer shall pay a road impact fee amount based on the formula set forth below. Such fee will be based on the capital cost of roadway improvements required to serve any increase in transportation requirements resulting from proposed development activities together with impact fee administrative costs. The formula to be used to calculate the road impact fee shall be as follows:

(1) Total Trips = Proposed Units of Development × Trip Generation Rate × 97% Trips Non-transit × 1/2 × Percent New Trips

(2) (Outside UIA) New Lane Miles = Total Trips × Trip Length ÷ 8,100 Average Daily Vehicles Capacity per Lane Mile

(Within UIA) New Lane Miles = Total Trips × Trip Length ÷ 8,500 Average Daily Vehicles Capacity per Lane Mile

(3) Road Cost = New Lane Miles × $1,951,500 per Lane Mile (Including $151,500 per lane mile for Right-of-Way Costs)

(4) (Outside UIA) Net Road Cost = Road Cost - $265,680 per New Lane Mile credited from Motor Fuels Tax and Vehicle License Fees

(Within UIA) Net Road Cost = Road Cost - $278,800 per New Lane Mile credited from Motor Fuels Tax and Vehicle License Fees)

(5) Inflation Factor = PDC Multiplier from Table of Present Day Cost (PDC) Multipliers by Calendar Year in subsection [33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC)(d).

(6) Road Impact Fee = Net Road Costs × Inflation Factor + 2% Administrative Costs

(b) In the case of development activity involving a change of use and/or magnitude of use in which a building permit is required, the proposed development shall be required to pay an impact fee only for any increase in the development activity. The impact fee shall be the difference between the computed impact fee for the proposed development activity and the computed impact fee for the existing development activity as defined in [Section 33E-5](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-5DE). Any building permit which expires or is revoked after the effective date of this chapter and for which a fee has not previously been paid under this chapter shall be required to comply with the provisions herein. No refunds will be given for proposed development activity resulting in a negative fee calculation.

(c) No impact fee payment shall be required for any applicants seeking development activity for which the computed fee amount under the terms of this chapter is less than fifty dollars ($50.00).

The above formula shall be used to compute the amount of the fee to be paid using either of the approaches set forth in [Section 33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC) or [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST), at the election of the feepayer.

(d) Any change of use, redevelopment or modification of an existing use which requires the issuance of a building permit and which generates additional vehicular trips shall pay a road impact fee based on the net increase in the impact fee above that which would have been required for the previous use.

(Ord. No. 88-112, § 1(7), 12-6-88; Ord. No. 89-53, § 1, 6-6-89; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 09-08, § 4, 1-22-09)

Sec. 33E-8. Fee computation by adopted schedule.

The feepayer may elect to allow the County Public Works Director to use the impact fee schedule set forth below developed pursuant to the formula set forth in [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO)(a). The Impact Fee Per Unit of Development shall be multiplied by the Present Day Cost (PDC) Multiplier for the calendar year in which the fee is paid in accordance with the table in subsection [33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC)(d).

(a) The following impact fee schedule shall be used by the County Public Works Director in computing the road impact fee:

TABLE 100

ROAD IMPACT FEE SCHEDULE  
OUTSIDE URBAN INFILL AREA

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ITE Code | ITE Land Use Type | Trip Generation Rate1 (ADT)2  Per Unit of Dev. | Trip Length (mile) | % New Trip3 | Impact Fee Per Unit of Dev. ($) |
|  | **Port and Terminal** |  |  |  |  |
| 30 | Truck Terminals | 9.85/1,000 GSF4 | 6.25 | 100% | 6,338 |
|  | **Industrial** |  |  |  |  |
| 130 | Industrial Park | 6.96/1,000 GSF | 6.16 | 100% | 4,414 |
| 140 | Manufacturing | 3.82/1,000 GSF | 6.16 | 100% | 2,423 |
| 150 | Warehousing | 4.96/1,000 GSF | 6.16 | 100% | 3,146 |
| 151 | Mini-Warehouse | 2.50/1,000 GSF | 5.90 | 100% | 1,519 |
|  | **Residential** |  |  |  |  |
| 210 | Single-Family Detached | 9.57/unit | 6.09 | 100% | 6,001 |
| 220 | Apartment (Rentals) | 6.72/unit | 6.09 | 100% | 4,214 |
| 230 | Condominium, Townhouse | 5.86/unit | 6.09 | 100% | 3,674 |
| 240 | Mobile Home | 4.99/unit | 6.09 | 100% | 3,129 |
|  | **Lodging** |  |  |  |  |
| 310 | Hotel | 8.92/occupied room | 6.09 | 100% | 5,593 |
| 320 | Motel | 9.11/occupied room | 6.09 | 100% | 5,712 |
|  | **Recreational** |  |  |  |  |
| 420 | Marina | 2.96/berth | 6.30 | 100% | 1,920 |
| 430 | Golf Course | 35.74/hole | 6.30 | 100% | 23,183 |
| 491 | Racquet Club | 38.70/court | 6.30 | 100% | 25,103 |
| 492 | Health/Fitness | 4.02/1,000 GSF | 6.30 | 100% | 2,608 |
|  | **Institutional** |  |  |  |  |
| 520 | Elementary School | 1.29/student | 1.25 | 75% | 125 |
| 530 | High School | 1.71/student | 4.00 | 100% | 704 |
| 540 | Jr./Community College | 1.20/student | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 750 |
| 550 | University | 2.38/student | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 1,487 |
| 560 | Church/Synagogue | 9.11/1,000 GSF | 4.00 | 100% | 3,752 |
| 565 | Day Care Center | 79.26/1,000 GSF | 1.25 | 50% | 5,100 |
|  | **Medical** |  |  |  |  |
| 610 | Hospital | 17.57/1,000 GSF | 6.20 | 100% | 11,216 |
| 620 | Nursing Home | 2.37/bed | 6.20 | 100% | 1,513 |
|  | **Office** |  |  |  |  |
| 710 | General Office Building |  |  |  |  |
|  | 1—50,000 | 15.65/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 9,778 |
|  | 50,001—100,000 | 13.34/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 8,337 |
|  | 100,001—200,000 | 11.37/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 7,109 |
|  | 200,001—300,000 | 10.36/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 6,476 |
|  | 300,001—400,000 | 9.70/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 6,061 |
|  | 400,001—500,000 | 9.21/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,758 |
|  | 500,001—600,000 | 8.83/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,521 |
|  | 600,001—700,000 | 8.53/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,329 |
|  | 700,001—more | 8.27/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,168 |
| 720 | Medical Office Building | 36.13/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 22,580 |
| 760 | Research Center | 8.11/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,068 |
| 770 | Business Park | 12.76/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 7,975 |
|  | **Retail** |  |  |  |  |
| 817 | Nursery/Garden Center | 36.08/1,000 GSF | 4.00 | 75% | 11,144 |
| 820 | Shopping Center/General Retail |  |  |  |  |
|  | 1—10,000 | 152.03/1,000 GSF | 2.36 | 32% | 11,821 |
|  | 10,001—50,000 | 86.56/1,000 GSF | 2.36 | 42% | 8,833 |
|  | 50,001—100,000 | 67.91/1,000 GSF | 2.36 | 51% | 8,416 |
|  | 100,001—200,000 | 53.28/1,000 GSF | 4.00 | 58% | 12,727 |
|  | 200,001—300,000 | 46.23/1,000 GSF | 4.00 | 62% | 11,805 |
|  | 300,001—400,000 | 41.80/1,000 GSF | 5.90 | 64% | 16,252 |
|  | 400,001—500,000 | 38.66/1,000 GSF | 5.90 | 66% | 15,501 |
|  | 500,001—600,000 | 36.27/1,000 GSF | 5.90 | 67% | 14,763 |
|  | 600,001—800,000 | 32.80/1,000 GSF | 5.90 | 69% | 13,748 |
|  | 800,001—1,000,000 | 30.33/1,000 GSF | 5.90 | 70% | 12,899 |
|  | 1,000,001—1,200,000 | 28.46/1,000 GSF | 5.90 | 71% | 12,274 |
|  | 1,200,001—more | 27.67/1,000 GSF | 5.90 | 72% | 12,103 |
| 841 | Car Sales5 |  |  |  |  |
|  | Car Sales (new and used car sales area) | 33.56/1,000 GSF | 5.90 | 75% | 15,290 |
|  | Car Sales (services and parts sales area) | 21.44/1,000 GSF | 5.90 | 75% | 9,768 |
|  | Car Sales (parking area) | 4.96/1,000 GSF | 6.16 | 100% | 3,146 |
| 851 | Convenience Market | 737.99/1,000 GSF | 1.25 | 35% | 33,243 |
| 853 | Convenience Market with Gasoline | 845.60/1,000 GSF | 1.25 | 35% | 38,090 |
|  | **Services** |  |  |  |  |
| 911 | Bank (Walk-in) | 156.48/1,000 GSF | 1.25 | 50% | 10,069 |
| 912 | Bank (Drive-in) | 246.49/1,000 GSF | 1.25 | 50% | 15,862 |
| 931 | Quality Restaurant | 89.95/1,000 GSF | 6.16 | 75% | 42,787 |
| 932 | High Turnover Restaurant | 158.37/1,000 GSF | 4 | 50% | 32,612 |
| 933 | Fast Food Restaurant No Drive Thru | 716.00/1,000 GSF | 1.25 | 50% | 46,075 |
| 934 | Fast Food Restaurant with Drive Thru | 496.12/1,000 GSF | 1.25 | 50% | 31,925 |
| 944 | Service Stations w/Gasoline | 168.56/pump | 1.25 | 35% | 7,593 |

