

MEMORANDUM

Agenda Item No. 7(E)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to impact fees; amending chapters 33E, 33H, 33I, 33J, and 33K of the Code; providing for transfer of impact fee credits within same or adjacent impact fee benefit district to conform to state law; revising provisions relating to refunds, exemptions, and credits for all other impact fees to conform to such changes for road impact fees; providing exemption for temporary governmental facilities; consolidating payment, refund, exemption, credit, and appeal provisions across all impact fees in chapter 33E and deleting obsolete and redundant provisions from other chapters; extending to future years the existing present day cost multiplier for road impact fees; amending criteria and procedures for land dedications in lieu of payment of park impact fees; making reorganizational and technical changes

Ordinance No. 22-26

This item was amended at the 2-10-22 County Infrastructure, Operations and Innovations Committee to provide, in section 33K-14, that the School Board retains its current authority to appeal administrative decisions relating to the educational facilities impact fee and to update the existing text in subsection 33E-6.1(g) to reflect changes the Board recently adopted in Ordinance No. 22-7.

Rule 5.06(h) of the Board's Rules of Procedure provides that where double underlining and double strike-through would not clearly show the differences between an original item and a committee amendment, comments may instead be provided. Pursuant to this rule, the preceding description of the differences between the original item and the committee amendment is provided in lieu of double underlining and double strike-through for this item.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: March 1, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Transfer of Impact Fee Credits


The implementation of this ordinance will not have a fiscal impact to Miami-Dade County. The increase in the present-day cost multiplier is not programmed in the adopted capital budget, it will not impact budgeted projects.

A handwritten signature in blue ink, appearing to be "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Date: March 1, 2022


To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Amending Chapter 33- Relating to Impact Fees

The proposed ordinance relating to Impact Fees amends Chapters 33E, 33H, 33I, 33J, and 33K of the Code of Miami-Dade County (Code) providing for the following: transfer of impact fee credits within same or adjacent impact fee benefit district to conform to state law; exemption for temporary governmental facilities; consolidating payment, refund exemption credit and appeal provisions across all impact fees in Chapter 33E and deleting obsolete and redundant provisions from other chapters; revising provisions relating to refunds, exemptions and credits for all other impact fees to conform to such changes for road impact fees; extending to future years the existing present day cost multiplier for road impact fees; amending criteria and procedures for land dedications in lieu of payment of park impact fees; and making reorganizational and technical changes.

The State of Florida enacted chapter 2020-58, Laws of Florida, requiring local governments to authorize transfer of excess impact fee credits for all impact fees and to adjacent impact fee benefit districts. Implementation of the proposed ordinance will comply with the new statute and provide for reorganizational and technical changes to the Code. No other specific social equity or benefit can be determined at this time.



Jimmy Morales
Chief Operations Officer

212433



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(E)

Please note any items checked.

- "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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(E)
3-1-22

ORDINANCE NO. 22-26

ORDINANCE RELATING TO IMPACT FEES; AMENDING CHAPTERS 33E, 33H, 33I, 33J, AND 33K OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR TRANSFER OF IMPACT FEE CREDITS WITHIN SAME OR ADJACENT IMPACT FEE BENEFIT DISTRICT TO CONFORM TO STATE LAW; REVISING PROVISIONS RELATING TO REFUNDS, EXEMPTIONS, AND CREDITS FOR ALL OTHER IMPACT FEES TO CONFORM TO SUCH CHANGES FOR ROAD IMPACT FEES; PROVIDING EXEMPTION FOR TEMPORARY GOVERNMENTAL FACILITIES; CONSOLIDATING PAYMENT, REFUND, EXEMPTION, CREDIT, AND APPEAL PROVISIONS ACROSS ALL IMPACT FEES IN CHAPTER 33E AND DELETING OBSOLETE AND REDUNDANT PROVISIONS FROM OTHER CHAPTERS; EXTENDING TO FUTURE YEARS THE EXISTING PRESENT DAY COST MULTIPLIER FOR ROAD IMPACT FEES; AMENDING CRITERIA AND PROCEDURES FOR LAND DEDICATIONS IN LIEU OF PAYMENT OF PARK IMPACT FEES; MAKING REORGANIZATIONAL AND TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, impact fees provide a significant source of funding for improvements to the roadway network to increase the capacity of the roads based on the impact of new development; and

WHEREAS, the law requires that impact fees be roughly proportional to the impacts caused by the development against which they are being assessed, and that feepayers receive a benefit for the fees they have paid; and

WHEREAS, in Ordinance No. 20-34, this Board codified the process to determine credits for preexisting development or impact fees previously paid that a property may be entitled to against future road impact fee assessments; and

WHEREAS, Ordinance No. 20-34 also created a process to transfer excess road impact fee credits to other properties that are currently being developed or redeveloped within the same impact fee benefit district, and provided for refunds of road impact fees paid for temporary uses under certain conditions; and

WHEREAS, subsequently, the State of Florida enacted chapter 2020-58, Laws of Florida, requiring local governments to authorize transfer of excess impact fee credits for all impact fees and to adjacent impact fee benefit districts; and

WHEREAS, to comply with the new statute, the County must amend its impact fee ordinances to provide for additional impact fee credit transfers; and

WHEREAS, it is also appropriate to extend the availability of refunds for temporary uses to all impact fees; and

WHEREAS, the current impact fee ordinances currently exempt permanent governmental and public facilities from payment of impact fees, and this Board wishes to extend that exemption, subject to certain conditions, to temporary governmental facilities that are built on private property while the permanent facility is being built; and

WHEREAS, the road impact fee is subject to a present day cost multiplier, developed by the Florida Department of Transportation based on cost factors that affect road construction within Florida, which was last updated in Ordinance No. 14-122 and must now be updated because it does not specify a multiplier to apply after fiscal year 2020-21; and

WHEREAS, in 2021, the Florida Legislature adopted chapter 2021-63 of the Laws of Florida, which amended the Florida Impact Fee Act to, among other requirements, impose limitations on the frequency and amount of impact fee increases; and

WHEREAS, in compliance with section 163.31801(6) of the Florida Statutes, as amended, this ordinance retains the same present day cost multiplier that was in effect for fiscal year 2020-21 and therefore does not increase any impact fees; and

WHEREAS, in furtherance of these changes it is also appropriate to standardize and consolidate redundant provisions across all impact fee ordinances, to delete obsolete provisions, and to make other technical and organizational changes to streamline the Code,

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

Section 1. Chapter 33E of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Chapter 33E - ROAD IMPACT FEE ORDINANCE

* * *

Sec. 33E-5. - Definitions.

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

* * *

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

* * *

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.

- (8) *County* ~~[[*Planning and*]]~~ *Zoning Director* >>, *Director*, << or *Zoning Director* means the Director of the Miami-Dade County Department of Regulatory and Economic Resources or successor department >>responsible for administering chapter 33<<, or the Director's designee.
- (9) *Development activity, development or activity* means any activity for which a building permit (i) is required pursuant to the Florida Building Code or any applicable County or municipal ordinance, or (ii) was required by the applicable code when the activity was undertaken.
- (10) *Existing development* means (i) the lawful land use physically existing at any time during the period >>identified below for each impact fee<< ~~[[from December 6, 1988 through June 4, 1989]]~~ and any development or additional development for which the landowner held a valid building permit as of >>the end of the applicable period identified below<< ~~[[June 4, 1989]]~~ (collectively referred to as the "preexisting development"), and (ii) for property that has been the subject of development activity for which a building permit was issued after >>the end of the applicable period identified below<< ~~[[June 4, 1989]]~~, the maximum level of development activity for which a previous impact fee was paid under the provisions of ~~[[this]]~~ >>the applicable impact fee<< chapter.
- >>(i)<< As used in this chapter >>and chapters 33H, 33I, 33J, and 33K<<, the term "lawful land use" shall not include a land use which has been established or maintained in violation of the Florida Building Code or applicable land development regulations or building codes, as defined in Section 163.3164, Florida Statutes, as may be amended.
- >>(ii) For purposes of this definition, the following periods apply to the referenced impact fee:
- a. For road impact fees pursuant to this chapter, December 6, 1988 through June 4, 1989.
 - b. For park impact fees pursuant to chapter 33H, prior to June 29, 1990.
 - c. For police services impact fees pursuant to chapter 33I, prior to April 3, 1990.
 - d. For fire and emergency medical services impact fees pursuant to chapter 33J, prior to March 30, 1990.
 - e. For educational facilities impact fees pursuant to chapter 33K, prior to May 12, 1995.<<

* * *

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

(a) Any application for a building permit for development activity within Miami-Dade County shall be subject to the imposition of a road impact fee in the manner and amount set forth in this >>chapter<< ~~[[Chapter]]~~.

