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Sec. 33J-1. Short title and applicability.

(a) This chapter [Ordinance Number 90-26] shall be known and may be cited as the "Miami-Dade County Fire and Emergency Medical Services Impact Fee Ordinance."

(b) This chapter shall be applicable to land development throughout the district including unincorporated Miami-Dade County and all municipalities served by the district.

(Ord. No. 90-26, § 2, 3-20-90)

Sec. 33J-2. Findings, conclusions and purpose.

(a) The provision of adequate fire and emergency medical service facilities is essential for the health, safety, and welfare of the public. The existing level of service (LOS) in Miami-Dade County provides for the prompt dispatch of fire and rescue task force of a size and composition appropriate to the land use occupancy type requiring the service, resulting in an approximate average response time within the district of six (6) minutes for the first arriving unit.

(b) Planning and census projections indicate that the population of the district will substantially increase during the next fifteen (15) years, resulting from new development.

(c) The increase in new development will directly and adversely impact the existing fire and emergency medical service network located within the district.

(d) In order to maintain adequate fire and rescue protection for the existing population and to accommodate the impact of the projected increase in population due to new development, the fire service network will have to be expanded.

(e) The sources of revenue presently available to Miami-Dade County will be inadequate to fund the entire cost of acquisition of additional fire rescue service property, the construction of fire rescue stations and the acquisition of capital equipment required to accommodate the impact of the new development.

(f) An adverse impact on the existing and future residents of Miami-Dade County would result without an impact fee to ensure adequate fire rescue service facilities to service the needs of new development. Therefore an impact fee sufficient to mitigate impacts of new development is necessary.

(g) All new development shall bear its proportionate share of the capital costs of new fire and emergency medical service facilities necessary for the protection of the public. The expenditure of funds generated by the fee paid by new development shall provide a benefit to the development generating the impact and paying the fees.

(h) For purposes of assuring that fees collected are used to mitigate impacts of new development, it is appropriate to divide the district into four (4) benefit zones. Funds collected from development occurring in one zone shall be expended to mitigate the impacts and to benefit the development occurring in that zone. Additionally, to the extent that new development in one zone impacts and receives benefit from any capital expansions and acquisitions in an adjacent zone due to alarm responses and dispatches in accordance with Miami-Dade Fire Rescue Department policy, funds from that zone may be expended up to six (6) miles in the adjacent zone. Further, funds shall be expended from each zone for growth-necessitated capital acquisitions and expansions to central response and support services to the extent that increased development within that zone produces impacts on and receives benefits from central response and support services.

(i) Nothing in this chapter shall be deemed to prohibit or restrict funding of fire and rescue facilities from additional revenue sources to enhance fire and emergency medical services.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-3. Rules of construction.

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

(b) For the purposes of administration and enforcement of this chapter, unless otherwise stated in this chapter, 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) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

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

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

(6) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either…or," the conjunction shall be interpreted as follows:

a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either…or" indicates that the connected items, conditional provisions, or events shall apply singly but not in combination.

(7) 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.

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

(Ord. No. 90-26, § 2, 3-20-90)

Sec. 33J-4. Definitions.

The definitions contained in Chapters 28 and 33, Code of Miami-Dade County, shall apply to this chapter except as otherwise provided in the following definitions:

(a) *Applicant* means the person who applies for a building permit or submits a plat or waiver of plat.

(b) *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.

(c) *Board* means the Board of County Commissioners of Miami-Dade County, Florida.

(d) *Building* means any structure having a roof entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening and erected for the purpose of providing support or shelter for persons, animals, things or property of any kind.

(e) *Building permit* means an official document or certificate issued by the Miami-Dade County Building Official or issued by a municipality within the district, authorizing the construction siting, or change of use of any building. For purposes of this ordinance, the term "building permit" shall also include tie-down permits for those structures or buildings, such as mobile homes, that do not require a building permit in order to be occupied.

(f) *City manager* means the chief administrative officer of a Miami-Dade County municipality.

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

(h) *Comprehensive Development Master Plan* (CDMP) means the comprehensive plan of Miami-Dade County adopted and amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Section 163.3161 et seq., Florida Statutes (1987).

(i) *Contribution in-lieu-of fee* includes, but is not limited to, a conveyance, dedication, construction, placement, delivery, or remittance, as the case may be, of land, buildings, improvements, fixtures, or personal property to Miami-Dade County in accordance with the requirements of this chapter.

(j) *Credit* means the value of past provisions as of the date they were made by new developments for the cost of existing or future capital improvements or dedications other than by payment of the impact fee required under this chapter.

(k) *Development activity, development* or *activity* means any activity for which a building permit is required pursuant to the Florida Building Code or any applicable Miami-Dade County or municipal ordinance.

(l) *Development of regional impact* means any development which because of its character, magnitude or location would have a substantial impact on the health, safety or welfare of the citizens of more than one (1) county.

(m) *Dwelling unit* means a building or portion of a building designed for or whose primary purpose is for residential occupancy, and which consists of one (1) or more rooms which are arranged, designed or used as living quarters for one (1) or more persons. Dwelling unit also includes mobile homes, motels, hotels, rooming houses or any such units converted to condominiums, servants' quarters or congregate living facilities as that term is defined by Section 400.402, Florida Statutes.