*Notes:*

1. Rates are derived from Trip Generation, An Informational Report, 7th Edition by the Institute of Transportation Engineers (ITE), 2003.

2. ADT = Average Daily Traffic.

3. Percentage of New Trips from ITE Generation Handbook, 2nd Edition (retail assumes 10% diverted-link trips in addition to pass-by trips from the formula) and Dade County existing Road Impact Fee Schedule.

4. GSF = Gross Square Feet.

5. The trip generation rates of services and sales areas for Car Sales were obtained from a survey study of Miami-Dade County car dealerships.

6. Base year for Impact Fee Per Unit of Development is 2006.

TABLE 100A

ROAD IMPACT FEE SCHEDULE  
WITHIN URBAN INFILL AREA

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| ITE Code | ITE Land Use Type | Trip Generation Rate1 (ADT)2  Per Unit of Dev. | Trip Length (mile) | % New Trip3 | Impact Fee Per Unit of Dev. ($) |
|  | **Port and Terminal** |  |  |  |  |
| 30 | Truck Terminals | 9.85/1,000 GSF4 | 6.25 | 100% | 5,993 |
|  | **Industrial** |  |  |  |  |
| 130 | Industrial Park | 6.96/1,000 GSF | 6.16 | 100% | 4,174 |
| 140 | Manufacturing | 3.82/1,000 GSF | 6.16 | 100% | 2,291 |
| 150 | Warehousing | 4.96/1,000 GSF | 6.16 | 100% | 2,974 |
| 151 | Mini-Warehouse | 2.50/1,000 GSF | 5.90 | 100% | 1,436 |
|  | **Residential** |  |  |  |  |
| 210 | Single-Family Detached | 9.57/unit | 6.09 | 100% | 5,674 |
| 220 | Apartment (Rentals) | 6.72/unit | 6.09 | 100% | 3,984 |
| 230 | Condominium, Townhouse | 5.86/unit | 6.09 | 100% | 3,474 |
| 240 | Mobile Home | 4.99/unit | 6.09 | 100% | 2,958 |
|  | **Lodging** |  |  |  |  |
| 310 | Hotel | 8.92/occupied room | 6.09 | 100% | 5,288 |
| 320 | Motel | 9.11/occupied room | 6.09 | 100% | 5,401 |
|  | **Recreational** |  |  |  |  |
| 420 | Marina | 2.96/berth | 6.30 | 100% | 1,815 |
| 430 | Golf Course | 35.74/hole | 6.30 | 100% | 21,920 |
| 491 | Racquet Club | 38.70/court | 6.30 | 100% | 23,735 |
| 492 | Health/Fitness | 4.02/1,000 GSF | 6.30 | 100% | 2,466 |
|  | **Institutional** |  |  |  |  |
| 520 | Elementary School | 1.29/student | 1.25 | 75% | 118 |
| 530 | High School | 1.71/student | 4.00 | 100% | 666 |
| 540 | Jr./Community College | 1.20/student | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 709 |
| 550 | University | 2.38/student | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 1,406 |
| 560 | Church/Synagogue | 9.11/1,000 GSF | 4.00 | 100% | 3,547 |
| 565 | Day Care Center | 79.26/1,000 GSF | 1.25 | 50% | 4,823 |
|  | **Medical** |  |  |  |  |
| 610 | Hospital | 17.57/1,000 GSF | 6.20 | 100% | 10,605 |
| 620 | Nursing Home | 2.37/bed | 6.20 | 100% | 1,430 |
|  | **Office** |  |  |  |  |
| 710 | General Office Building |  |  |  |  |
|  | 1—50,000 | 15.65/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 9,246 |
|  | 50,001—100,000 | 13.34/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 7,883 |
|  | 100,001—200,000 | 11.37/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 6,722 |
|  | 200,001—300,000 | 10.36/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 6,123 |
|  | 300,001—400,000 | 9.70/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,731 |
|  | 400,001—500,000 | 9.21/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,444 |
|  | 500,001—600,000 | 8.83/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,221 |
|  | 600,001—700,000 | 8.53/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 5,039 |
|  | 700,001—more | 8.27/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 4,886 |
| 720 | Medical Office Building | 36.13/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 21,350 |
| 760 | Research Center | 8.11/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 4,792 |
| 770 | Business Park | 12.76/1,000 GSF | [6.07](../level2/PTICOAMCH_ART6MU.docx#PTICOAMCH_ART6MU_S6.07FRUTTA) | 100% | 7,540 |
|  | **Retail** |  |  |  |  |
| 817 | Nursery/Garden Center | 36.08/1,000 GSF | 4.00 | 75% | 10,537 |
| 820 | Shopping Center/General Retail |  |  |  |  |
|  | 1—10,000 | 152.03/1,000 GSF | 2.36 | 32% | 11,177 |
|  | 10,001—50,000 | 86.56/1,000 GSF | 2.36 | 42% | 8,352 |
|  | 50,001—100,000 | 67.91/1,000 GSF | 2.36 | 51% | 7,957 |
|  | 100,001—200,000 | 53.28/1,000 GSF | 4.00 | 58% | 12,034 |
|  | 200,001—300,000 | 46.23/1,000 GSF | 4.00 | 62% | 11,162 |
|  | 300,001—400,000 | 41.80/1,000 GSF | 5.90 | 64% | 15,367 |
|  | 400,001—500,000 | 38.66/1,000 GSF | 5.90 | 66% | 14,657 |
|  | 500,001—600,000 | 36.27/1,000 GSF | 5.90 | 67% | 13,959 |
|  | 600,001—800,000 | 32.80/1,000 GSF | 5.90 | 69% | 12,999 |
|  | 800,001—1,000,000 | 30.33/1,000 GSF | 5.90 | 70% | 12,196 |
|  | 1,000,001—1,200,000 | 28.46/1,000 GSF | 5.90 | 71% | 11,606 |
|  | 1,200,001—more | 27.67/1,000 GSF | 5.90 | 72% | 11,444 |
| 841 | Car Sales5 |  |  |  |  |
|  | Car Sales (new and used car sales area) | 33.56/1,000 GSF | 5.90 | 75% | 14,457 |
|  | Car Sales (services and parts sales area) | 21.44/1,000 GSF | 5.90 | 75% | 9,236 |
|  | Car Sales (parking area) | 4.96/1,000 GSF | 6.16 | 100% | 2,974 |
| 851 | Convenience Market | 737.99/1,000 GSF | 1.25 | 35% | 31,432 |
| 853 | Convenience Market with Gasoline | 845.60/1,000 GSF | 1.25 | 35% | 36,015 |
|  | **Services** |  |  |  |  |
| 911 | Bank (Walk-in) | 156.48/1,000 GSF | 1.25 | 50% | 9,521 |
| 912 | Bank (Drive-in) | 246.49/1,000 GSF | 1.25 | 50% | 14,998 |
| 931 | Quality Restaurant | 89.95/1,000 GSF | 6.16 | 75% | 40,456 |
| 932 | High Turnover Restaurant | 158.37/1,000 GSF | 4.00 | 50% | 30,835 |
| 933 | Fast Food Restaurant No Drive Thru | 716.00/1,000 GSF | 1.25 | 50% | 43,565 |
| 934 | Fast Food Restaurant with Drive Thru | 496.12/1,000 GSF | 1.25 | 50% | 30,186 |
| 944 | Service Stations w/Gasoline | 168.56/pump | 1.25 | 35% | 7,179 |