* * *

(2) No such building permit shall be issued by the County or any Miami-Dade County municipality unless and until the applicant has paid such impact fee >>in accordance with section 33E-6.1<<~~[[, or presented a letter of credit for such impact fee in a form acceptable to the Miami Dade County Planning and Zoning Director, or compiled with the requirements of Section 33E-14(e)(1)b. This shall not prohibit a feepayer from initiating an independent fee computation study or a negotiation for a contribution in lieu of fee as provided for in Sections 33E-9 and 33E-10 herein]]~~.

* * *

Sec. 33E-6.1. - Payment of ~~[[road]]~~ impact fees.

(a) >>Payment required.<< The feepayer shall pay ~~[[a road]]~~ >>each<< impact fee amount based on the formula set forth in >>the applicable impact fee chapter<< ~~[[Section 33E-7]]~~.

(b) >>Form of payment.<< Payment shall be made in a form acceptable to the Zoning Director.

>>(1)<< The Director may charge a nonrefundable convenience fee to cover any transactional costs imposed by the institution processing the form of payment.

>>(2)<< Notwithstanding any other provision to the contrary, payment amount due shall be based on the fee in effect on the date the plans filed with a building permit application are submitted to Miami-Dade County for impact fee assessment.

>>(3) In the alternative, payment may be (i) made with a letter of credit, surety performance bond, or other instrument securing payment acceptable to the Director or (ii) deferred in accordance with section 33E-18. In either event, except where specifically provided otherwise, the total impact fee shall be paid

in full prior to issuance of the earlier of a certificate of completion, temporary certificate of occupancy, or certificate of occupancy for any part of construction authorized by the building permit.<<

- (c) >>Limitation on issuance of building permits.<< No building permit shall be issued by the >>County<< [[~~county~~]] or any municipality therein until payment for >>each applicable<< [[~~the road~~]] impact fee has been received >>in accordance with this section<< [[~~or a bond accepted pursuant to subsection 33E 6.1(g)].~~ [[~~The total road impact fee shall be paid prior to issuance of a certificate of completion, temporary certificate of use and occupancy or certificate of use and occupancy for any part of construction authorized by the building permit.~~]]

- (d) >>Authority to issue stop-work orders. The appropriate county or municipal building department shall have the authority to stop all construction authorized by a permit upon receiving notice that: the amount of impact fee paid is found to be have been insufficient for any reason; or<< [[~~Upon receiving notice~~]] that a payment proffered for an impact fee is invalid due to insufficient funds, improper execution>>,<< or for any other reason[[~~, the appropriate county or city building department shall have the authority to stop all construction authorized by the permit until payment in full is received~~]].
 - >>(1) Construction may only be authorized to recommence when payment in full is received.
 - (2)<< Payment in full shall include the amount owed for the [[~~road~~]] impact fee plus any penalty amount charged by a bank against the >>County<< [[~~county~~]] as a result said invalid payment, plus, pursuant to >>section<< [[~~Section~~]] 68.065 Florida Statutes, a service fee of >>\$10.00 or 5<< [[~~ten dollars (\$10.00) or five (5)~~]] percent of the face amount of the invalid payment, which ever is greater.

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

- (f)]] >>Authority to lien.<< The County shall have the authority to lien real property for which a Final Certificate of Use (C.U.) or Final Certificate of Occupancy (C.O.) has been issued but for which the correct required road impact fee has not been paid in full.

- >>(1)<< Such lien must be filed within three years from the date of issuance of the C.U. or C.O.
- >>(2)<< The County may charge a collection fee above the value of the impact fee being collected to cover the cost of collection of unpaid impact fees.
- >>(3) The expiration of the above-referenced period shall not be construed to prevent the County from obtaining payment through any other legally-available means.<<

[(g) ~~Deferral of fees. Road impact fees may be deferred only in accordance with section 33E-18, and provided that, except for development of workforce housing units, the fee payer submits either a surety performance bond (the bond) or an automatically renewable, irrevocable letter of credit (the bond), for the total amount of the impact fee. Upon acceptance of the bond by the County Planning and Zoning Director, the building permit may be issued.~~

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

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

~~expiration of this provision. This subsection shall expire on January 1, 2011.]]~~

* * *

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

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

* * *

- (5) Inflation Factor = PDC Multiplier ~~[[from Table of Present Day Cost (PDC) Multipliers by Calendar Year in]]~~ >>as set forth in<< subsection 33E-8(d).

* * *

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

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

* * *

- (d) ~~[[Table of]]~~ Present Day Cost (PDC) >>multiplier<< ~~[[Multipliers]]~~.

>>(1) Findings and purposes. The Present Day Cost (PDC) multiplier first became effective on April 22, 2009, pursuant to Ordinance No. 09-08. The PDC multiplier was based on the table of Construction Cost Inflation Factors published August 3, 2006, by the Florida Department of Transportation (FDOT) Office of Policy Planning for FDOT Fiscal Year 2007 (July 1, 2006 to June 30, 2007). The FDOT table was interpolated into intervals based on Miami-Dade

County’s Fiscal Years (October 1 to September 30). The PDC for the base year of 2006 was 1.000, and annual increases through Fiscal Year 2020-21 were established in accordance with periodic updates to projected inflation published by FDOT.

(2) Multiplier established. Commencing in Miami-Dade County Fiscal Year 2020-2021, the PDC multiplier shall be 1.682. PDC multipliers applicable to prior years shall be retained on file with the Department.<<

[[Calendar Year	PDC Multiplier
2006 Base Year	1.000
2007	1.035 not used [†]
2008	1.094 not used [†]
2009	1.141 used after April 22, 2009 [†]
2010	1.184
2011	1.225
2012	1.267
2013	1.308
2014 through September 2015	1.351
Fiscal Year (October 1—September 30)	
2015—2016	1.430
2016—2017	1.477
2017—2018	1.527
2018—2019	1.577
2019—2020	1.628
2020—2021	1.682

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

Note:

- 1. ~~Use of the Present Day Cost multiplier was first implemented upon the April 22, 2009 effective date of Ordinance No. 09-08.]~~

* * *

Sec. 33E-10. - Roadway improvement or select transit capital improvement contributions in-lieu-of-fee.

* * *

- (d) If the County Public Works Director accepts an offer of contributions in-lieu-of-fee, the feepayer shall post a bond or letter of credit with the County ~~[[Planning and]]~~ Zoning Director equal to >>110<< ~~[[one hundred ten (110)]]~~ percent of the cost of the agreed to improvement as determined by the County Public Works Director.

>>(1)<< Upon receipt of such bond, the appropriate County or City entity may issue building permits for that part of the proposed development determined by the County to be satisfied by the contributions in-lieu-of-fee.