(n) *Encumbered* means monies committed by contract or purchase order in a manner that obligates Miami-Dade County to expend the funded amount upon delivery of goods, the rendering of services or the conveyance of real property provided by a vendor, supplier, contractor or owner.

(o) *Existing development* means the lawful land use physically existing as of the effective date of this chapter and any development or additional development for which the landowner holds a valid building permit as of the effective date of this chapter. Existing development shall also include that maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter.

(p) *Fair market value* means the most probable price in cash, terms equivalent to cash, or in other precisely revealed terms, for which the appraised property will sell in a competitive market under all conditions requisite to fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress. The appraised property shall show the fair market value of the site being dedicated at the time the dedication is proposed to be made.

(q) *Feepayer* means a person intending to commence a proposed development for which an impact fee computation is required under this chapter, 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.

(r) *Fire Director* means the Director of the Miami-Dade County Fire Rescue Department or his designee.

(r-1) *Director of the Department of Planning and Zoning* means the director of the Miami-Dade County Department of Planning and Zoning or his designee.

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

(t) *Fire impact fee schedule* or *impact fee schedule* means the table of impact fee per unit and or square foot of development used by the fire director in computing the fire impact fee pursuant to [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO)

(u) *Frontage* means distance of property measured along a road right-of-way.

(v) *Impact* means the effect of the new development including additional residential and nonresidential units on the fire and rescue emergency services in a given area.

(w) *Impact determination* means the cost related to the impact of the development of additional residential and nonresidential units as calculated pursuant to the formula contained herein.

(x) *Improvement* means any physical improvement related to property, construction costs of a fire rescue station or other facility, or acquisition of capital equipment that increases the capacity of fire rescue services.

(y) *Land valuation assumptions* means the fundamental assumptions and conditions to be used for an appraisal to determine fair market value of land.

(z) *Miami-Dade fire and emergency medical services impact fee manual* or *impact fee manual* means the document prepared by the County Manager and adopted by the Board of County Commissioners which contains information, sets forth procedures and implements policies essential to the administration of the impact fee procedure, all pursuant to the standards set forth in this chapter.

(aa) *Miami-Dade Fire and Rescue Service District* or *District* means the Miami-Dade Fire and Rescue Service District established by [Section 18-24](../level3/PTIIICOOR_CH18IMSPRPDI_ARTIIMIDEFIRESEDI.docx#PTIIICOOR_CH18IMSPRPDI_ARTIIMIDEFIRESEDI_S18-24CRCODI), Code of Miami-Dade County, and serving the unincorporated areas of Miami-Dade County and those municipalities participating in the District.

(bb) *Mixed use* means a group of different uses of land within a building or buildings for which a building permit or permits is/are sought.

(cc) *Nonresidential development* means any development not providing for residential dwelling units.

(dd) *Owner* means the person holding legal title to the real property.

(ee) *Performance security* means sufficient funds irrevocably committed by a legally acknowledged written instrument to secure complete performance of a contract or condition of a development order, developer's agreement or covenant, in a form acceptable to the Department of Planning and Zoning Director and approved by the County Attorney, including:

(1) Letter of credit;

(2) Surety bond; or

(3) Any other form of security comparable to (1) or (2) and acceptable to the Department of Planning and Zoning Director and approved by the County Attorney.

(ff) *Person,* for the purpose of this chapter, means individuals, partnerships, trusts, corporations, and all other legal entities authorized by the law of Florida to own and develop real property.

(gg) *Residential development* means any building or buildings designed to be used as dwelling units. Dwelling unit may be one (1) single-family dwelling unit or two (2) or more dwelling units in planned project or subdivision.

(hh) *Site* means a legally described parcel of property capable of development pursuant to applicable County or city ordinances and regulations.

(ii) *Unit(s) of development* means a quantifiable increment of development activity dimensioned in terms of dwelling units or other appropriate measurements contained in the impact fee schedule.

(jj) *Unincorporated areas* means any land in Miami-Dade County not lying within the boundaries of a municipality.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-5. Imposition of fire and emergency medical services impact fee.

(a) All development is deemed to create an impact and therefore create a demand for increase fire and rescue service capacity. As such, the cost of new facilities should be borne by new users to the extent new uses require new facilities. Therefore, building permits subject to Fire Rescue Impact Fee issued within one year after the effective date of this ordinance shall be obligated to pay seventy-six (76) percent for residential, ninety (90) percent for retail, ninety-four (94) percent for office, fifty-eight (58) percent for industrial, and fifty (50) percent for hospital of the computed fee as determined herein. All building permits subject to the Fire Rescue Impact Fee and issued more than one year after the effective date of this Ordinance shall be obligated to pay one hundred (100) percent of the computed fee as determined herein.

For building permits which expire or are revoked after the effective date of this chapter the feepayer shall be entitled to a refund of previously paid impact fees (see [Section 33J-13](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-13REIMFEPA)) provided that in the case of reapplication for permit, the impact fee in effect at the time of reapplication shall be paid.