*Notes:*

1. Rates are derived from Trip Generation, An Informational Report, 7th Edition by the Institute of Transportation Engineers (ITE), 2003.

2. ADT = Average Daily Traffic.

3. Percentage of New Trips from ITE Generation Handbook, 2nd Edition (retail assumes 10% diverted-link trips in addition to pass-by trips from the formula) and Dade County existing Road Impact Fee Schedule.

4. GSF = Gross Square Feet.

5. The trip generation rates of services and sales areas for Car Sales were obtained from a survey study of Miami-Dade County car dealerships.

6. Base year for Impact Fee Per Unit of Development is 2006.

(b) If the type of activity within a proposed or current development is not specified in the above impact fee schedule, the County Public Works Director shall use the activity most nearly comparable in computing the fee. In making this determination the County Public Works Director shall be guided by the current edition of "Trip Generation, an Informational Study" published by the Institute of Transportation Engineers, and based on the same or similar method of trip generation rate and trip length determination.

(c) In determining existing development activity, as defined in [Section 33E-5](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-5DE)(h) of this chapter, and the units of proposed or existing development, the County Planning and Zoning Director shall use the building permit and certificate of use information contained in the records of the Miami-Dade County Department of Planning and Zoning and municipal building code and zoning regulation administering agencies.

(d) Table of Present Day Cost (PDC) Mutipliers by Calendar Year.

|  |  |
| --- | --- |
| Calendar Year | PDC Mutiplier |
| 2006 | 1.000 |
| 2007 | 1.035 |
| 2008 | 1.094 |
| 2009 | 1.141 |
| 2010 | 1.184 |
| 2011 | 1.225 |
| 2012 | 1.267 |
| 2013 | 1.308 |
| 2014 | 1.351 |
| 2015 | 1.396 |
| 2016 | 1.442 |

*Source:* This table is based on the table of Construction Cost Inflation Factors published August 3, 2006 by Florida Department of Transportation (FDOT) Office of Policy Planning for FDOT Fiscal Year 2007 (July 1, 2006 to June 30, 2007). PDC Multiplier values have been interpolated onto a calendar year interval.

(Ord. No. 88-112, § 1(8), 12-6-88; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 09-08, § 5, 1-22-09)

Sec. 33E-9. Fee computation by independent study.

The feepayer may elect, either prior to or subsequent to paying the scheduled impact fee (Section [33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC)), to utilize an independent fee computation study pursuant to the formula set forth in [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO)(a). The feepayer shall provide the County Public Works Director notice of intent to utilize an independent fee computation study prior to, but no later than, the time of application for a building permit. All such studies initiated after the issuance of a building permit shall be completed and submitted to the Public Works Director within six (6) months of issuance of building permit. Nothing within this section shall allow a building permit for development activity to be issued without the payment of a roadway impact fee as provided for in [Section 33E-6](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-6ROIMFEIM) herein.

(a) If the feepayer elects to utilize an independent fee computation study, the feepayer shall, at his own expense, prepare and present to the County Public Works Director such a study that shall document the basis upon which the value of each of the components of the fee formula set forth in [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO)(a) was determined. The feepayer shall follow the impact fee study methodology contained in the impact fee manual. Subjects of the study shall include the following unless determined otherwise by the Public Works Director:

(1) Trip generation rates;

(2) Average vehicle trip length;

(3) New vehicle trip rates;

(4) Non-transit trip percentages.

(b) The feepayer shall, at the time the independent fee computation study is submitted to the County Public Works Director, pay to the County Planning and Zoning Director a nonrefundable independent study administrative cost in the amount set forth in the impact fee manual to be used solely by the County for the processing and review of the independent fee calculation study. This amount shall not be credited against the road impact fee payment.

(c) The County Public Works Director shall determine if an independent fee computation study:

(1) Adheres to the impact fee formula set forth in [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO)(a);

(2) Provides complete, thorough, and accurate information; and

(3) Is prepared by an individual or entity qualified to perform Traffic Engineering and Operations Studies in accordance with the standards set forth in Rule 14-75.003 of the Florida Administrative Code.

(d) Upon approval of the independent fee calculation study by the County Public Works Director, based on his determination that the conditions described in [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST)(c) are fully met, the feepayer shall pay the amount of the fee so computed.

(e) Should the County Public Works Director determine that the conditions described in [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST)(c) are not fully met by the independent fee study he shall issue a letter to the applicant stating the deficiencies and his intent to reject the independent fee calculation study unless the deficiencies are corrected. If the County Public Works Director determines that the deficiencies in the independent fee study have not been corrected within sixty (60) working days from the date of the letter of intent, he shall issue a letter rejecting the independent fee study.

(f) Any appeals from a decision of the County Public Works Director to reject an independent fee study because of deficiencies shall be reviewed and decided by the County Developmental Impact Committee Executive Council, pursuant to the procedures set forth in the adopted impact fee manual.