>>(2)<< Release of such bonds for contributions in-lieu-of-fee shall not be issued by either the County or city until such contributed improvements have been completed and accepted by the County Public Works Director or the State.

* * *

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

* * *

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

administrative cost designated for retention by the municipality.

* * *

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

(a) If a building permit encompassing fee-paying development expires or is revoked, if an error in the impact fee calculation is discovered, or if the fee-payer has paid impact fees in excess of the amount determined by an approved independent fee computation study completed in accordance with conditions set forth in ~~[[this]]~~ >>the applicable impact fee<< chapter, then the fee-payer shall, upon submission of a written request to the County ~~[[Planning and]]~~ Zoning Director on a form acceptable to the Director, be entitled to a refund of the impact fee paid, or the appropriate portion thereof, except that the >>County<< [[county]] shall retain the general administrative cost portion of the fee and any applicable convenience fees to cover the cost of the administration of the impact fee calculation, collection and refund. However, except for refunds of fees paid in excess of the amount determined by an approved independent fee computation study as provided >>in the applicable impact fee chapter<< [[herein]], no refund shall be provided for impact fees deemed expended pursuant to >>this section or the applicable impact fee chapter<< [[Section 33E-13(b)]].

(b) Any fee trust funds not expended by the end of the fiscal quarter immediately following six ~~[[6]]~~ years from the date the fee was paid shall be returned to the fee-payer by the County ~~[[Planning and]]~~ Zoning Director with accrued interest.

>>(1)<< Funds shall be expended in the order in which they are collected >>.

(2) Funds<< [[and]] shall be deemed expended for purposes of ~~[[this]]~~ >>the applicable impact fee<< chapter when >>the County approves<< a [[road]] contract [[or]] >><< agreement >>, or purchase order<< obligating [[all or a portion of the payment of said funds shall be approved by Miami Dade]] >>the<< 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.

~~(3)~~<< The feepayer shall be required to submit a written request for refund to the County ~~[[Planning and]]~~ Zoning Director before issuance of the refund can be authorized.

>>~~(4)~~<< No refunds of ~~[[road]]~~ impact fees will be provided for in the event the feepayer does not request such a refund prior to the expiration of one ~~[[4]]~~ year following the six-year period from the date the ~~[[road]]~~ impact fee was paid.

(c) The feepayer may request a refund of ~~[[road]]~~ impact fees paid for a development that has been exempted pursuant to >>section<< ~~[[Section]]~~ 33E-14, >>33H-14, 33I-7, 33J-8, or 33K-8, as applicable,<< in accordance with the provisions set forth therein. The amount of the exemption refund shall exclude the administrative cost portion of the fee and any applicable convenience fees.

(d) *Refunds related to temporary uses.* Notwithstanding any other provisions to the contrary, and regardless of whether fees have been expended, a feepayer who paid ~~[[road]]~~ impact fees for a temporary use shall be eligible for a partial refund in accordance with this subsection:

(1) For purposes of this subsection, “temporary use” means any use of a property or structure that is limited in its duration and that requires a certificate of use or building permit.

(2) The feepayer shall submit a written request for refund to the County ~~[[Planning and]]~~ Zoning Director on a form acceptable to the Director.

(3) The feepayer shall submit proof to the Director that all structures associated with the temporary use have been removed.

(4) The amount of the refund shall be in accordance with the following table, except that administrative costs and convenience fees shall not be refunded:

Removal within:	Percentage of [[Road]] Impact Fee Refunded
1 Year	80 Percent
2 Years	60 Percent
3 Years	40 Percent
4 Years	20 Percent
5 Years	0 Percent

Sec. 33E-14. - Exemptions and credits.

- (a) >>Exemption for governmental or public facilities.<<
 Governmental or public facilities are exempt from the requirement that impact fees be paid.
- >>(1)<< Such facilities are those parcels, grounds, buildings or structures owned by municipal, County, State >>or<< ~~[[and]]~~ federal governments, the Miami-Dade County School Board >>or<< ~~[[and]]~~ the South Florida Water Management District and related to the operation of those entities and used for governmental purposes including, but not limited to, governmental offices, police and fire stations, airports, seaports, parking facilities, equipment yards, sanitation facilities, water control structures, schools, parks and similar facilities in or through which general government operations are conducted.
- >>(2) This exemption also includes privately-owned properties or facilities that are leased to a governmental entity for the exclusive purpose of establishing a temporary public facility while the permanent public facility is being constructed, provided that impact fees shall be assessed at the time another use is established on such property or in such facility.
- (3)<< It is provided, however, the following shall not be considered governmental or public facilities and shall be subject to >>payment of impact fees<< ~~[[the provisions of this chapter]]~~:
- >>(i)<< ~~[[(1)]]~~ privately owned properties or facilities leased for governmental operations or activities>>, except as provided in this subsection<<; and
- >>(ii)<< ~~[[(2)]]~~ public properties or facilities used for private residential, commercial>>, or industrial activities.

>>(4)<< Notwithstanding >>any provision of this section to the contrary<< ~~[[the foregoing]]~~, the application of the ~~[[road]]~~ impact fee to facilities at a County owned airport used for private commercial or industrial activities shall be limited to the extent permitted by federal law or existing contractual commitments with the Federal Aviation Administration.

(b) >>Exemptions applicable to Developments of Regional Impact.<< Unless provided for to the contrary in the current effective development order, all development activity which is subject to an existing Development of Regional Impact >>(DRI)<< Development Order adopted pursuant to chapter 380, Florida Statutes prior to >>the applicable date set forth in this subsection<< ~~[[June 4, 1989]]~~ shall be exempt from >>payment of the applicable impact fee<< ~~[[this chapter]]~~ with regard to development approved by such development order.

(1) >>DRI development orders adopted prior to the following dates shall be exempt from the identified impact fee:

- (i) For road impact fees pursuant to this chapter, June 4, 1989.
- (ii) For park impact fees pursuant to chapter 33H, June 29, 1990.
- (iii) For police services impact fees pursuant to chapter 33I, April 3, 1990.
- (iv) For fire and emergency medical services impact fees pursuant to chapter 33J, March 30, 1990.
- (v) For educational facilities impact fees pursuant to chapter 33K, May 12, 1995.

(2)<< This exemption provision does not apply to:

- (i) those development orders which may have been revoked or determined to be null and void; or
- (ii) 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.

~~[[2]]~~>>(3)<< This exemption shall not apply to any additional development approved through a modification of the development order.

~~[[3]]~~>>(4) Regardless of any applicable exemptions pursuant to this subsection (b), any DRI<< ~~[[Any Development of Regional Impact]]~~ development order

amended after January 1, 2009, which generates additional vehicular trips above the previously approved development order shall ~~[[be]]~~ not be exempt for said additional trips.

- (c) *Credits.* The subject property shall be entitled to credits for existing development, as defined in ~~section~~ ~~[[Section]]~~ 33E-5, which shall be the maximum amount of development allowed on the subject property without payment of additional impact fees. Credits shall be calculated and administered in accordance with this subsection.
- (1) *Formula.* Credits shall be calculated in accordance with the following formula:
Preexisting development plus existing development for which ~~[[road]]~~ impact fees have been paid in accordance with this chapter ~~or the applicable impact fee chapter~~, including contributions in-lieu-of-fee minus refunds obtained pursuant to ~~sections~~ ~~[[Section]]~~ 33E-10 ~~or~~ 33E-13 ~~, 33H-6, 33H-7, or 33J-7,~~ minus reductions in the impact fee based on an independent study approved in accordance with ~~sections~~ ~~[[Section]]~~ 33E-9 ~~, 33H-9, 33I-9, or 33J-10~~.
- (2) *Determination of existing development.*
- ~~[[a-]]~~ ~~(i)~~ The amount of existing development shall be determined based on the entirety of all structures constructed on the subject property, regardless of whether those structures are only partially occupied or partially in use when the determination is made.
- ~~[[b-]]~~ ~~(ii)~~ In determining the amount of existing development, the Zoning Director shall use the building permit and certificate of use information contained in the County's records and in any applicable municipal records.
- ~~[[c-]]~~ ~~(iii)~~ Where an impact fee was subject to an independent study approved in accordance with Section 33E-9, credits shall be based on the number of trips calculated in the independent study and any development equivalencies associated therewith, rather than on square footage, number of units, or other measure of development.
- (3) *Record-keeping system for credits.* Credits may be recorded based on the folio number of the subject property for which the applicable building permit or

other development order was issued, or through another record-keeping system acceptable to the Zoning Director.