No such building permit shall be issued by the County or any Miami-Dade County municipality within the District unless and until the feepayer has paid such impact fee, or presented adequate security for such impact fee, in a form permitted by this chapter and acceptable to the Department of Planning and Zoning Director, for a contribution in-lieu-of fee as provided in [Section 33J-7](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-7FISEIMCOFE). Payment of the fire impact fee or provision therefor pursuant to this chapter shall not prohibit a feepayer from initiating an independent fee computation study as provided for in [Section 33J-10](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-10FECOINST) herein.

(b) Notwithstanding the payment of a fire impact fee or provision of a contribution in-lieu-of fee in conjunction with land development activity, other State, Miami-Dade County and municipal development regulations may limit the issuance of building 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 allowable funding sources other than prior impact fee revenues.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 94-168, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-6. Fee computation formula.

(a) The feepayer shall pay a fire impact fee amount based on the formula set forth below. Such fee will be based on the capital costs of fire and rescue improvements required to serve the increased demand for fire and emergency medical service resulting from proposed new development activities, together with impact fee administrative costs. The formula to be used to calculate the fire impact fee shall be established as follows for each land use/occupancy type:

(1) NET CAPITAL COSTS (Total Capital Inventory of All Assets1, including land, less Outstanding Debt)

°

NUMBER OF FIRE AND RESCUE DISPATCHES PER YEAR2

=

NET FIRE AND RESCUE CAPITAL COST PER DISPATCH

(2) FIRE RESCUE DISPATCHES BY LAND USE TYPE PER YEAR3

°

TOTAL UNITS OF LAND USE BY TYPE OF USE3

=

FIRE/RESCUE DISPATCH PER YEAR BY LAND USE TYPE

(3) FIRE/RESCUE DISPATCH PER YEAR BY LAND USE TYPE

×

NET FIRE AND RESCUE CAPITAL COST PER DISPATCH

=

NET FIRE/RESCUE CAPITAL COST PER UNIT OF LAND USE BY TYPE OF LAND USE

+

4% GENERAL ADMINISTRATIVE CHARGE

=

FIRE AND RESCUE IMPACT FEE

The Fire Director shall employ the following schedule to compute the amount of the fee to be paid. The four (4) percent general administrative charge portion of the fee is nonrefundable.

|  |  |  |
| --- | --- | --- |
| Total Net Capital Cost (Net of outstanding debt) | | $261,612,4111 |
| Total fire rescue dispatches per year | | 203,9542 |
| Total net capital cost per dispatch | | $1,282.70 |
| Land Use/Occupancy Type | Dispatches per land use type per year3 | Cost Per Unit or per Square Foot |
| Residential | 0.25515 per unit | $327.29 per unit |
| Retail/Public Assembly | 0.00027 per sq. ft. | $0.35 per sq. ft. |
| Office | 0.00020 per sq. ft. | $0.26 per sq. ft. |
| Industrial/Warehouse | 0.00080 per sq. ft. | $1.06 per sq. ft. |
| Hospital/Nursing Home | 0.00061 per sq. ft. | $0.78 per sq. ft. |

1 Total Capital Asset Inventory, 2004, Miami-Dade County Fire Rescue Department.

2 Fire and Rescue Dispatches 2004, Miami-Dade County Fire Rescue Department

3 "Fire and Rescue Alarms by Property Class 2004," Miami-Dade County Fire Rescue Department. "Building Size by Property Class and Fire District, 2004," Miami-Dade County Property Appraiser. Statistical information supporting the calculation for the Fire and Rescue Impact Fee is contained in the Technical Memorandum on the Methods of Calculating an Updated Fire and Impact Fee prepared for Miami-Dade County by James C. Nicholas, P.H.D. dated August 13, 2005 which memorandum shall be on file with the Impact Fee Section of the Miami-Dade County Department of Planning and Zoning.

4 The cost per unit for residential land use/occupancy types and the cost per square foot for nonresidential land use/occupancy types shall be adjusted annually based on the Consumer Price Index and periodically adjusted based on bond indebtedness as outlined in [Section 33J-17](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-17PEUPFESC)

(b) The cost per unit or per square foot shall be multiplied by [1.04](../level2/PTICOAMCH_ART1BOCOCO.docx#PTICOAMCH_ART1BOCOCO_S1.04COCO) to accommodate the general administrative charge of four (4) percent.

(c) In the case of development activity involving a change of use 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 33J-4](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-4DE). 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.

(d) No impact fee payment shall be required for any development activity when the calculated fee is less than fifty dollars ($50.00).

(e) If the type of activity within a proposed or current development is not specified in the above impact fee schedule, the Fire Director shall use the activity most nearly comparable in computing the fee.

(f) In determining existing development activity, as defined in [Section 33J-4](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-4DE), and the units or square feet of proposed or existing development, the Fire Director shall use the building permit and certificate of use information contained in the building or zoning records of Miami-Dade County or of district municipalities or other governmental agencies.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 94-168, 9-13-94; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-7. Fire service impact contributions in-lieu-of fee.