(g) In his annual review of the impact fee ordinance the County Manager may recommend to the Board of County Commissioners that the type of use and fee rates approved pursuant to an independent study prepared under this section be added to or substituted in the impact fee schedule contained in [Section 33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC)

(Ord. No. 88-112, § 1(9), 12-6-88; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 09-08, § 6, 1-22-09)

Sec. 33E-10. Roadway improvement contributions in-lieu-of-fee.

(a) In lieu of payment of all or part of the road impact fee, the County Public Works Director may accept the offer of a feepayer to construct all or part of an off-site roadway improvement. All contributions in-lieu-of-fee shall be in accordance with the Comprehensive Development Master Plan and the short range transportation improvement program. Such contributions in-lieu-of-fee shall be credited against payment of an impact fee in the amount determined by the County Public Works Director pursuant to Sections [33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC) or [33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST). The total amount of contributions in-lieu-of-fee shall not exceed the road cost portion of the impact fee formula in [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO). Contributions in-lieu-of-fee shall not be applied to the two (2) percent County administrative cost portion of the impact fee which shall remain the responsibility of the feepayer and must be paid at the time of building permit issuance.

Where a feepayer seeks to apply a contribution in-lieu-of-fee credit against payment of the road impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) two (2) percent of the contribution in-lieu-of-fee or one thousand dollars ($1,000.00) whichever is less and (b) two (2) percent of the remaining road cost not satisfied by the contribution in-lieu-of fee.

Previously approved contributions in-lieu-of-fees which are: (1) unused and (2) based on a net road cost which has been subsequently adjusted, shall be entitled to an adjustment equal to the percentage increase or decrease of the net road cost in the road impact fee formula. Previously approved contributions in-lieu-of-fees which are: (1) unused and (2) based on a road cost which has been subsequently adjusted, shall be entitled to an adjustment equal to the percentage increase or decrease of the road cost in the road impact fee formula. Any such adjustment shall only be utilized to offset road impact fees and shall not be refundable.

(b) An offer by a feepayer to construct road improvement contributions in-lieu-of-fee must be accompanied by plans in sufficient detail to permit the County Public Works Director to determine that County or State design standards will be used and to determine the cost of such improvements.

(c) The County Public Works Director may accept or reject an offer of contributions in-lieu-of-fee. When such improvements are not consistent with standards set forth in the impact fee manual the Public Works Director may reject the offer of contributions in-lieu-of-fee. If rejected, the Public Works Director shall state in writing the reasons for the rejection. Any appeal from such a decision of the County Public Works Director to reject improvement contributions in-lieu-of-fee shall be reviewed by the County Development Impact Committee Executive Council pursuant to the procedures set forth in the adopted impact fee manual.

(d) If the County Public Works Director accepts an offer of contributions in-lieu-of-fee, the feepayer shall post a bond or letter of credit with the County Planning and Zoning Director equal to one hundred ten (110) percent of the cost of the agreed to improvement as determined by the County Public Works Director. Upon receipt of such bond, the appropriate County or City entity may issue building permits for that part of the proposed development determined by the County to be satisfied by the contributions in-lieu-of-fee. Release of such bonds for contributions in-lieu-of-fee shall not be issued by either the County or city until such contributed improvements have been completed and accepted by the County Public Works Director or the State.

(e) If pursuant to [Section 33E-10](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-10ROIMCO-F)(a) and [33E-10](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-10ROIMCO-F)(b), the County Public Works Director accepts improvements with a cost in excess of the impact fee computed pursuant to [Section 33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC) or [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST) herein, the feepayer, upon written request, shall be reimbursed for the amount of the excess cost as said cost is determined by the Public Works Director pursuant to [Section 33E-10](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-10ROIMCO-F) of this chapter. It shall be the burden of the feepayer to make a written request for reimbursement at the time of building permit application. The feepayer shall only be eligible for reimbursement after such time as the improvement is completed and accepted by County Public Works Director or the State. Reimbursements shall be made from available monies existing within the corresponding benefit district trust fund. No reimbursement shall be made after six (6) years from the date of first building permit issuance.

(f) Any provisions for contributions in lieu of road impact fees included as a condition of a development of regional impact development order must be approved by the County Public Works Director prior to approval of the final development order for county development orders or subsequently ratified by the County Public Works Director in the case of municipal development orders.

(g) Any claim for contributions in lieu of road impact fee shall have been submitted to and received approval from the County Public Works Director prior to issuance of any building permit intended to use said contributions in lieu of fee and prior to commencement of any road construction or dedication of any right-of-way for which said contributions in lieu of fee are being claimed.

(h) Authorized contributions in lieu of fees are not site-transferable and may only be applied against the impact fees due for developments within the parent tract (development property) of the application for which the off-site contributions were made and authorized. Allocations of contributions in lieu of fees to sub-parcels within the parent tract shall be on based on the prorated area (square footage or acreage) unless an alternative allocation or reallocation has been approved by the County Public Works Director.

(i) The fee payer shall pay a nonrefundable administrative cost in the amount set forth in the road impact fee manual to be used by the county for processing and review of the contributions in lieu of fee study. This fee shall not be credited against the amount of road impact fees due.

(k) Determination of the amount of contributions in lieu of road impact fees to be accepted shall be determined by the County Public Works Director based on a review of the documentation provided by the feepayer and current cost information. Any increase in this amount due to changes in construction plans must be authorized in advance by the Public Works Director.

(l) Previously approved contributions in lieu of fee that have not yet been used may be re-adjusted based on the percentage increase or decrease in the net-road cost as recalculated pursuant to [Section 33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO). Any such adjustment may be applied toward payment of road impact fees but shall not be refundable.

(Ord. No. 88-112, § 1(10), 12-6-88; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 01-153, § 1, 9-25-01; Ord. No. 09-08, § 7, 1-22-09)

Sec. 33E-11. Impact fee benefit districts and trust accounts.

(a) To insure that fee-funded roadway improvements will benefit impact fee paying development, all collected impact fees shall be spent only for off-site roadway improvements or for principal and interest payments (including sinking fund payments) on bonds or other borrowed revenues used to fund such improvements, within the road impact fee benefit district described in [Section 33E-11.1](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-11.1BOROIMFEDI) in which the fee paying development is located, or within three (3) miles of the border of the benefit district upon prior determination by resolution of the Board of County Commissioners, that the project benefits the Impact Fee District where the funds were collected. The full width of the right-of-way of the roadways that form a border of a benefit district shall be considered to be within the district.

(b) A separate interest bearing roadway trust account shall be established for each benefit district and all impact fees collected by the County Planning and Zoning Director shall be promptly deposited into the proper trust account, except for general administrative costs paid pursuant to Sections [33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST) and [33E-12](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-12IMFEEX), which shall be directed to County operating fund accounts. Impact fees collected by municipalities pursuant to this chapter shall be transmitted to the County Planning and Zoning Director at the end of each fiscal quarter except for the portion of the general administrative cost designated for retention by the municipality.

(c) A financial and management report on the impact fee trust funds shall be prepared annually by the County Public Works Department and submitted to the County Manager within one hundred twenty (120) days of the end of the County's fiscal year.