- (4) *Method of recording credit amount.* Credits may be recorded: (i) as the amount of the road impact fee paid for existing development, or the amount that would have been assessed under the current formula for preexisting development, subject to adjustment as provided in paragraph (7) below; (ii) as provided in this subsection for certain development orders approved prior to June 4, 1989; or (iii) in another manner acceptable to the Zoning Director that adequately records the threshold of existing development below which no additional impact fees will be owed and that adequately accounts for transferability of credits in accordance with this subsection.
- (5) *Certain development orders approved prior to June 4, 1989.* The Zoning Director shall maintain records of credits given by the County based on claims submitted prior to May 23, 1990, in accordance with Ordinance No. 88-11, for off-site roadway contributions, or payments that were voluntarily proffered or required under a county or municipal development order issued for a development of regional impact or development of county impact or under other legislative or ministerial action approved prior to June 4, 1989.
- (6) *Administrative fee when credit applied.* Where a fee-payer seeks to apply a credit against payment of the road impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) 2 percent of the credit or \$1,000.00, whichever is less; and (b) 2 percent of the remaining net road cost not satisfied by the credit.
- (7) *Adjustment of credits.* Where credits are recorded based on the amount of the fee that was assessed or paid, the credits shall be entitled to an adjustment equal to the percentage increase or decrease of the net road cost in the road impact fee formula. Any such adjustment shall only be utilized to determine credits for existing development, as provided in this subsection, and shall not be refundable. In no event shall the adjusted credits exceed the amount of the road impact fee that would be owed under the current road impact fee formula for the development activity.

- (8) *Transferability of credits within a parent tract or unified property.* If requested or consented to by the applicable fee payers or property owners, the Zoning Director may reallocate impact fee credits among properties within the same parent tract or among properties subject to a unity of title or covenant in-lieu-of unity of title and may impose appropriate conditions on such reallocation to ensure appropriate accounting of existing development. In that event, the Zoning Director shall update the County's records of credits to reflect the respective reduction and addition of credits on the applicable properties. The Zoning Director may also require, subject to review by the County Attorney as to form and legal sufficiency, declarations of restrictions, or other instruments acceptable to the Zoning Director, to be recorded on the subject properties to memorialize the transfer of credits.
- (9) *Transferability of excess credits* [~~within the same benefit district~~]. Excess credits may be transferred to another property within the same impact fee benefit district, as defined in >>sections<< ~~[[Section]]~~ 33E-11.1, >>33H-11, 33I-10, 33J-11, or 33K-11, or to an adjoining impact fee benefit district to the extent permitted by section 163.31801, Florida Statutes, as may be amended,<< only in accordance with the following procedures:
- (i) For purposes of this section, "excess credit" means the difference by which the amount of impact fees paid on a subject property exceeds the amount of impact fees that would be assessed for all structures that were built on the subject property, less any refunds and any reductions based on independent studies. The following shall not be considered in calculating excess credits:
 - a. Underutilization of an existing structure or use; and
 - b. Credits based on pre-existing development.
 - (ii) Application for transfer shall be made on a form acceptable to the Zoning Director.
 - (iii) The Zoning Director shall require, subject to review by the County Attorney as to form and legal sufficiency, that declarations of restrictions, or other instruments acceptable to the Zoning Director, be recorded on the

property from which excess credits are being transferred (the "sending property") and to which the excess credits are being transferred (the "receiving site"), addressing the following:

- a. Identification of the amount of excess credits that are being transferred, which may be identified as the amount of road impact fees paid or assessed, as adjusted in accordance with this subsection; the amount of existing development; a combination of both; or in such other manner acceptable to the Zoning Director that appropriately quantifies the excess credits being transferred.
 - b. Such additional terms as the Zoning Director deems reasonable or necessary to ensure an accurate accounting of credits that are available for future development on the sending site and the receiving site.
- (iv) Upon approval of the transfer application, the Zoning Director shall update the County's records of credits to reflect the reduction of credits on the sending site and the addition of credits on the receiving site.

(d) >>Additional exemptions<< Notwithstanding any other provisions of this chapter, development activity shall be exempt from the requirement of payment of ~~[[road]]~~ impact fees upon a determination by the County ~~[[Planning and]]~~ Zoning Director that such activity >>is consistent with the Comprehensive Development Master Plan (CDMP) and<< conforms to >>one of<< the following ~~[[requirements]]~~:

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

~~(2)]~~ >>Affordable housing<< Any portion of a residential development activity, which provides affordable housing as defined in >>sections<< ~~[[Section]]~~ 33E-5 provided that:

~~[[a-]]~~ >>(i) Exclusions<< There shall be no affordable housing exemption for>>:

- a.<< a housing unit priced at more than >>\$75,000<< ~~[[seventy five thousand dollars (\$75,000.00)]]~~ unless approved by a governmental assistance program for a higher amount; ~~[[and]]~~
 - b. ~~[[There shall be no affordable housing exemption for]]~~ a housing unit occupied by persons, families or households having total household assets (excluding pensions, annuities and the like) exceeding >>\$50,000<< ~~[[fifty thousand dollars (\$50,000.00)]]~~ unless a governmental assistance program has approved a different amount; and
 - >>c. payment of educational facilities except pursuant to the applicable requirements of the Interlocal Agreement Between Dade County and The School Board of Dade County, Florida, related to Educational Facilities Impact Fee Monies dated September 28, 1995.
- (ii)<< ~~[[e-]]~~ Applicant must obtain such third party approvals as may be required by the County ~~[[Planning and]]~~ Zoning Director ~~[[or as provided in the road impact fee manual]]~~; and
- >>(iii)<< ~~[[d-]]~~ Applicant must covenant with the >>County<< ~~[[county]]~~ that the housing unit will remain affordable as defined in >>section<< ~~[[Section]]~~ 33E-5 for a period of >>15<< ~~[[fifteen (15)]]~~ years.
- >>a.<< Other such covenants and agreements may be required as provided in the road impact fee manual or by the County ~~[[Planning and]]~~ Zoning Department Director to insure that affordable housing purpose of the exemption is maintained.
 - >>b.<< Housing units that lose their affordable housing status prior to the expiration of five ~~[[5]]~~ years from the date the exemption was granted shall be subject to payment of the ~~[[road]]~~ impact fee in effect at the time said affordable status was lost and the County ~~[[Planning and]]~~ Zoning Director shall be

authorized to lien the property if necessary to secure payment of the fee

>>.<< [[;or

(3)] >>(2) Enterprise zone.<< Any commercial or industrial development activity located within an existing designated enterprise zone as defined in Section 290.0065, Florida Statutes, as the same may be amended from time to time, and as approved pursuant to Ch. 2015-221, Laws of Fla., >>as may be amended<< provided that:

>>(i)<< [[(a)] the proposed development activity has been deemed to have been granted a property tax exemption under Section 29-84(c) of this code; and

>>(ii)<< [[(b)] the feepayer has furnished all the documentation required by the County [[~~Planning and~~] Zoning Director and has executed a covenant running with the land, in a form approved by the County [[~~Planning and~~] Zoning Director, obligating the feepayer, its successors and assigns to comply with the employee residency requirements of >>sections<< [[~~Sections~~] 29-83(a) and 29-84(b) of this code for a minimum of 5 years >>.<< [[;or

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

(5)] >>(4) De minimis impact.<< Any development activity for which the computed [[~~road~~] impact fee amount is less than >>\$50.00.<< [[~~fifty dollars (\$50.00)~~]; or

(6)] >>(5) House move.<< Any house move originating within Miami-Dade County>>.<< [[;or

~~(7)~~ >>(6) Mobile home tie-down permit.<< Any tie-down permit for a mobile home that was legally in place at the permit location on June 4, 1989, or any tie-down permit for which documentation is provided that >>an<< ~~[[a road]]~~ impact fee has been previously paid for a mobile home at the same permit location>>.<< [[;

or

~~(8)~~ >>(7) Existing structure alterations and accessory buildings.

