OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

07-58 1

(Second Reading 04-24-07)

Date: November 28, 2006

Amended
Agenda Item No. 7(D)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Proposed Amendment to Section 33J of the Miami-Dade County Code, pertaining to Fire Rescue Services Impact Fee

O#07-58

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that amends Chapter 33J of the Miami-Dade County Code, pertaining to Fire Rescue Services Impact Fees.

BACKGROUND

On March 20, 1990, County Ordinance No. 94-169 was adopted, requiring payment of an impact fee based on a specific formula designed to mitigate the additional service-related demands that new development and associated population growth place on the Miami-Dade Fire Rescue Department (MDFR). The impact fee was levied on all new residences and businesses within unincorporated Miami-Dade County and all municipalities served by the district via the building-structural permitting process. To better administer and enforce the Ordinance, update the fee schedule in effect since 1994 and to update language, MDFR staff has worked with the County-contracted consultant Dr. James Nicholas, the County Attorney's Office, the Department of Planning and Zoning, and members of the South Florida Building and Latin Builders Associations to prepare the attached proposed revisions. As part of this effort, MDFR met with the South Florida Building and Latin Builders Associations on several occasions to discuss, and reached a consensus towards proposed changes.

- Chapter 33J Cross references: Change reflects the renaming of the Metropolitan Miami-Dade County Fire Department and/or Fire Department to the Miami-Dade Fire Rescue Department [hereinafter "renaming of MDFR"].

- Chapter 33J-2 Findings, conclusion and purpose: Change reflects any reference preceded by the word fire to be succeeded by the word rescue.

- Chapter 33J-4 Definitions: Change reflects the renaming of the Metropolitan Dade County to Miami-Dade County. (j) Change language concerning credit to reflect value of past provisions at the time provision was made. (k) Eliminate the word South from the Florida Building Code since code is the same for the entire State. (p) Change language of fair market value to include a timeframe to estimate the value. (t) Include the square foot as the measurement to calculate impact fee for non-residential developments. (x) Change reflects any reference preceded by the word fire to be succeeded by the word rescue and change of language concerning acquisition of capital equipment that increases the capacity of fire rescue services.

- Chapter 33J-5 Imposition of fire and emergency medical services impact fee: Change reflects the renaming of the Metropolitan Dade County to Miami-Dade County. Change reflects the two (2) year phase in of the Fire Rescue Impact Fee schedule.

  Chapter 33J-6 Fee computation formula: (a) All variables have been updated to ensure accuracy. Explanatory footnotes updated accordingly. Provision in impact fee formula revised

to reflect the more general language included in proposed subsection 33J-17 Periodic update of fee schedule.

- 33J-7 Fire service impact contributions in-lieu-of fee: Change reflects any reference preceded by the word fire to be succeeded by the word rescue.

- 33J-8 Exemptions: Change reflects the renaming of the Metropolitan Dade County to Miami-Dade County. Change reflects any reference preceded by the word fire to be succeeded by the word rescue.

- 33J-9 Credits: Change language concerning credit to reflect value of contributions as the value it had at the time the contribution was made.

- 33J-11 Benefits, zones and trust funds: Change reflects any reference preceded by the word fire to be succeeded by the word rescue.

- 33J-12 Impact fee expenditures: Change reflects any reference preceded by the word fire to be succeeded by the word rescue. (9) Change specifically authorizes purchase of capital equipment that would allow fire rescue services to be provided in a more efficient manner.

- 33J-15 Fire Impact Fee and periodic reviews: Change adds a required annual public meeting on the Fire Rescue Services Impact Fee and a subsequent report to the Board of County Commissioners.

- 33J-16 Vested rights: Change reflects the renaming of the Metropolitan Dade County to Miami-Dade County.

- 33J-17 Periodic update of fee schedule: This subsection has been added to adjust the impact fee schedule each County budget year following the Consumer Price Index figures for previous calendar years. This change will help to ensure that impact fees reflect the current market and that MDFR has resources to respond to increasing growth-related service demands.