(Ord. No. 88-112, § 1(11), 12-6-88; Ord. No. 89-130, § 1, 12-19-89; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 99-98, § 1, 9-9-99; Ord. No. 02-257, § 1, 12-3-02; Ord. No. 09-08, § 8, 1-22-09)

Sec. 33E-11.1. Boundaries of road impact fee districts.

Nine (9) road impact fee districts are hereby established. The boundaries of said road impact districts fee are depicted in Figure 1 and described as follows:

(a) *DISTRICT 1:* Begin at the intersection of the Miami Canal and Homestead Extension of Florida's Turnpike (H.E.F.T., S.R. 821); thence Southerly along the H.E.F.T. to Sunset Drive (S.W. 72 Street); thence Easterly along Sunset Drive to the Palmetto Expressway (S.R. 826); thence Southerly along the Palmetto Expressway to Kendall Drive (S.W. 88 Street); thence Easterly along Kendall Drive to Red Road (S.W. 57 Avenue); thence Northerly along Red Road to Tamiami Trail (S.W. 8 Street); thence Westerly along Tamiami Trail to S.W. 77 Avenue; thence Northerly along S.W. 77 Avenue to the boundary of the City of Miami; thence Northeasterly, Northerly, Southerly and Easterly meandering the boundary of the City of Miami, to LeJeune Road (N.W. 42 Avenue); thence Northerly along LeJeune Road to N.W. 28 Street; thence Easterly along N.W. 28 Street and its Easterly extension to the East right-of-way line of the CSX Railroad; thence Northerly along the East right-of-way line of the CSX Railroad to the Miami Canal; thence Northwesterly along the Miami Canal to the Point of Beginning.

(b) *DISTRICT 2:* Begin one-half mile due East of the most Southerly point of Key Biscayne; thence due West to the Easterly boundary of Coral Gables; thence Northeasterly along the East boundary of Coral Gables to the South boundary of the City of Miami; thence Westerly along the South boundary of the City of Miami to LeJeune Road (S.W. 42 Avenue); thence Northerly, Easterly and Westerly meandering the boundary of the City of Miami to the Northeast corner of the City of Coral Gables; thence Westerly and Southerly along the boundary of Coral Gables to the Tamiami Trail (S.W. 8 Street) at Ponce de Leon Boulevard; thence Westerly along the Tamiami Trail and along the boundary of the City of Miami to S.W. 77 Avenue; thence Northerly along S.W. 77 Avenue to the boundary of the City of Miami; thence Northeasterly, Northerly, Southerly and Easterly meandering the boundary of the City of Miami to LeJeune Road (N.W. 42 Avenue); thence Northerly along LeJeune Road to N.W. 28 Street; thence Easterly along N.W. 28 Street and its Easterly extension to the East line of the CSX Railroad; thence Northerly along the East line of the CSX Railroad to the Airport Expressway (S.R. 112); thence Northeasterly and Easterly along the Airport Expressway to N.W. 27 Avenue; thence Northerly along N.W. 27 Avenue to N.W. 119 Street; thence Easterly along N.W./N.E. 119 Street to N.E. 2 Avenue; thence Northerly along N.E. 2 Avenue to N.E. 121 Street; thence Easterly along N.E. 121 Street and along the North boundary of the Village of Biscayne Park to N.E. 18 Avenue; thence Southerly, Westerly, Southerly and Westerly along the boundary of the Village of Biscayne Park to the intersection of N.E. 119 Street and State Road 5 (S.R. 5); thence Southwesterly along S.R. 5 to the North boundary of the Village of Miami Shores; thence Easterly along said North boundary to the Easterly boundary of the Village of Miami Shores; thence Southwesterly along the Easterly boundary of the Village of Miami Shores and along the Westerly boundary of the City of Miami Beach to the Miami Municipal Channel (Government Cut); thence Southeasterly along the Miami Municipal Channel and along the boundary of the City of Miami Beach to the North line of the F.E.C. Channel (Fisherman's Channel); thence Westerly, Southeasterly, Westerly and Southerly along the boundary of the City of Miami Beach to Norris Cut; thence Southeasterly along Norris Cut and along the boundary of the City of Miami Beach for 6,000 feet; thence Southwesterly to the Point of Beginning.

(c) *DISTRICT 3:* That portion of Miami-Dade County lying Northerly of the following described line: Begin at the North County Line and Okeechobee Road (U.S. 27); thence Southeasterly along Okeechobee Road to the North line of Section 30-52-40 thence Easterly along the North line of Sections 25 through 30-52-40 (N.W. 138 Street) to Red Road (N.W. 57 Avenue); thence Easterly along N.W. 138/135 Street to N.W. 47 Avenue; thence Southerly along N.W. 47 Avenue to N.W. 119 Street; thence Easterly along N.W./N.E. 119 Street to N.E. 2 Avenue; thence Northerly along N.E. 2 Avenue to N.E. 121 Street; thence Easterly along N.E. 121 Street and along the North boundary of the Village of Biscayne Park to N.E. 18 Avenue; thence Southerly, Westerly, Southerly and Westerly along the boundary of the Village of Biscayne Park to the intersection of N.E. 119 Street and State Road 5 (S.R. 5); thence Southwesterly along S.R. 5 to the North boundary of the Village of Miami Shores; thence Easterly along said North boundary to the Easterly boundary of the Village of Miami Shores; thence Southwesterly along the Easterly boundary of the Village of Miami Shores to the North line of the City of Miami Beach; thence Easterly along the North line of the City of Miami Beach to the Atlantic Ocean and the END of the herein described line.

(d) *DISTRICT 4:* That portion of Miami-Dade County lying Westerly of Okeechobee Road (U.S. 27) and the Homestead Extension of Florida's Turnpike (S.R. 821) and lying Northerly of Bird Drive Extension.

(e) *DISTRICT 5:* That portion of Miami-Dade County lying West of Red Road (S.W. 57 Avenue), lying Northerly of the following described line: Begin at the intersection of the West line of Biscayne Bay and Eureka Drive (S.W. 184 Street) extended East; thence Westerly along Eureka Drive to Krome Avenue (S.W. 177 Avenue); thence Northerly along Krome Avenue to S.W. 168 Street; thence Westerly along S.W. 168 Street to the West line of Miami-Dade County and the END of the herein described line, and lying Southerly of the following described line: Begin at Red Road (S.W. 57 Avenue) and Kendall Drive (S.W. 88 Street); thence Westerly along Kendall Drive to the Palmetto Expressway (S.R. 826); thence Northerly along the Palmetto Expressway to Sunset Drive (S.W. 72 Street); thence Westerly along Sunset Drive to the Homestead Extension of Florida's Turnpike (H.E.F.T.) (S.R. 821); thence Northerly along the H.E.F.T. to Bird Drive Extension (S.W. 42 Street); thence Westerly along Bird Drive Extension to Krome Avenue (S.W. 177 Avenue); thence Northerly along Krome Avenue to Bird Drive Extension (S.W. 36 Street); thence Westerly along Bird Drive Extension to the Westerly line of Miami-Dade County and the END of the herein described line; LESS that portion lying within the corporate boundaries of the City of Coral Gables.