(a) The feepayer shall have the option, as a full or partial alternative to paying the capital equipment portion of the impact fee as required herein, to dedicate an amount of fire rescue property, fire rescue station construction, fire rescue apparatus or other capital equipment in those instances where the Fire Director determines after a review of applicable siting, facilities and capital equipment criteria and requirements that such alternatives are appropriate. All such contributions shall be deemed contributions in-lieu-of fee.

All contributions in-lieu-of fee shall be in accordance with the current Six (6) Year Capital Fire Rescue Improvement Program as adopted annually by the Board of County Commissioners. Such contributions in-lieu-of fee shall be credited against the capital equipment portion of the impact fee in the amount determined by the Fire Director.

The Fire Director's review of applications for contributions in-lieu-of fee shall be based on factors including, but not limited to, the need for real property, fire rescue stations or equipment to meet new growth, and timing of development.

(b) The Fire Director shall review all offers of dedication of real property to determine whether the property is of suitable size, dimension, topography and general characteristics to serve as a fire rescue station site or other fire rescue facility. In determining whether to accept the dedication, the Director shall consider the following factors:

(1) The size and condition of land:

a. *Site requirements*: Each proposed fire rescue station site should be a minimum of one and one-half (1½) acres in size. Each site should accommodate a minimum of a two-bay fire rescue station consisting of approximately two hundred fifty (250) feet of frontage and two hundred fifty (250) feet of depth. The site should be located within a quarter mile of the intersection of two (2) arterial streets or an arterial and a major collector or two (2) major collectors. It should have frontage on an arterial or major collector street. The site to be dedicated should form a single parcel of land except when the Fire Director's review determines that two (2) or more parcels would be in the best public interest. It should be in a configuration permitting large fire rescue service vehicles a sufficient turning radius and located in an area suitable for development as determined by the Fire Director. No part of the site should be located within a designated conservation or preservation area as designated in the CDMP. A site proffered for district needs other than a fire rescue station may be considered on a case-by-case basis.

b. *Suitability for building*: Soil and subsoil test boring results and certifications should be furnished at the feepayer's cost. Soil and fill should be suitable with minimal site preparation for construction of fire rescue station and driveways for large fire rescue vehicles. Certification of hazardous materials tests as required by the Fire Director shall be furnished at feepayer's costs.

c. *Utilities and required improvements:* Electrical, water and wastewater services should be available or provided to the County and should meet all applicable State and local regulations. Feepayer should provide commitments by all providers of utility services before acceptance of the property by the County or issuance of any building permit for the development for which the contribution in-lieu-of fee is being made. All utilities should be in place or adequate security provided therefor. Utilities must be at the perimeter of the site and should include roads, walks, curbs, water lines, sewer lines, electric service lines, and telephone service lines. All utilities should be of sufficient quality and quantity to adequately service the site.

(2) If, after the application of the above stated review criteria, the Fire Director determines that it is appropriate to accept the offer of dedication of fire rescue service property, then the feepayer shall dedicate the property either within ninety (90) days of the date of approval, or as otherwise specified in a recordable agreement or covenant running with the land. Any such agreement or covenant shall be recorded prior to the issuance of the first building permit on the development for which the contribution is being made. All such agreements and covenants shall identify the land, facilities and timing of the dedication. The Fire Director shall determine the timing of dedication based on the County's present needs and availability of service.

(3) Land dedications shall be made by plat and deed.

(4) Contributions of land shall be valued as of that time that marketable title in fee simple absolute is conveyed to the County, free of encumbrances, with such documentation and requirements as may be set by the Board of County Commissioners and the Fire Director for the acceptance of real property.

(5) All improvements provided by the feepayer in lieu of an impact fee or any portion thereof shall become the sole property of Miami-Dade County upon completion and acceptance by the County.

(c) A contribution in-lieu-of fee may also be accomplished by constructing a fire rescue station or other fire rescue facility either on property dedicated by the feepayer or on County-owned property within the Fire Rescue Service Benefit Zone serving the development for which the impact fee is being paid. The fire rescue station must be constructed in accordance with the Miami-Dade Fire Rescue Department service standards and specifications. The Fire Director shall review and approve the construction plan and shall establish the construction time frame. An offer by a feepayer to construct fire rescue improvement contributions in-lieu-of fee must be accompanied by plans in sufficient detail to permit the Fire Director to determine that Miami-Dade Fire Rescue Department design standards will be satisfied and to determine the cost of such improvements.

(d) A contribution in-lieu-of fee may also be accomplished by the donation of fire rescue apparatus or other capital equipment for an existing or proposed fire rescue station or other fire rescue facility of type and quality in accordance with the Miami-Dade Fire Rescue Department standards and specifications for planning, siting, construction, apparatus and capital equipment, as well as those standards established by this chapter. If this alternative is selected and approved by the Fire Director, the feepayer shall, in conjunction with the Fire Director, develop an acquisition plan. The acquisition plan shall detail the items to be purchased and establish purchase specifications in accordance with Miami-Dade Fire Rescue Department service standards and specifications. The acquisition plan shall also establish a time frame for purchase and delivery. Contributions of personal property shall be valued as of the time of delivery to the County of title or bill of sale absolute.