The proposed amendments to the Miami-Dade County Code will facilitate the administration and enforcement of the fire rescue services impact fees in Miami-Dade County. The Fire Rescue Impact Fee schedule will be phased in over a two (2) year period. For the first year, the current fee will be increased by 50 percent of the net change and the full increase will be charged in the second year. Table I illustrates the proposed rate of increase. To implement this rate, the fire impact fees issued within one year after the effective date shall be obligated to pay 76 percent for residential, 90 percent for retail, 94 percent for office, 58 percent for industrial and 50 percent for hospital of the computed fee as determined by the proposed amendments. All fire impact fees issued more than one year after the effective date of the proposed ordinance shall be obligated to pay one hundred percent (100 percent) of the computed fee as determined by the proposed amendments.

TABLE 1
Miami-Dade Fire Rescue Department
Proposed Changes to Fire Impact Fee Schedule
Implementation Schedule

Current Land Use*	Current Fee**	Proposed Land Use	Proposed Fee Increase (year one)***	*Total* Proposed Fee Increase (year two)
Single Family Residence (SF)	$169.93	Residential (Combined SF & MF)	$248.61	$327.29
Multi-Family (MF) Residence	$180.18			
Hotel	$0.37	(Combined with Retail)		
Retail/Public Assembly	$0.28	Retail/Public Assembly/Hotel	$0.31	$0.35
Office	$0.23	Office	$0.24	$0.26
Industrial/ Warehouse	$0.16	Industrial/ Warehouse	$0.61	$1.06
		Hospital/Nursing Home (previously under Retail)	$0.39	$0.78

*Does not include the 4% administrative fee
**Fees are included as cost per unit (residential use) and per square foot for non-residential use
***South Florida Building and Latin Builders Associations requested a two year phase in of the proposed fee. Two-year phase in does not include the 4% administrative fee.

FISCAL IMPACT STATEMENT

Fire Rescue impact fees have not been raised since 1994. The amount of Fire Rescue impact fees collected on an average single family detached residence today is $169.93 (the same as in 1994). The average revenue collection from impact fees for the past five fiscal years is $2,953,371. During that same time frame, impact fees have financed the completion of the following fire rescue stations: Saga Bay No. 55, West Sunset No. 56, Redland No. 60 and a temporary trailer for Miami Lakes West No. 64. If the proposed changes are approved, the new Fire Rescue Impact Fee collected on the same average single family detached residence would be $248.61 for the first year, and the full increase of $327.29 for the second year. The proposed two year phased increase is needed to mitigate today's fire rescue services costs brought about by new development and associated population growth. MDFR estimates that new residential developments represent 88 percent of total impact fee collection. Based on this 88 percent residential development, we estimate that the net revenue increase for the first year will be $1,575,370 and $3,150,541 for the second year on residential land use developments alone. Data for non-residential development is aggregated and does not allow for a net revenue estimate per non-residential land use type.

Susanne M. Torriente
Chief of Staff/Assistant County Manager

07-581

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: April 24, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Amended Agenda Item No. 7(D)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

>>rescue<< service facilities to service the needs of new development. Therefore an impact fee sufficient to mitigate impacts of new development is necessary.

* * *

(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.

* * *

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:

* * *

(j) Credit means the [[~~present~~]] 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 [[~~South~~]] Florida Building Code or any applicable Miami-Dade County or municipal ordinance.

* * *

(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. <<

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(D)
04-24-07

ORDINANCE NO. 07-58

ORDINANCE PERTAINING TO FIRE AND EMERGENCY MEDICAL SERVICES IMPACT FEE; AMENDING CHAPTER 33J OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (CODE); CREATING SECTION 33J-17 OF THE CODE; MODIFYING FIRE AND EMERGENCY MEDICAL SERVICES IMPACT FEE FORMULA; PROVIDING FOR AUTOMATIC ADJUSTMENT OF FEE BASED ON CONSUMER PRICE INDEX AND ANNUAL PUBLIC COMMENT ON IMPACT FEE REPORT; PROVIDING APPLICABILITY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Sections 33J-2, 33J-4 through 33J-9, 33J-11 through 33J-12, and 33J-15 of the Code of Miami-Dade County, Florida, are hereby amended to read as follows:[1]