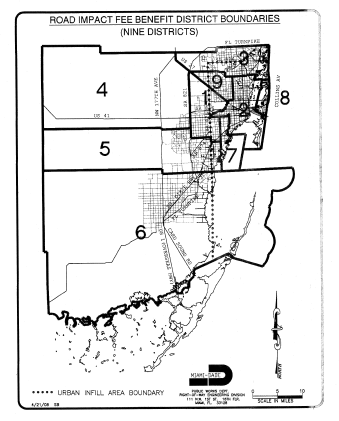
(f) *DISTRICT 6:* That portion of Miami-Dade County lying Southerly of the following described line: Begin at the intersection of the West line of Biscayne Bay and Eureka Drive (S.W. 184 Street) extended East; thence Westerly along Eureka Drive to Krome Avenue (S.W. 177 Avenue); thence Northerly along Krome Avenue to S.W. 168 Street; thence Westerly along S.W. 168 Street to the West line of Miami-Dade County and the END of the herein described line.

(g) *DISTRICT 7:* That portion of Miami-Dade County lying within the corporate boundaries of the City of Coral Gables; AND that portion of unincorporated Miami-Dade County lying Easterly of Red Road (S.W. 57 Avenue), lying Southerly of Tamiami Trail (S.W. 8 Street), lying Westerly of S.W. 37 Avenue and lying Northerly of Eureka Drive (S.W. 184 Street).

(h) *DISTRICT 8:* That portion of Miami-Dade County lying Easterly of the following described line: Begin at the Atlantic Ocean and the North boundary of the City of Miami Beach; thence Westerly along the North boundary of Miami Beach to the Westerly boundary of Miami Beach; thence Southwesterly, Southeasterly and Westerly along the Westerly boundary of the City of Miami Beach to the Miami Municipal Channel (Government Cut); thence Southeasterly along the Miami Municipal Channel and along the boundary of the City of Miami Beach to the North line of the F.E.C. Channel (Fisherman's Channel); thence Westerly, Southeasterly, Westerly and Southerly along the boundary of the City of Miami Beach to Norris Cut; thence Southeasterly along Norris Cut and along the boundary of the City of Miami Beach for 6,000 feet and the END of the herein described line.

(i) *DISTRICT 9:* Begin at the intersection of the Miami River and the North line of Section 30-52-40; thence Easterly along the North line of Sections 25 through 30-52-40 (N.W. 138 Street) to Red Road (N.W. 57 Avenue); thence run Easterly along N.W. 138/135 Street to N.W. 47 Avenue; thence Southerly along N.W. 47 Avenue to N.W. 119 Street; thence Easterly along N.W. 119 Street to N.W. 27 Avenue; thence Southerly along N.W. 27 Avenue to the Airport Expressway (S R. 112); thence Westerly along the Airport Expressway to the East right-of-way line of the CSX Railroad; thence Southerly along the East line of the CSX Railroad to the Miami Canal; thence Northwesterly along the Miami Canal to the Point of Beginning.

(Ord. No. 09-08, § 9, 1-22-09)



Sec. 33E-12. Impact fee expenditures.

(a) Funds from the roadway impact fee trust funds, including any accrued interest, shall be used only in accordance with [Section 33E-11](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-11IMFEBEDITRAC) for the purpose of financing roadway capacity improvements incorporated into the Miami-Dade County Metropolitan Planning Organization's adopted long range transportation plan or short range transportation improvement program, except that an amount not to exceed three (3) percent of the gross receipts shall be used by Miami-Dade County to offset the cost of administering the provisions of this chapter.

(b) Highest priority for impact fee trust account expenditures shall be for roadway capacity improvements deemed by the Miami-Dade County Metropolitan Planning Organization (MPO) as most needed to serve new development. Such determination by the MPO shall consider recommendation from a joint County/municipal committee as provided for in the Metro-Miami-Dade road impact fee manual. This recommendation is not limited to only County or State designated roadways, but may include municipal roads and select transit capital improvements pursuant to subsection [33E-12](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-12IMFEEX) (d). Before funds can be allocated or expended for any capacity enhancement projects on local roads within any one Road Impact Fee District, funding for all programmed capacity needs for County arterial and collector roadways, and municipal collector roadways, within said District must have been identified and encumbered, as determined by the Miami-Dade County Public Works Director. Trust account funds shall be deemed expended in the order in which they are collected. Policies to be used in scheduling the expenditure of impact fee trust funds through the long range transportation plan and short range transportation improvement program shall be set forth in the impact fee manual.

The County may construct or provide any of the roadway improvement elements listed above or alternatively may contract with a municipality to construct or provide such elements with road impact fees.

(c) Roadway trust funds may be expended on roadway improvements to the State road network within the benefit district. Except in the case of roadway improvements to a State road which has vehicular access within the benefit district, no roadway trust fund moneys shall be expended on the State roads network unless such expenditures are reimbursable. Where reimbursable by the State, payments shall be made pursuant to an interlocal agreement between the State and County entered into pursuant to Section 163.01 Florida Statutes. Reimbursements shall be deposited into the appropriate benefit district trust account.

(d) Roadway trust funds may be expended on select transit capital improvements provided that the Board of County Commissioners, after recommendation from the Mayor in consultation with the Public Works Director and after public hearing, determines that any such transit use of roadway trust funds would be effective as part of the county's strategy for providing roadway capacity within the Urban Infill Area. Roadway trust funds may only be used for select transit capital improvements within the Urban Infill Area. Only impact fees generated from within the Urban Infill Area may be used for select transit capital projects. Transit projects are to be selected for road impact fee funding on the basis of their expected effectiveness as roadway capacity improvements.

(e) Each year the County Public Works Director shall present to the Metropolitan Planning Organization pursuant to the Organization's procedures for their review and approval, the annual program for expenditure of roadway capacity improvements projects utilizing road impact fee trust fund monies, to be included within the transportation improvements program. The Public Works Director shall also present the recommended priorities as determined by the joint County/municipal committee for the expenditure of road impact fee trust fund monies. Trust fund monies, including any accrued interest not assigned in any fiscal year, shall be retained in the trust fund until the next fiscal year, except as provided by the refund provisions of this chapter pursuant to [Section 33E-13](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-13REIMFEPA)

(Ord. No. 88-112, § 1(12), 12-6-88; Ord. No. 89-47, § 1, 5-23-89; Ord. No. 89-53, § 1, 6-6-89; Ord. No. 89-130, § 1, 12-19-89; Ord. No. 00-76, § 1, 6-6-00; Ord. No. 08-135, § 3, 12-2-08)

Sec. 33E-13. Refund of impact fees paid.

(a) If a building permit encompassing feepaying development expires or is revoked, the feepayer shall, upon submission of a written request to the County Planning and Zoning Director, be entitled to a refund of the impact fee paid except that the county shall retain the general administrative cost portion of the fee to cover the cost of the administration of the impact fee calculation, collection and refund. However, no refund shall be provided for impact fees deemed expended pursuant to [Section 33E-13](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-13REIMFEPA)(b) or for the cost of completed improvements contributed in-lieu-of-fee.

(b) Any fee trust funds not expended by the end of the fiscal quarter immediately following six (6) years from the date the fee was paid shall be returned to the feepayer by the County Planning and Zoning Director with accrued interest. Funds shall be expended in the order in which they are collected and shall be deemed expended for purposes of this chapter when a road contract or agreement obligating all or a portion of the payment of said funds shall be approved by Miami-Dade County. The impact fee manual shall set forth a procedure to be used for identifying the source of monies expended. The feepayer shall be required to submit a written request for refund to the County Planning and Zoning Director before issuance of the refund can be authorized. No refunds of road impact fees will be provided for in the event the feepayer does not request such a refund prior to the expiration of one (1) year following the six-year period from the date the road impact fee was paid.