(e) When proposed contributions in-lieu-of fee are not consistent with standards set forth by the Miami-Dade Fire Rescue Department, the Fire Director shall reject the offer of contributions in-lieu-of fee. If a proposed contribution in-lieu-of fee is rejected, the Department of Planning and Zoning Director shall state in writing the reasons for the rejection. Any appeal from such a decision of the Fire Director shall be reviewed by the Developmental Impact Committee Executive Council pursuant to the procedures set forth in [Section 33J-14](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-14APADDE) and in the impact fee manual.

(f) With the approval of the Fire Director, the feepayer may post with the County a surety bond, letter of credit, or other security acceptable to the Fire Director and approved by the County Attorney for purposes of guaranteeing the completion of required construction or contribution within the required time frames.

(g) If the Fire Director does not accept the offer of dedication of property, construction of a fire rescue station or donation of capital equipment, then the feepayer shall be required to pay a specific impact fee amount in accordance with [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO)

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 94-168, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-8. Exemptions.

(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 rescue 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 fire and emergency medical services 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) All development activity which is subject to an existing development of regional impact development order (D.O.) adopted pursuant to Chapter 380, Florida Statutes, approved prior to the effective date of this chapter, shall be exempt in its entirety from this chapter, with regard to development approved by such development order, unless otherwise provided for in the current development order. This exemption provision does not apply to those development orders which 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 such additional development constitutes a substantial deviation under Chapter 380, Florida Statutes.

(c) Alteration, expansion or replacement of an existing building or unit where the use is not changed and the number of units or square footage is not increased shall not be subject to the impact fee. The burden of demonstrating the previous existence of a use or structure or previous payment of impact fees shall be upon the feepayer. In cases where there is an existing use, any additional fees shall be based upon the alteration to the existing use or structure.

(d) The construction of accessory buildings or structures where the use is not changed, such that an additional impact does not result and the number of units or square footage is not materially increased, is exempt.

(e) A building replacement meeting the requirements of Section 104.3(D), South Florida Building Code (replacement necessitated by partial destruction) is exempt.

(f) The issuance of a tie-down permit on a mobile home on which the impact fee has been paid is exempt.

(g) Parking garages are exempt from the impact fees when the structure is accessory to a primary use structure.

(h) The following development shall be exempt from the requirement that impact fees be paid, subject to an application by the feepayer to the Department of Planning and Zoning Director and a determination by the Department of Planning and Zoning Director that the proposed development activity is consistent with the CDMP and fits within one (1) or more of the following categories:

(1) Any residential development activity, or portion thereof, which provides affordable housing as defined in the "Florida Affordable Housing Act of 1986," Section 420.602(3)(a) or (b), Florida Statutes, (1987) and amendments thereto.

(2) Any commercial or industrial development activity located within an existing designated enterprise zone as defined in Section 290.004(1)(a), Florida Statutes (1987), and amendments thereto, 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) when 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 Department of Planning and Zoning Director, in accordance with the provisions of the manual. Development activity meeting these criteria shall receive, upon application for and confirmation of tax exemption, an impact fee refund.

(3) Any commercial or industrial development activity located within an area which has been approved for tax increment financing in accordance with the Code, where specific expenditures from tax increment dollars have been allocated for fire and emergency medical services capital acquisition, expansion and improvements as identified in [Section 33J-12](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-12IMFEEX)(a). The total amount of exemption shall not exceed the total expenditure from tax increment dollars for fire and emergency medical services capital acquisition, expansion and improvements.

(i) An exemption must be claimed by the feepayer prior to paying the impact fee. Any exemption not so claimed shall be deemed to have been waived the feepayer. If an exemption is sought pursuant to [Section 33J-8](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-8EX)(g)(1), (2), or (3) 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 Department of 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 later of: (1) the effective date of this ordinance or (2) the issuance of a certificate of completion or a certificate of use 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 33J-8](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-8EX)(g)(1), community development corporations (CDC) as defined in Section 290.033(2) [Florida Statutes] and community-based organizations (CBO) as defined in Section 420.602(5), Florida Statutes (1991) 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 Department of Planning and Zoning Director, in lieu of payment of impact fees prior to the issuance of the building permit. Joint ventures of either a CDC or CBO with a for-profit developer, whose proposed affordable housing development has been approved by the Miami-Dade County Office of Community Development, shall also have the right to execute the aforesaid covenant.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 92-153, § 2, 12-15-92; Ord. No. 94-168, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-9. Credits.

(a) Credits for up to the full amount of the impact fee less the administrative portion of the fee shall be given by the Fire Director for contributions or payments toward fire and emergency medical services capital and facilities 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 final legislative or administrative action approved prior to the effective date of this chapter. Credit shall be limited to the extent of monies paid or the fair market value of contributions in kind as of the time of the contribution. Any claim for credit pursuant to this section must be filed with the Fire Director and shall be in accord with the standards and procedures for issuance of credits provided in the impact fee manual. A credit shall be considered only for those properties encompassed by the previous development order or action.