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

>>(ii) A parking garage that is accessory to a primary use structure shall qualify for this exemption.<<

(e) >>Process for affordable housing, enterprise zone, and tax increment financing exemptions.

(1)<< If an exemption is sought pursuant to >>paragraphs (1), (2), or (3) of subsection (d):

(i) Impact<< ~~[[Section 33E-14(d)(1), (2), (3), and (4), road impact]]~~ fees shall be paid prior to the issuance of the building permit. However, the feepayer shall be entitled to a refund pursuant to this chapter upon submitting a formal application for a refund to and receiving approval from the County ~~[[Planning and]]~~ Zoning Director, on a form acceptable to the Director.

>>(ii) In the alternative to paying the fee and applying for a refund, where a complete application is approved in accordance with this subsection prior to issuance of the building permit, the impact fees may be deemed to have been paid to the extent approved in the application.

(2)<< ~~[[4]]~~ Application for a refund under >>section<< ~~[[Section]]~~ 33E-14 shall be made within >>one<< ~~[[1]]~~ year of the issuance of a certificate of completion, certificate of occupancy, or certificate of use for the building, whichever is later.

>>(i)<< ~~[[a-]]~~ If the commercial or industrial development activity for which exemption is sought pursuant to >>paragraph (2) of subsection (d)<< ~~[[Section 33E-14(d)(3)]]~~ entails an aggregation of multiple commercial or industrial uses to satisfy the job creation requirements under >>sections<< ~~[[Sections]]~~ 29-81 through 29-89 ~~[[of this code]]~~, the application for a refund must be made within 1 year of the issuance of the most recent certificate of use being used to satisfy the job creation requirements; but in no event shall such application for refund be approved if submitted more than 18 months after the issuance of the certificate of occupancy for the building in which the development activity is taking place.

>>(ii)<< ~~[[b]]~~ Notwithstanding any other provision to the contrary, any commercial or industrial development activity that seeks exemption pursuant to >>paragraph (2) of subsection (d)<< ~~[[Section 33E-14(d)(3)]]~~ and that, as determined by the County ~~[[Planning and]]~~ Zoning Director, is reasonably anticipated to produce at least 100 new full-time jobs may, at the time of building permit application, apply to the County ~~[[Planning and]]~~ Zoning Director for deferral of payment of up to 75 percent of the assessed impact fees until issuance of the earlier of the first temporary certificate of occupancy or the first certificate of occupancy for the development activity.

>>a.<< The feepayer shall submit the application for deferral on a form acceptable to the ~~[[Planning and]]~~ Zoning Director, together with any applicable administrative fee and the following materials:

>>1.<< documentation demonstrating that the commercial or development activity is reasonably anticipated to produce at least 100 full-time jobs through the leasing or operation of the proposed use or

aggregation of multiple commercial or industrial uses[[:]] >>:

2.<< a declaration of restrictive covenants running with the land that (i) requires payment of the impact fee balance prior to the issuance by the County or applicable municipality of a temporary certificate of occupancy or certificate of occupancy, whichever is earlier, (ii) provides that, if the development activity fails to produce the committed number of jobs when the final determination on the exemption set forth in >>paragraph (2) of subsection (d)<< [[Section 33E-14(d)(3)]] is made, or fails to maintain the committed number of jobs for the 5-year period required under this section, then the County shall be entitled to recover an amount equivalent to the interest on the deferred or refunded amount at the rate set in accordance with >>section<< [[Section]] 55.03 of the Florida Statutes, and (iii) requires payment of the deferred amount plus statutory interest at the time the subject property or portion thereof is conveyed; and >>3.<< a voluntary lien executed by the owner of the property that is subject to the road impact fee securing payment of the deferred portion of the road impact fee on a form provided by the County Public Works Director and filed in the Public Records of Miami-Dade County.

>>b.<< The County or applicable municipality shall not issue a temporary certificate of

occupancy or certificate of occupancy, whichever is earlier, until road impact fees have been paid in full. Refund of the full amount of the road impact fee, less administrative costs and any applicable convenience fees, may thereafter be sought pursuant to Section 33E-14(d)(3).

>>(iii)<< ~~[[e-]]~~ Failure to apply for a refund by the feepayer within the above-referred period shall invalidate the right for a refund under this section.

~~[[2]]~~ >>(3) Additional exemptions related to affordable housing.

(i)<< Notwithstanding >>any other provision to the contrary<< ~~[[the aforesaid]]~~, if an >>affordable housing<< exemption is sought pursuant to >>paragraph (1) of subsection (d)<< ~~[[Section 33E-14(d)(2)]]~~, community development corporations as defined in >>section<< ~~[[Section]]~~ 290.033(2), Florida Statutes, and community-based organizations as defined in >>section<< ~~[[Section]]~~ 420.602(4), Florida Statutes, that have received assistance from Miami-Dade County or the State of Florida in funding predevelopment costs to provide affordable housing to low and very low income families shall have the option of executing a covenant running with the land, in a form approved by the County ~~[[Planning and]]~~ Zoning Director, in lieu of payment of ~~[[road]]~~ impact fees prior to the issuance of the building permit.

>>(ii)<< Joint ventures of either a community development corporation or a community based organization with a for-profit developer for the purpose of affordable housing development shall also have the right to execute the aforementioned covenant provided that the proposed affordable housing development for which an exemption is being sought has been approved by the >>applicable<< Miami-Dade County >>department<< ~~[[Office of Community Development]]~~.

- (f) The applicant shall supply all documentation necessary to validate the requested exemption along with any additional documentation that may be required by the County ~~[[Planning and]]~~ Zoning Director.

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

- (a) *Administrative remedies.* >>The feepayer may appeal a decision of the applicable department director<< ~~[[Decisions of the County Public Works Director or the County Planning and Zoning Director may be appealed by the feepayer]]~~ to the County Developmental Impact Committee Executive Council>>, as defined in section 33-303.1,<< for a de novo review.
- >>(1)<< Appeals of the decisions of the Executive Council shall be to the Board of County Commissioners.
- >>(2) Any decision on appeal, except for a decision of the Board of County Commissioners,<< ~~[[If the feepayer appeals the decision of a Director or of the Developmental Impact Committee Executive Council, the decision on appeal]]~~ shall be deemed a non-final order.
- (b) *Procedure on appeal.* >>Appeals pursuant to this section shall be subject to the following procedures.
- (1) An appeal shall be initiated by filing<< ~~[[If a feepayer wishes to appeal an administrative decision of the County Public Works Director, or of the County Planning and Zoning Director, the feepayer shall first file]]~~ with the Developmental Impact Committee Coordinator a notice of administrative appeal on a form approved by the Zoning Director.
- >>(2)<< All appeals shall be filed within >>30<< ~~[[thirty (30)]]~~ days after the earlier of: (a) the issuance of a written decision by the >>applicable department director<< ~~[[Public Works Director or the Planning and Zoning Director]]~~; or (b) the ~~[[Planning and]]~~ ~~[[Zoning Director's]]~~ acceptance of payment of the >>applicable<< ~~[[road]]~~ impact fee.
- >>(2)<< The feepayer shall, when filing an appeal, submit a letter which provides a full explanation of the request, the reason for the appeal, and any supporting documentation.
- (c) *Proceedings before Developmental Impact Committee.* The ~~[[Developmental Impact Committee Coordinator shall schedule the]]~~ appeal before the Executive Council >>shall be scheduled<< as soon as practically possible.