(c) The feepayer may request a refund of road impact fees paid for a development that has been exempted pursuant to [Section 33E-14](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-14EXCR). The amount of the exemption refund shall exclude the administrative cost portion of the fee. Application must be made within one (1) year of the issuance of a certificate of completion or a certificate of occupancy for the subject of the exemption and shall be made in accordance with the provisions of the road impact fee manual.

(Ord. No. 88-112, § 1(13), 12-6-88; Ord. No. 90-60, § 1, 6-19-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 09-08, § 10, 1-22-09)

Sec. 33E-14. Exemptions and credits.

(a) Governmental or public facilities are exempt from the requirement that impact fees be paid. Such facilities are those parcels, grounds, buildings or structures owned by municipal, County, State and federal governments, the Miami-Dade County School Board and the South Florida Water Management District and related to the operation of those entities and used for governmental purposes including, but not limited to, governmental offices, police and fire stations, airports, seaports, parking facilities, equipment yards, sanitation facilities, water control structures, schools, parks and similar facilities in or through which general government operations are conducted. It is provided, however, the following shall not be considered governmental or public facilities and shall be subject to the provisions of this chapter: (1) privately owned properties or facilities leased for governmental operations or activities; and (2) public properties or facilities used for private residential, commercial or industrial activities. Notwithstanding the foregoing, the application of the road impact fee to facilities at a County owned airport used for private commercial or industrial activities shall be limited to the extent permitted by federal law or existing contractual commitments with the Federal Aviation Administration.

(b) Unless provided for to the contrary in the current effective development order, all development activity which is subject to an existing Development of Regional Impact Development Order adopted pursuant to Chapter 380, Florida Statutes prior to June 4, 1989 shall be exempt from this chapter with regard to development approved by such development order. This exemption provision does not apply to those development orders which may have been revoked or determined to be null and void or to any development not authorized in such development order by Miami-Dade County or another unit of local government in Miami-Dade County issuing such development order. This exemption shall not apply to any additional development regardless of whether or not such additional development constitutes a substantial deviation pursuant to Chapter 380, Florida Statutes. Any Development of Regional Impact development order amended after January 1, 2009, which generates additional vehicular trips above the previously approved development order shall be not be exempt for said additional trips.

(c) Credit for up to the full amount of the net road cost portion of the impact fee shall be given by the County Public Works Director for off-site roadway contributions, or payments that were voluntarily proffered or required under a county or municipal development order issued for a development of regional impact or development of county impact or under other legislative or ministerial action approved prior to June 4, 1989. Credit shall be given to the extent the contribution, payment or construction meets the definition of off-site roadway improvement contained in [Section 33E-5](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-5DE)(n) of this chapter. Any claim for credit pursuant to this section must be filed with the County Public Works Director by May 23, 1990, and shall be in accord with the standards and procedures for issuance of credits provided therein. Credits shall not be applied to the two (2) percent county administrative cost portion of the impact fee which remains the responsibility of the feepayer and must be paid at the time of the building permit issuance. A credit shall only be considered against the fee due for improvement to those properties encompassed by the previous development order or action contemplating the off-site roadway improvements. Any feepayer claiming such credit shall present documentation of land valuation at time of roadway improvement and/or construction costs, adjusted to current United States dollar values as defined in the impact fee manual. The same shall be considered by the County Public Works Director in determining the amount of credit to be given toward the impact fee. The County Public Works Director shall be guided by the criteria set forth in the impact fee manual. No refunds shall be made under this provision of this section. Any appeal from such a determination by the County Public Works Director shall be reviewed by the Developmental Impact Committee Executive Council pursuant to the procedures set forth in the adopted impact fee manual.

Where a feepayer seeks to apply a credit against payment of the road impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) two (2) percent of the credit or one thousand dollars ($1,000.00) whichever is less and (b) two (2) percent of the remaining net road cost not satisfied by the credit.

Previously approved off-site road impact fee credits which are: (1) unused and (2) based on a net road cost which has been subsequently adjusted, shall be entitled to an adjustment equal to the percentage increase or decrease of the net road cost in the road impact fee formula. Any such adjustment shall only be utilized to offset road impact fees and shall not be refundable.

(d) Notwithstanding any other provisions of this chapter, development activity shall be exempt from the requirement of payment of road impact fees upon a determination by the County Planning and Zoning Director that such activity conforms to the following requirements:

(1) The development activity is consistent with the Comprehensive Development Master Plan (CDMP); and

(2) Any portion of a residential development activity, which provides affordable housing as defined in [Section 33E-5](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-5DE) provided that:

a. There shall be no affordable housing exemption for a housing unit priced at more than seventy-five thousand dollars ($75,000.00) unless approved by a governmental assistance program for a higher amount; and

b. There shall be no affordable housing exemption for a housing unit occupied by persons, families or households having total household assets (excluding pensions, annuities and the like) exceeding fifty thousand dollars ($50,000.00) unless a governmental assistance program has approved a different amount; and

c. Applicant must obtain such third party approvals as may be required by the County Planning and Zoning Director or as provided in the road impact fee manual; and

d. Applicant must covenant with the county that the housing unit will remain affordable as defined in [Section 33E-5](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-5DE) for a period of fifteen (15) years. Other such covenants and agreements may be required as provided in the road impact fee manual or by the County Planning and Zoning Department Director to insure that affordable housing purpose of the exemption is maintained. Housing units that lose their affordable housing status prior to the expiration of five (5) years from the date the exemption was granted shall be subject to payment of the road impact fee in effect at the time said affordable status was lost and the County Planning and Zoning Director shall be authorized to lien the property if necessary to secure payment of the fee; or

(3) Any commercial or industrial development activity located within an existing designated enterprise zone as defined in Section 290.0065, Florida Statutes, as the same may be amended from time to time, provided that: (a) the proposed development activity has been granted a property tax exemption under Sections [29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX) through [29-89](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-89EXDA) of the Code of Miami-Dade County; (b) if such development activity is located within a municipality the municipality has also granted a property tax exemption under the aforesaid Sections [29-81](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-81AUGREX) through [29-89](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-89EXDA); and (c) the feepayer has furnished all the documentation required by the County Planning and Zoning Director, in accordance with the provisions of the road impact fee manual and has executed a covenant running with the land, in a form approved by the County Planning and Zoning Director, obligating the feepayer, its successors and assigns to comply with the employee residency requirements of Sections [29-83](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-83SCTEEX)(a) and [29-84](../level3/PTIIICOOR_CH29TA_ARTXPRTAEXENZO.docx#PTIIICOOR_CH29TA_ARTXPRTAEXENZO_S29-84ELRE)(b) of the Code of Miami-Dade County for a minimum of five (5) years; or

(4) Any commercial or industrial development activity located within an area approved for tax increment financing in accordance with Chapter 30-A of the Code of Miami-Dade County as the same may be amended, in which the development activity has made specific expenditures from tax increment dollars for improvements to the collector or arterial roadway systems as identified in [Section 33E-12](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-12IMFEEX) of the Code of Miami-Dade County, as the same may be amended. The total amount of exemption shall not exceed the total expenditure from tax increment dollars for capacity improvements to the collector or arterial roadway system; or