* * *

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

* * *

(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

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Rescue Impact Fee and issued more than one year after the effective date of this Ordinance shall be obligated to pay one hundred percent (100%) of the computed fee as determined herein.<< [[~~However, any application for a building permit where the required fire and emergency medical service impact fee payment is made prior to October 1, 1994 shall not be subject to this ordinance amending Chapter 33J of the Code of Metropolitan Miami-Dade County provided said building permits are issued prior to January 29, 1995.~~]]

* * *

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 OF DISTRICT~~
~~(total capital costs of District less 4% credit for capital revenue sources other than the fire impact fee)~~
~~X~~
~~PERCENTAGE OF CAPITAL COSTS REQUIRED FOR LAND USE/OCCUPANCY TYPE~~
~~(total fire/rescue apparatus dispatched for land use/occupancy type divided by total fire/rescue apparatus dispatched in District)~~
=
~~NET CAPITAL COSTS FOR LAND USE/OCCUPANCY TYPE~~

~~(2) NET CAPITAL COSTS FOR LAND USE/OCCUPANCY TYPE~~
~~÷~~

~~TOTAL UNITS OF LAND USE/OCCUPANCY TYPE IN DISTRICT~~
~~(or square feet in nonresidential land use/occupancy type)~~
=
~~NET CAPITAL COSTS PER UNIT~~
~~(or per square foot in nonresidential land use/occupancy type)~~

~~(3) NET CAPITAL COSTS PER UNIT~~
~~(or costs per square foot in nonresidential land use/occupancy type)~~
~~X~~
~~FEEPAYER'S NUMBER OF UNITS~~

07-58

* * *

(r) Fire Director means the Director of the [[~~Metropolitan~~]] >>Miami-<< Dade County Fire >>Rescue<< Department or his designee.

* * *

(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.

* * *

(x) Improvement means any physical improvement related to property, construction costs of a fire >>rescue<< station or other facility, or acquisition of capital equipment [[~~with respect to the impact of development~~]] >>that increases the capacity of fire rescue services. <<

* * *

(z) [[~~Metro~~]]>>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) [[~~Metro~~]]>>Miami-<<Dade Fire and Rescue Service District or District means the [[~~Metro~~]] Miami-Dade Fire and Rescue Service District established by Section 18-24, Code of [[~~Metropolitan~~]]>>Miami-<<Dade County, and serving the unincorporated areas of Miami-Dade County and those municipalities participating in the District.

* * *

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

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, [[~~any application for a~~]] building permits [[~~for development activity within Miami-Dade County after the effective date of this chapter shall be subject to the imposition of a fire impact fee in the manner and amount set forth in this chapter~~]] >>subject to Fire Rescue Impact Fee issued within one year after the effective date of this ordinance shall be obligated to pay seventy-six percent (76%) for residential, ninety percent (90%) for retail , ninety-four percent (94%) for office, fifty-eight percent (58%) for industrial, and fifty percent (50%) for hospital of the computed fee as determined herein. All building permits subject to the Fire

07-581

~~(or number of square feet in nonresidential land use/occupancy type)~~

~~+~~

~~4% GENERAL ADMINISTRATIVE CHARGE~~

~~=~~

~~FIRE IMPACT FEE~~]]

>>(1) NET CAPITAL COSTS (Total Capital Inventory of All Assets[1], including land, less Outstanding Debt)

÷

NUMBER OF FIRE AND RESCUE DISPATCHES PER YEAR[2]

=

NET FIRE AND RESCUE CAPITAL COST PER DISPATCH

---

(2) FIRE RESCUE DISPATCHES BY LAND USE TYPE PER YEAR[3]

÷

TOTAL UNITS OF LAND USE BY TYPE OF USE[3]