Any feepayer claiming such credit shall present documentation and any other evidence of the value of the land or the other contribution as of the time of the contribution. Such documentation and evidence shall be considered by the Fire Director in determining the amount of credit to be given toward the impact fee. The Fire Director shall be guided by the criteria set forth in the impact fee manual. No refunds shall be made under this section. Any appeal from the Fire Director's determination of the amount of credit shall be to the Developmental Impact Committee Executive Council pursuant to the procedures set forth in this chapter and in the impact fee manual.

(b) The feepayer shall, at the time the application for credit is submitted to the Fire Director, pay to the Planning and Zoning Department the charge for applications for credit set forth in the impact fee manual. That administrative charge shall be used by the County solely for the processing and review of the application for credit. The amount of the administrative charge shall not be credited against the impact fee.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 92-123, § 1, 10-13-92; Ord. No. 94-168, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-10. Fee computation by independent study.

(a) The feepayer may elect, prior to or within thirty (30) days after paying the schedule impact fee calculated pursuant to [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO), to utilize an independent fee computation study. Such study shall calculate the fee pursuant to the formula set forth in [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO). The feepayer shall provide the Fire Director notice of intent to utilize an independent fee computation study prior to or within thirty (30) days of the issuance of any building permit on the property for which a fire impact fee is due. Independent fee computation studies initiated after the notice of intent is filed shall be completed and submitted to the Fire Director within three (3) months after the notice is filed. Nothing in this section shall allow a building permit for development activity to be issued without the payment of the fire impact fee.

(b) If the feepayer elects to utilize an independent fee computation study, the feepayer shall, at his own expense, prepare and present to the Fire Director a study that documents the basis upon which the value of each of the components of the fee formula set forth in [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO) were determined. The burden shall be upon the feepayer to provide the data, analysis, and reports necessary for the Fire Director to make a determination. The analysis and report must be based on the formula set forth in this chapter.

(c) The feepayer shall, at the time the independent fee computation study is submitted to the Fire Director, pay to the Department of Planning and Zoning Director a nonrefundable independent study administrative charge in the amount set forth in the impact fee manual. That administrative charge shall be used by the County solely for the processing and review of the independent fee calculation study. The amount of the administrative charge shall not be credited against the impact fee.

(d) The Fire Director shall determine whether the independent fee computation study accomplishes the following:

(1) Adheres to the impact fee formula set forth in [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO)

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

(3) Is prepared by a qualified person as defined in the impact fee manual.

(e) Upon approval of the independent fee calculation study by the Fire Director, based on his determination that the conditions described in [Section 33J-10](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-10FECOINST)(d) are fully met, the feepayer shall pay the amount of the fee so computed and be entitled to a refund of any amount previously paid in excess thereof.

(f) Should the Fire Director determine that the conditions described in [Section 33J-10](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-10FECOINST)(d) are not fully met by the independent fee study, he shall issue a letter by certified mail, return receipt requested, to the feepayer stating the deficiencies and his intent to reject to independent fee calculation study in whole or in part unless the deficiencies are corrected. If the Fire Director determines that the deficiencies in the independent fee study have not been corrected within sixty (60) days from the date his letter of intent is mailed, he shall issue a letter rejecting the independent fee study.

(g) Any appeal from a decision of the Fire Director to reject and independent fee study shall be filed in accordance with [Section 33J-14](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-14APADDE)

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98)

Sec. 33J-11. Benefits, zones and trust funds.

(a) There are hereby created and established four (4) fire rescue service impact zones. The geographic location of these zones is reflected on Attachments "A" and "B," which exhibits are incorporated into and made a part of this chapter by reference. If in conflict, the boundary descriptions in Attachment "B" shall take precedence.

(b) A separate interest-bearing trust account shall be established for each benefit zone. All impact fees collected shall be promptly deposited into the proper trust account, except for general administrative costs paid pursuant to [Section 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO)(b), which shall be deposited into a separate Department of Planning and Zoning operating account for the sole purpose of administering the impact fee. Impact fees collected by municipalities pursuant to this chapter shall be transmitted to the County at the end of each fiscal quarter except for the portion of the general administrative cost designated for retention by the municipality.

(c) Expenditures from each fund shall be limited to the acquisition, expansion or improvement of real property, capital facilities or equipment made necessary by the new development from which the fees were collected or for principal and interest payments (including sinking fund payments) on bonds or other borrowed revenues used to acquire, expand or improve such facilities or equipment necessitated to mitigate the impact of and provide benefit to new development. As provided in [Section 33J-12](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-12IMFEEX)(f), funds collected in one (1) benefit zone may be expended in an adjacent benefit zone up to a distance of six (6) miles, based on fire/rescue alarms and dispatches made pursuant to Miami-Dade Fire Rescue Department policy and mutual response patterns between zones. As provided in [Section 33J-12](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-12IMFEEX)(e), funds can be expended on acquisition, expansion or improvement of capital facilities and equipment for central response and support services made necessary by new development in proportion to the impact on central response and support services made by new development.

(d) A financial and management report on the impact fee trust funds shall be provided annually by the Fire Director to the County Manager within one hundred twenty (120) days of the end of the fiscal year.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 94-168, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-12. Impact fee expenditures.