(5) Any development activity for which the computed road impact fee amount is less than fifty dollars ($50.00); or

(6) Any house move originating within Miami-Dade County; or

(7) Any tie-down permit for a mobile home that was legally in place at the permit location on June 4, 1989, or any tie-down permit for which documentation is provided that a road impact fee has been previously paid for a mobile home at the same permit location; or

(8) Any alteration, replacement or expansion of an existing structure or the addition of an accessory building shall be exempted provided that the land use has not changed and no additional units are created and no additional vehicle trips are generated pursuant to tables 100 or 100-A in [Section 33E-8](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-8FECOADSC)

(e) If an exemption is sought pursuant to [Section 33E-14](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-14EXCR)(d)(1), (2), (3), and (4), road impact fees shall be paid prior to the issuance of the building permit. However, the feepayer shall be entitled to a refund pursuant to this chapter upon submitting a formal application for a refund to and receiving approval from the County Planning and Zoning Director, in accordance with the provisions of the manual. Application for a refund under this section shall be made within one (1) year of the issuance of a certificate of completion or certificate of occupancy for the building. Failure to apply for a refund by the feepayer, within the above-referred one-year period shall invalidate the right for a refund under this section. Notwithstanding the aforesaid, if an exemption is sought pursuant to [Section 33E-14](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-14EXCR)(d)(2), community development corporations as defined in Section 290.033(2), Florida Statutes (1991), and community-based organizations as defined in Section 420.602(4), Florida Statutes, that have received assistance from Miami-Dade County or the State of Florida in funding predevelopment costs to provide affordable housing to low and very low income families shall have the option of executing a covenant running with the land, in a form approved by the County Planning and Zoning Director, in lieu of payment of road impact fees prior to the issuance of the building permit. Joint ventures of either a community development corporation or a community based organization with a for-profit developer for the purpose of affordable housing development shall also have the right to execute the aforementioned covenant provided that the proposed affordable housing development for which an exemption is being sought has been approved by the Miami-Dade County Office of Community Development.

(f) The applicant shall submit a complete application for any exemption from Road impact fees prior to or concurrently with the building permit application. The applicant shall supply all documentation necessary to validate the requested exemption as outlined in the road impact fee manual along with any additional documentation that may be required by the County Planning and Zoning Director.

(Ord. No. 88-112, § 1(14), 12-6-88; Ord. No. 89-130, § 1, 12-19-89; Ord. No. 92-149, § 1, 12-1-92; Ord. No. 92-153, § 1, 12-15-92; Ord. No. 94-134, § 1, 6-21-94; Ord. No. 94-185, § 1, 9-22-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 96-116, § 1, 7-17-96; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 99-92, § 1, 7-27-99; Ord. No. 09-08, § 11, 1-22-09)

Sec. 33E-15. Appeals of administrative decisions.

Decisions of the County Planning and Zoning Director may be appealed by the feepayer to the County Developmental Impact Committee Executive Council. Appeals of the decisions of the Executive Council shall be to the Board of County Commissioners in accordance with procedures specified in the adopted impact fee manual.

If a feepayer wishes to appeal an administrative decision of the County Public Works Director, or of the County Planning and Zoning Director the feepayer shall first file a notice of administrative appeal on a form specified in the adopted impact fee manual with the Developmental Impact Committee Coordinator. All appeals shall be filed within thirty (30) days after the earlier of: (a) the issuance of a written decision by the Public Works Director or the Planning and Zoning Director; or (b) the Planning and Zoning Director's acceptance of payment of the road impact fee. The feepayer shall, when filing an appeal, submit a letter which provides a full explanation of the request, the reason for the appeal, and any supporting documentation.

The Developmental Impact Committee Coordinator shall schedule the appeal before the Executive Council as soon as practically possible. The Executive Council shall vote to affirm, reject or revise the decision of the County Public Works Director or of the County Planning and Zoning Director. The written decision of the Council shall be mailed certified mail, return receipt requested. Any appeal pursuant to subsection [33-314](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO)(c)(1) must be filed within thirty (30) days from the date of the receipt of the Council's written decision.

(Ord. No. 88-112, § 1(15), 12-6-88; Ord. No. 90-60, § 1, 6-19-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 26, 9-3-98; Ord. No. 09-08, § 12, 1-22-09)

Sec. 33E-16. Vested rights.

Nothing in this chapter shall limit or modify the rights of any person to complete any development for which a lawful building permit issued prior to the effective date of this chapter and on which there has been a good faith reliance and a substantial change of position.

(Ord. No. 88-112, § 1(16), 12-6-88)

Sec. 33E-17. Miami-Dade County Road Impact Fee Manual.

(a) In not less than sixty (60) days prior to the effective date of this chapter, a Miami-Dade County Road Impact Fee Manual (the impact fee manual) shall be proposed to the Board of County Commissioners for adoption by resolution. The impact fee manual shall be used for the administration of this chapter and shall contain the following:

(1) The independent fee calculation methodology relating to [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST)

(2) The independent study administrative cost provided for in [Section 33E-9](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-9FECOINST)(b);

(3) The standards and procedures for issuance of fee credits set forth in [Section 33E-14](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-14EXCR)(c); and

(4) The standards, procedures and other matters required to administer Sections [33E-7](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-7ROIMFEFO) through [33E-15](../level2/PTIIICOOR_CH33EROIMFE.docx#PTIIICOOR_CH33EROIMFE_S33E-15APADDE)

(b) The Mayor or designee shall periodically review the contents of the adopted road impact fee ordinance and the impact fee manual and, if appropriate, make recommendations for revisions to the adopted road impact fee ordinance and impact fee manual to the Board of County Commissioners. The Board of County Commissioners shall consider the recommended revision(s) to the Miami-Dade County Road Impact Fee Ordinance and the road impact fee manual at least once every twelve (12) months. The recommendations and the Commission's action shall ensure that the benefits to a fee-paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate share of the costs of mitigating road impacts, and the procedures for administering the impact fee process remain efficient.

(Ord. No. 09-08, § 13, 1-22-09)

FOOTNOTE(S):

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**Editor's note—** Ord. No. 88-112, § 1, adopted Dec. 6, 1988, created Ch. 33E, §§ 1—16, which provisions have been codified herein as sections 33E-1—33E-16. Section 5 of said ordinance provided as follows: "Section 7D [§ 33E-7(d)] of Chapter 33E of the Code of Metropolitan Miami-Dade County, Florida, as enacted by this ordinance shall become effective ten (10) days after the date of its enactment. The remainder of this ordinance shall become effective one hundred eighty (180) days after the date of its enactment. However, the implementation of this ordinance shall not precede the effective date of the adoption of the Road Impact Fee Manual set forth in Section 7D [§ 33E-7(d)], Chapter 33E of the Code of Metropolitan Miami-Dade County, Florida, as enacted by this ordinance." [(Back)](#BK_4A9424EBB3FE47C335E937FB83DBA70D)

**Cross reference—** Public works department, § 2-99 et seq.; construction; roads, bridges and causeways, etc., Ch. 9; subdivisions, Ch. 28; transportation administration rules and regulations, Ch. 30B; developments in incorporated areas creating County impact, Ch. 33A. [(Back)](#BK_4A9424EBB3FE47C335E937FB83DBA70D)