=

FIRE/RESCUE DISPATCH PER YEAR BY LAND USE TYPE

---

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

X

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<<

[[~~Land Use/ Occupancy Type~~	~~Percentage of Capital Costs1~~	~~Net Capital Costs2~~	~~Number of Units or Square Feet of Occupancy in District3~~	~~Cost Per Unit or per Square Foot~~
~~Single Family Residence~~	~~0.311~~	~~$37,270,576~~	~~219,315~~	~~$169.93 per unit~~
~~Multifamily~~	~~0.272~~	~~$32,558,021~~	~~180,685~~	~~$180.18 per unit~~
~~Hotel~~	~~0.036~~	~~$4,310,167~~	~~11,510,144~~	~~$ 0.37 per sq. ft.~~
~~Retail/Public Assembly~~	~~0.186~~	~~$22,322,816~~	~~77,619,589~~	~~$ 0.28 per sq. ft.~~
~~Office~~	~~0.06~~	~~$7,190,702~~	~~30,626,014~~	~~$ 0.23 per sq. ft.~~
~~Industrial/Warehouse~~	~~0.135~~	~~$16,187,720~~	~~103,510,275~~	~~$ 0.16 per sq. ft.~~]]

 07-58

(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 (1 1/2) acres in size. Each site should accommodate a minimum of a two-bay fire >>rescue<< station consisting of approximately two hundred and fifty (250) feet of frontage and two hundred and 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

>> Total Net Capital Cost (Net of outstanding debt)		$261,612,411[1]
Total fire rescue dispatches per year		203,954 [2]
Total net capital cost per dispatch		$1,282.70
Land Use /Occupancy Type	Dispatches per land use type per year[3]	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, [[~~1989~~]] >>2004,<< >>Miami-<<Dade County Fire >>Rescue<< Department [[~~Planning and Management Bureaus.~~]]

[2]>>Fire and Rescue Dispatches 2004, Miami-Dade County Fire Rescue Department<<

[3] "Fire and Rescue Alarms by Property Class [[~~1987-88~~]] >>2004,<<" >>Miami-<<Dade County Fire >>Rescue<< Department. "Building Size by Property Class and Fire District, [[~~1989~~]] >>2004," Miami-<< Dade County Property Appraiser. [[~~Planning and Management Bureaus; Fire Department Planning and Management Bureaus; Fire Department Administrative Order 6-87 (Resource Allocation Standards).~~]]>>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.<<

* * *

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

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.

* * *

(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.

* * *

(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.

07-581

(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 and in the impact fee manual.

* * *

(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.

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.

* * *

(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:

* * *

(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 through 29-89 of the Code of [[~~Metropolitan~~]] >>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 through 29-89; 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.

* * *

(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(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(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 [[~~Metropolitan~~]]>>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.

 07-584

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, [[~~adjusted to current U.S. dollar values as defined in impact fee manual~~]]. 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.

* * *

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.

* * *

(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(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(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.

Sec. 33J-12. Impact fee expenditures.

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

* * *

(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;

* * *

(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.<<

* * *

(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.

* * *

(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.

* * *

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.

(3) The independent study administrative fee provided for in Section 33J-10(c).

(4) The standards and procedures for issuance of credits as set forth in Section 33J-9.

(5) The standards, procedures and other matters required to administer Sections 33J-4 through 33J-16.

(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

07-581

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.<<

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 and Section 2-114.1, Code of [[~~Metropolitan~~]] >>Miami-<<Dade County.

Section 2. Section 33J-17 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>**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 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 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.<<

Section 3. Those parts of Section 1 of this ordinance amending Section 33J-6 of the Code of Miami-Dade County (modifying the amount of the Miami-Dade County Fire Rescue Services Impact Fee) shall not apply to any complete building permit application filed in the appropriate building department prior to the effective date of this ordinance, if a building permit is issued by December 28, 2007. For purposes of this section, a "complete building permit application" shall be defined as a building permit application which contains plans signed and sealed by a State of Florida licensed engineer or architect showing all applicable site work, zoning compliance, and architectural, structural, electrical and plumbing work.

Section 4. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 5. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention,

07-58

and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. This ordinance shall become effective ninety (90) days from date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective on such date only upon an override by this Board.

PASSED AND ADOPTED: April 24, 2007

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Craig H. Coller