(a) Expenditures from the impact fee shall include but not be limited to:

(1) Planning, design and construction plan preparation;

(2) Permitting and fees;

(3) Land and materials acquisition, including any costs of acquisition or condemnation;

(4) Relocation of utilities required by the construction of improvements and additions to fire rescue facilities;

(5) Design and construction of new drainage facilities required by the construction of improvements and additions to fire rescue facilities;

(6) Landscaping and site preparation, including demucking, filling to flood criteria and compaction;

(7) Construction management and inspection;

(8) Surveying, soils and materials testing and removal of hazardous and solid waste materials;

(9) Acquisition of capital equipment for fire rescue services including the acquisition of systems, tools and machines related to new development that allow fire rescue service tasks to be performed in a more efficient manner.

(10) Repayment of any monies transferred or borrowed from any budgetary fund of the County subsequent to the effective date of this chapter, which were used to fund any of the growth-necessitated improvements as herein provided. Any funds that are borrowed shall be spent only to mitigate the impact of new development;

(11) Compliance with the provision of "Art in Public Places" if such compliance is necessitated by facility development;

(12) Purchase of land for additional fire rescue stations and support facilities needed to accommodate new growth;

(13) Design and construction of additional fire rescue stations and other facilities or design and improvement of existing fire rescue stations and other facilities needed to accommodate new growth;

(14) Purchase of fire rescue apparatus and other capital equipment for stations affected by new growth.

(b) The four (4) percent general administrative cost portion of the impact fee shall be deposited into the operating account of the Department of Planning and Zoning and shall be used solely to pay the costs of administering the impact fee.

(c) A collecting municipal governmental unit shall be entitled to thirty (30) percent of the four (4) percent general administrative cost portion of the impact fee collected within the municipality to compensate it for the administrative expense of collecting and administering its responsibilities under this ordinance and under agreements with the County detailing such responsibilities. The remainder of the four (4) percent general administrative cost portion of the impact fee shall be used by the Department of Planning and Zoning for the further administration of this chapter.

(d) Trust account funds shall be deemed expended in the order in which they are collected. Procedures to be used in scheduling the expenditure of impact fee trust funds shall be set forth in the impact fee manual.

(e) Monies, including any accrued interest, not encumbered in any fiscal period shall be retained in the trust funds until the next fiscal period except as provided by the refund provisions of this chapter.

(f) To the extent that new development impacts adjacent zones due to fire and rescue alarms and dispatches made pursuant to Miami-Dade Fire Rescue Department policy and mutual response patterns, and receives benefit from growth-necessitated capital acquisitions, expansions or improvements occurring in adjacent zones, funds collected in one (1) benefit zone can be expended on growth-necessitated capital expansion in adjacent zones up to a distance of six (6) miles to mitigate new development impact between zones.

(g) To the extent that new development impacts central response and support services and receives benefit from growth-necessitated acquisition, expansion or improvement of capital facilities and equipment, funds can be expended from each benefit zone to mitigate the impact of new development on central response and support services in proportion to the impact made and funds collected.

(h) If a refund is required under this chapter, it shall be paid out of revenues collected hereunder.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 94-168, § 1, 9-13-94; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 07-58, § 1, 4-24-07)

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

(a) If a building permit encompassing feepaying development expires or is revoked, the feepayer may request from the Planning and Zoning Director a refund of the impact fee paid. However, the County and any designated collecting city 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. No refund shall be provided for impact fees deemed expended pursuant to [Section 33J-12](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-12IMFEEX)(d), for the cost of completed improvements contributed in-lieu-of fee or if no timely claim is made. Funds shall be deemed expended for purposes of this chapter when a contract or agreement encumbering all or a portion of the payment of said funds shall be approved by final County action.

(b) Any impact fee trust funds not expended by the end of the fiscal quarter immediately following six (6) years from the date of the fee was paid shall be returned to the feepayer by the Planning and Zoning Director with accrued interest; provided however, that this subsection shall not apply to developments of regional impact with phased or long term build-out.

(c) If no claim is made within the time period prescribed by this chapter for the money eligible for refund, then said money shall be returned to the appropriate trust fund described in [Section 33J-11](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-11BEZOTRFU) and shall be utilized for the purposes described in [Section 33J-12](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-12IMFEEX). For the purpose of refunds under this section, monies collected shall be deemed to be spent or encumbered for expenditure on the assumption that the first money placed in the appropriate trust fund shall be the first money taken out of the fund when withdrawals are made.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98)

Sec. 33J-14. Appeal of administrative decisions.

(a) Except as otherwise provided in this chapter, decisions of the Fire Director or of the Planning and Zoning Director under this chapter may be appealed by the feepayer to the developmental impact committee executive council. Appeals of the decisions of the Developmental Impact Committee Executive Council shall be to the Board of County Commissioners in accordance with procedures specified in [Section 33-314](../level3/PTIIICOOR_CH33ZO_ARTXXXVIZOPR.docx#PTIIICOOR_CH33ZO_ARTXXXVIZOPR_S33-314DIAPAPCOCO). The written decision of the Council shall be mailed certified mail, return receipt requested. Any appeal shall be filed within thirty (30) days from the date of receipt of the Council's written decision.