>>(1)<< The Executive Council shall vote to affirm, reject or revise the decision >>on appeal<< ~~[[of the County Public Works Director or of the County Planning and Zoning Director]].~~

>>(2)<< The written decision of the Council shall be mailed certified mail, return receipt requested.

>>(3)<< Any appeal to the County Commission must be filed with the Zoning Director pursuant to >>section<< ~~[[Section]]~~ 33-314 ~~[[of this code]]~~ within >>30<< ~~[[thirty (30)]]~~ days from the date of ~~[[the receipt of]]~~ the Council's written decision.

* * *

Sec. 33E-18. - Road Impact Fee Deferral For Certain Land Use Types.

* * *

(B) The County ~~[[Planning and]]~~ Zoning Director shall provide an annual report on the status of this program to the Board of County Commissioners.

* * *

Section 2. Chapter 33H of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Chapter 33H - PARK IMPACT FEE ORDINANCE

Sec. 33H-1. - Short title, applicability and purpose.

* * *

>>(e) All residential development is deemed to create an impact and therefore an increased demand for public facilities, including public open space and park and recreation facilities. As such, the cost of new public facilities should be borne by new users to the extent new use requires new facilities.<<

Sec. 33H-3. - Definitions.

The definitions contained in Chapters 28 >>_<< ~~[[and]]~~ 33, >>and 33E<< ~~[[Code of Miami-Dade County, Florida,]]~~ shall apply to this chapter except as otherwise provided in the following definitions:

* * *

~~[[k)] *Credits* means the present value of past, present or future provisions made by new developments for the cost of existing or future capital improvements or dedications.]]~~

* * *

(m) *Department* means the Miami-Dade County Parks, Recreation and Open Spaces Department or successor department.

(n) *Department of Planning* ~~[[and Zoning]]~~ means the Miami-Dade County Department of Regulatory and Economic Resources or successor department >>responsible for planning<<.

* * *

(p) *Director* ~~[[or County Park and Recreation Director]]~~ means the director of the Department or his designee.

~~[[q)] *County Planning and Zoning Director* or *Zoning Director* means the director of the Miami Dade County Department of Regulatory and Economic Resources or successor department, or the Director's designee.]]~~

* * *

~~[[t)] *Encumbered* means monies committed by contract or purchase order in a manner that obligates the 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.~~

(u) *Existing development* means the lawful land use which physically exists or for which the landowner holds a valid building permit as of the effective date of this chapter or that maximum level of development activity for which a previous

~~impact fee was paid under the provision of this chapter. As used in this chapter, the term "lawful land use" shall not include a land use which has been established or maintained in violation of this chapter or applicable codes or a use of structure or land which has been abandoned for a period of more than five (5) years shall not be considered existing for purposes of this chapter.]]~~

* * *

Sec. 33H-4. - General provisions.

>>(a) Imposition of park impact fees. In furtherance of the intent and purpose of this chapter << ~~[[All residential development is deemed to create an impact and therefore an increased demand for public facilities including public open space, park and recreation facilities. As such, the cost of new public facilities should be borne by new users to the extent new use requires new facilities. Therefore]]~~, any application for a building permit within unincorporated Miami-Dade County enabling the construction of residential dwelling units on or after >>June 29, 1990<< ~~[[the effective date of this Ordinance]]~~ shall be subject to the imposition of park impact fees in the manner and amount set forth in this chapter. All Park Impact Fees are due and payable at the same time as >>other applicable impact fees are<< ~~[[the Road, Fire, or Police Impact Fee is]]~~ paid.

~~[[a]]~~>>(b) Contributions in lieu of fees. Land dedications in lieu of payment of local park open space fees may be approved pursuant to section 33H-6, and improvements to local parks in lieu of payment of local public park improvement fees may be approved pursuant to section 33H-7. Such dedications and improvements shall collectively be referred to as contributions in lieu of fee.

(1)<< Land dedications shall be conveyed by plat and deed.

>>(2)<< All dedications shall be platted with the first final residential plat that >>includes<< ~~[[is adjacent to]]~~ the designated park site or by an alternate arrangement specified in a recordable agreement as determined by the Director. ~~[[The determination by the Director to accept dedications shall be based on the County's present needs and availability of other park sites within the immediate vicinity of the development.]]~~

>>(3)<< Where land for a public local park is to be dedicated, ~~[[and/or]]~~ park improvements for a public local park are to be constructed, >>or both,<< a recordable agreement shall be required stating >>what will be constructed or<< ~~[[which land and/or improvements will be]]~~ dedicated for park purposes, before recording the first final plat within the subdivision in accordance with criteria in >>section<< ~~[[Section]]~~ 33H-7(c).

>>(4) Credits for such contributions in lieu of fees shall be governed by section 33E-14.

(c)<<~~[[b)]]~~ Payment shall be >>governed by section 33E-6.1, including the stop-work order, lien, and other enforcement provisions contained therein.<< ~~[[made in a form acceptable to the County Planning and Zoning Director. The Zoning Director may charge a nonrefundable convenience fee to cover any transactional costs imposed by the institution processing the form of payment. Notwithstanding any other provision to the contrary, the payment amount due shall be based on the fee in effect on the date the plans filed with a building permit application are submitted to Miami Dade County for impact fee assessment. All fee payments shall be made before a residential building permit is issued. The Building Official shall not issue a building permit until the applicant has satisfied the provisions of this chapter. The County shall have the authority to lien real property for which a Final Certificate of Use (C.U.) or Final Certificate of Occupancy (C.O.) has been issued but for which the correct required impact fee has not been paid in full. Such lien must be filed within three years from the date of issuance of the C.U. or C.O. The County may charge a collection fee above the value of the impact fee being collected to cover the cost of collection of unpaid impact fees.~~

~~(e)]]~~>>(d) Minimum required recreation open space.<< The public interest, convenience, health, welfare, and safety require that a minimum of >>2.75 acres of local recreation open space be provided for each 1,000<< ~~[[two and three-quarter (2.75) acres for each one thousand (1,000)]]~~ persons residing within unincorporated Miami-Dade County ~~[[be devoted to local recreation open space]]~~.

~~[(d)]~~>>(e) Suitability of park site.<< Each park site shall be physically suited for the use intended and shall meet the criteria given in >>section<< ~~[[Section]]~~ 33H-10, Land Suitability.

~~[(e)]~~>>(f) Limitations on issuance of permits.<< Notwithstanding a feepayer's compliance with this >>chapter<< ~~[[Chapter]]~~, other State and County development regulations may limit the issuance of building or use permits for development activity.

~~[(f)]~~>>(g) Manual required.<< The County Mayor, pursuant to >>section<< ~~[[Section]]~~ 4.02 of the Miami-Dade County Home Rule Charter shall propose to the Board of County Commissioners, a Park Impact Fee Manual to that shall be used for the administration of this chapter. The manual shall contain the following:

- (1) The independent fee calculation methodology relating to >>section<< ~~[[Section]]~~ 33H-9,
- (2) The administrative cost provided for in >>sections<< ~~[[Section]]~~ 33H-3, 33H-5, 33H-6~~[(b)]~~, 33H-7~~[(a), 33H-7(e)]~~, >>and<< 33H-9(c), >>and<<
- (3) ~~[[The standards and procedures for issuance of fee refunds set forth in Section 33H-13 and fee credits set forth in Section 33H-15, and~~
- ~~(4)]~~ The standards, procedures and other matters required to administer this chapter.

~~[(g)]~~>>(h) Adoption of manual.<< The manual shall be adopted by the Board of County Commissioners by resolution or by ordinance.

~~[(h)]~~>>(i) Adjustments.<< The County Mayor shall periodically adjust the adopted park impact fee ordinance and manual as set forth below. The Mayor's action shall ensure that the benefits to a feepayer are equitable in that the fee charged to the feepayer shall not exceed a proportionate share of the costs of mitigating park impacts. The adjusted Impact Fee Schedule shall be on file with the Zoning Director.

* * *

Sec. 33H-6. - Requirements for local park open space fees.

Before a residential building permit is issued, the applicant will be required to pay monetary fees or to dedicate public local park land, or a combination thereof in accordance with this section. Unless otherwise specifically permitted by the Director >>_<< the fee shall be the monetary fee hereinafter provided in >>section<< [[Section]] 33H-8. Provided, however, in subdivisions containing >>50<< [[fifty (50)]] dwelling units or less, the payment of the fees shall be required.

* * *

- (b) *Determination of land dedication in lieu of monetary fees.*
 - (1) Prior to the time of the earlier of a public hearing or tentative platting, for developments of more than >>50<< [[fifty (50)]] residential dwelling units, or, if a site plan is not provided and the highest permissible development is more than >>50<< [[fifty (50)]] residential dwelling units, the feepayer may request a local park open space determination by the Director for the purpose of determining whether land dedication in lieu of the open space fee is acceptable to the Director.
 - (2) The Director, based on specific review of the development and the criteria set forth below shall determine whether land dedication or monetary fees, or a combination thereof would be in the best interest of the County. The Director's determination shall be in writing and shall be made within >>30<< [[thirty (30)]] days from the date the application was received and shall be in accordance with the following criteria and for the purpose of maintaining the permanent level of service:
 - a. Ensuring that new local parks are available within a short distance to serve new residential development.
 - b. Addressing future needs by maintaining not less than the minimum permanent level of service for local parks as population growth occurs.
 - c. Completion of public projects started.
 - d. Initiation of new public projects identified in the Multi-Year Capital Plan of the County Budget.

- (c) *Amount of required local park land dedication.* In the event the feepayer proposes to dedicate land, and if the Director determines such dedication of land to be in the County's best interest in accordance with >>subsection (b) and section 33H-10<< [[Section 33H-6(b)(2)]], then the amount of land to be dedicated shall be based upon the projected population for the area in question and the local park share of .00201 net acres per person. The actual amount of land to be dedicated shall be determined by the following formula ~~[[but in no case will the dedication be less than five (5) acres unless determined to be in the best interest of the County by the Director in accordance with Section 33H-10]].~~

* * *

- (2) Determination of population density. Population density, that is, the number of persons per dwelling unit, occupied and unoccupied>>,<< shall be in accordance with the latest available census data and consistent with the Official Park Benefit District Map of Miami-Dade County indicating three ~~[[3]]~~ districts (a copy of which is appended as Exhibit A and incorporated by reference) and the population density shall be projected as shown in Table 2. The persons per dwelling unit shall be adjusted periodically based on the most recent census data updates provided by the Department of Planning ~~[[and Zoning]].~~

* * *

The statistical area shall be constantly monitored by the >>Department of Planning,<< [[Research Division, Miami-Dade County Planning and Zoning Department]] which shall submit to the County Commission revised statistical data when appropriate.

Sec. 33H-7. - Requirement for local public park improvement fee.

- (a) *Determination of local park improvement fee.* Before a residential building permit in the unincorporated area of Miami-Dade County is issued, the feepayer shall be required

to pay a fee for local park improvements or make improvements at a local park, or a combination thereof in accordance with the following:

* * *

- (c) *Improvements to local public park land in lieu of improvement fee.* When the feepayer agrees to supply, build, or install park and recreation improvements to a local park in lieu of or in combination with a monetary fee, the value of those improvements may be credited up to >>100<< ~~[[one hundred (100)]]~~ percent of the local park improvement fee requirements. Such credit is based on a finding by the Director~~[[,]]~~ that the improvements are in the public interest based upon criteria below. The feepayer shall be subject to the administrative, architectural and engineering (A&E), design, and inspection charges and procedures found in the manual.

* * *

- (5) >>An instrument securing performance at 110 percent of the value of the supply, construction, or installation of the improvements, but in no event for less than the full amount of park improvement impact fee credits issued by the Director,<< ~~[[A one hundred ten (110) percent performance bond or letter of credit]]~~ shall be posted prior to the time of building permit issuance for all improvements in accordance with procedures set forth in the manual. >>The specific instrument securing performance for a particular project shall be in the discretion of the Director.

- (i)<< After the >>County<< ~~[[Department of Planning and Zoning]]~~ receives the >>instrument<< ~~[[bond or letters of credit]]~~ and the feepayer has paid the computed A&E, design, inspection charges, and the administrative fee, the County may issue building permits for that part of the proposed development for which the park improvement fee is determined by the County to be satisfied by the improvements.
- >>(ii) Such<< ~~[[Release of such]]~~ bonds or letters of credit ~~[[for improvements]]~~ shall not be >>released<< ~~[[issued by the Department of~~

~~Planning and Zoning]]~~ until such contributed improvements have been completed and accepted by the Director.

* * *

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

* * *

- (c) In the case of development activity involving a change of use ~~>>~~₁~~<<~~ ~~[[and/or]]~~ magnitude of existing use ~~>>~~, or both, or which otherwise generates additional population density~~<<~~ ~~[[in which a residential building permit is required]]~~, the applicant shall be required to pay the computed impact fee for any proposed residential development activity ~~[[for which the impact fee has not previously been paid. When any building permit expires or is revoked after the effective date of this chapter and a fee has not previously been paid under this chapter, the applicant shall be required to comply with the provisions herein. No refunds will be given for proposed development activity resulting in a negative fee calculation.]]~~ ~~>>~~over the existing development. Where an impact fee was assessed for existing development and was reduced based on an independent study approved in accordance with section 33H-9, any change in development activity shall be reviewed to determine whether the proposed change generates additional population density above the amount calculated in the independent study.
- (1) The impact fee shall be calculated by computing the difference between the impact fee for the proposed development activity and any available credits on the subject property in accordance with section 33E-14, less the applicable administrative fee.
 - (2) Any building permit for existing development which expires or is revoked and for which a fee has not previously been paid under this chapter shall be required to comply with the provisions of this chapter.
 - (3) No refunds will be given for a change in proposed development activity resulting in a negative fee calculation, but the subject property shall be entitled to credits in accordance with section 33E-14 for the difference.<<

- (d) ~~[[No impact fee payment shall be required for any development activity when the total calculated fee is less than fifty dollars (\$50.00).~~
- ~~(e)]~~ If the type of dwelling unit within a proposed or current development is not specified in the above impact fee schedule, the Director shall use the dwelling unit most nearly comparable in computing the fee in accordance with the expanded list of land use categories which is appended as Exhibit B and incorporated herein by reference.
- ~~[(f)~~ ~~In determining existing residential development activity and the units of proposed or existing development, the Director shall use the building permit and certificate of use information contained in the building or zoning records of Miami Dade County.]]~~

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

* * *

- (c) The feepayer shall, at the time the independent fee computation study is submitted to the Director, pay a nonrefundable independent study review administrative charge ~~[[to the Department of Planning and Zoning]]~~ in the amount set forth in the Manual. The administrative charge shall be used by the Department to process and review the independent fee calculation study. The administrative charge shall not be credited against the impact fee.