(b) If a feepayer wishes to appeal an administrative decision of the Fire Director or of the Planning and Zoning Director, the feepayer shall first file a notice of administrative appeal on a form specified in the impact fee manual with the Developmental Impact Committee Coordinator. All appeals shall be filed within thirty (30) days of the issuance of a written decision of the Fire Director or of the Planning and Zoning Director and shall be accompanied by 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 Developmental Impact Committee Executive Council as soon as practically possible. The Developmental Impact Committee Executive Council shall vote to affirm, reject or revise the decision of the Fire Director or of the Planning and Zoning Director.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98)

Sec. 33J-15. Fire impact fee and periodic review.

(a) The impact fee manual shall be used for the administration of this chapter. The impact fee manual shall contain the following:

(1) The procedure for the designation by the County of municipal staff to administer any part of the impact fee process or procedure pertaining to municipalities participating in the District. Such designation procedure shall be implemented through memoranda of agreement between the County and these municipalities. The impact fee manual shall further detail the specific procedure for entering into such memoranda of agreement.

(2) The methodology for independent fee calculation provided by [Section 33J-10](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-10FECOINST)

(3) The independent study administrative fee provided for in [Section 33J-10](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-10FECOINST)(c).

(4) The standards and procedures for issuance of credits as set forth in [Section 33J-9](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-9CR)

(5) The standards, procedures and other matters required to administer Sections [33J-4](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-4DE) through [33J-16](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-16VERI)

(b) The County Manager shall review the contents of this chapter and impact fee manual annually and, if appropriate, make recommendations to the Board of County Commissioners for revisions to the chapter and impact fee manual. The purpose of this review is to 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 fair share of the costs of mitigating fire and emergency medical service impacts of new developments, and that the procedures for administering the impact fee remain efficient. Additionally, within one hundred twenty (120) days from the date of the end of the fiscal year, the Office of Capital Improvements shall submit to the County Manager a financial and management report on the impact fee trust funds. No later than thirty (30) days after submission of the report, the County Manager shall conduct a public meeting, for the purpose of presenting the report and receiving public comment on the report as well as the impact fee program. This meeting shall be advertised at least seven (7) days in advance in a newspaper of general circulation. No later than thirty (30) days after the public meeting, the County Manager shall schedule the report, which shall serve as the County's Annual Impact Fee Report, for the Board of County Commissioner's consideration. The County Manager shall provide a companion report to the Board advising of any County Manager recommended impact fee program changes and detailing comments received from the annual impact fee public meeting.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-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 was 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. The Planning and Zoning Director, upon application by the feepayer, shall determine the extent of the applicability of vested rights. Appeal of the Planning and Zoning Director's determination shall be to the Development Impact Committee Executive Council in accordance with [Section 33J-14](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-14APADDE) and [Section 2-114.1](../level3/PTIIICOOR_CH2AD_ARTXVDEPLDERE.docx#PTIIICOOR_CH2AD_ARTXVDEPLDERE_S2-114.1ADRETAVERICL), Code of Miami-Dade County.

(Ord. No. 90-26, § 2, 3-20-90; Ord. No. 95-215, § 1, 12-5-95; Ord. No. 98-125, § 30, 9-3-98; Ord. No. 07-58, § 1, 4-24-07)

Sec. 33J-17. Periodic Update of Fee Schedule.

(1) The County Manager shall annually adjust the fire impact fee schedule provided in [Sec. 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO) above by indexing the schedule to inflation as defined by the Consumer Price Index (CPI) - All Urban Consumers for the United States, published by the United States Department of Labor, Bureau of Labor Statistics. The first indexing calculation adjustment shall occur during the 2006-2007 County budget year using the difference in Consumer Price Index figures for calendar years 2005 and 2006. The adjusted Impact Fee Schedule shall be on file with the Department of Planning and Zoning, Impact Fee Administration Office.

(2) Unless otherwise directed by the County Commission, any adjustments to the fire impact fee, made pursuant to this section, shall be effective the first of October each calendar year.

(3) If the index is changed by the United States Department of Labor so that the base year is different, the index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics.

(4) If the index is discontinued or revised, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the index had not been discontinued or revised.

(5) The County Manager shall periodically adjust the fire rescue impact fee schedule provided in [Sec. 33J-6](../level2/PTIIICOOR_CH33JFIEMMESEIMFE.docx#PTIIICOOR_CH33JFIEMMESEIMFE_S33J-6FECOFO) above by providing credit in the fire impact fee formula for any outstanding debt from General Obligation Bonds issued to finance capital projects for fire rescue purposes which meet needs generated by population growth and development.

(Ord. No. 07-58, § 2, 4-24-07)

FOOTNOTE(S):

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**Cross reference—** County fire department, § 2-181 et seq.; ambulances and medical transportation vehicles, Ch. 4; fire prevention, Ch. 14; Metro-Miami-Dade Fire and Rescue Services District, § 18-24 et seq. [(Back)](#BK_3A3881A295FC9400462B0FA1009208B3)