* * *

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

* * *

- (c) All park impact fees collected ~~>>pursuant to this chapter<< [[by the Department of Planning and Zoning]]~~ shall be promptly deposited into the proper account in the local park trust fund. General administrative charges collected ~~>>pursuant to this chapter<< [[by the Department of Planning and Zoning]]~~ shall be directed to the park impact fee administrative fund account for the purpose of paying the cost of administering determinations of credits, contributions, suitability>>_<< and this chapter.

* * *

Sec. 33H-13. - Refund of Impact Fees.

>>Refunds shall be governed by section 33E-13.<<

- ~~[(a) If a residential building permit encompassing fee-paying development expires or is revoked prior to final inspection, if an error in the impact fee calculation is discovered, or if the fee-payer has paid impact fees in excess of the amount determined by an approved independent fee computation study completed in accordance with conditions set forth in this chapter, then the fee-payer shall, upon submission of a written request to the County Planning and Zoning Director, be entitled to a refund without interest of the impact fee, or the appropriate portion thereof, minus any general administrative fee and any applicable convenience fees. However, no refund shall be provided for impact fees deemed expended pursuant to Section 33H-12(b) and (c) or for the cost of completed improvements contributed in lieu of fee except as provided in Section 33H-7(c) herein.~~
- ~~(b) Any impact fee trust funds not expended by the end of the fiscal quarter immediately following six (6) years from the date the fee was paid shall be returned to the fee-payer by the Planning and Zoning Director with accrued interest. The fee-payer shall be required to submit a written request for refund to the Planning and Zoning Director before issuance of the refund can be authorized. No refunds of park impact fees will be provided for in the event the fee-payer does not request such a refund prior to the expiration of one (1) year following the six-year period from the date the park impact fee was paid.~~
- ~~(c) Fees shall be deemed expended for purposes of this chapter when any portion of the payment of the fee, except for the general administrative and convenience portion of the fee, is encumbered by contract or agreement by Miami-Dade County. The manual shall set forth a procedure to be used for identifying the source of monies expended.~~
- ~~(d) The fee-payer may request a refund of impact fees paid for a development that has been exempted pursuant to Section 33H-14 in accordance with the provisions set forth therein. The amount of the exemption refund shall exclude the administrative cost portion of the fee and any applicable convenience fees.]]~~

Sec. 33H-14. - Exemptions.

>>Exemptions shall be governed by section 33E-14.<<

- [[~~(a)~~] ~~The following shall be exempted from payment of park impact fees:~~
 - ~~(1) Alterations, expansion or replacement of existing dwelling unit(s) where no additional dwelling units are created and no additional population is generated.~~
 - ~~(2) The construction of accessory buildings or structures which will not create additional dwelling units.~~
 - ~~(3) The issuance of a tie-down permit on a mobile home on which applicable park impact fee has previously been paid.~~
 - ~~(4) The re-occupancy of a mobile home space on which applicable park impact fee has previously been paid.~~
 - ~~(5) The replacement of a dwelling unit(s) which replacement meets the requirements of Section 104.3 (D), South Florida Building Code (replacement necessitated by partial destruction).~~
- ~~(b) All development activity permitted by 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 from this chapter unless otherwise provided in the 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. This exemption shall not apply to any additional development regardless of whether or not such additional development constitutes a substantial deviation pursuant to Chapter 380, Florida Statutes.~~
- ~~(c) The following developments shall be exempt from the requirement that impact fees be paid, subject to an application by the feepayer to the Planning and Zoning Director and a determination by the Planning and Zoning Director that the proposed development activity is consistent with the CDMP that such 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) (very low income) or (b) (low income), Florida Statutes (1987) and amendments thereto.~~
- ~~(d) 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 by feepayer. If an exemption is sought pursuant to Section 33H-14(c), 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 Planning and Zoning Director, on a form acceptable to the Director.~~

~~(1) Application for a refund under Section 33H-14 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.~~

~~(2) Notwithstanding the aforesaid, if an exemption is sought pursuant to Section 33H-14(e), 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 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 Planning and Zoning Director, in lieu of payment of impact fees prior to the issuance of the building permit, in accordance with the provisions of the manual. Joint ventures of either a CDC or a 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.~~

~~(e) An exemption must be claimed by the feepayer at the time of the application for a building permit. Any exemption not so claimed shall be deemed to have been waived by the feepayer.]]~~

Sec. 33H-15. – Credits >>for contributions in lieu prior to adoption of park impact fees<<.

(a) >>Credits. Except as provided in this section, credits for contributions-in-lieu-of-fee or for existing development shall be governed by section 33E-14.

(b)<< Credits for >>contributions-in-lieu-of-fee prior to adoption of<< Local Park Open Space Fee.

- (1) ~~[[Credit for past open space.]]~~ Credit for up to >>100<< ~~[[one hundred (100)]]~~ percent of the Local Park Open Space Fee shall be given by the Director for dedication of land for a local park, fee-in-lieu of land dedication, or contributions of improvements at a local park in-lieu-of open space that were voluntarily proffered or required under a County development order ~~[[issued for a development of regional impact or under other final county action]]~~ approved prior to the date of implementation (June 29, 1990) of this chapter.
- >>(2)<< Any claim for credit pursuant to this >>subsection<< ~~[[Section 33H-15(a)]]~~ shall follow the crediting procedures for issuance of credits provided ~~[[therein]]~~ >>in the applicable development order, if so provided<<. A credit shall only be considered against the Park Open Space Fee for those properties encompassed by the previous development order >>or action<<.
- >>(3)<< ~~[[2]]~~ Any feepayer claiming such credit shall file a credit application and present documentation to be considered by the Director in determining the amount of credit to be given toward the local park open space fee.
- >>(4)<< Such determination shall be subject to administrative charges specified below and procedures set forth in the manual.
- >>(5)<< No refunds shall be made under this provision of this section.
- >>(6)<< Any appeal from such a determination by the Director shall be reviewed >>pursuant to section 33E-15 and any applicable<< ~~[[by the Developmental Impact Committee Executive Council pursuant to the]]~~ procedures set forth in the adopted manual.
- ~~[[3]]~~ >>(7) Administrative fee.<< Where a feepayer seeks to apply a credit against payment of the park impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) seven and one-half ~~[[7½]]~~ percent of the credit or >>\$1,000,<< ~~[[one thousand dollars (\$1,000.00)]]~~ whichever is less and (b) seven and one-half ~~[[7½]]~~ percent of the remaining net park cost not satisfied by the credit.
- ~~[[4]]~~ Previously approved park impact fee credits which are: (1) unused and (2) based on a net park cost which has been subsequently adjusted, shall be entitled to

~~an adjustment equal to the percentage increase or decrease of the net park cost in the park impact fee formula. Any such adjustment shall only be utilized to offset park impact fees and shall not be refundable.~~

- (b) ~~Credits for Future Local Park Dedications.~~
- (1) ~~When the feepayer agrees to dedicate land for a local park in accordance with Sections 4.B and 6, a credit for up to the full amount of the open space fee may be given by the Director on an acre per acre basis.~~
 - (2) ~~Where a feepayer seeks to apply a contribution in lieu of fee credit against payment of the park impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) seven and one half (7½) percent of the contribution in lieu of fee or one thousand dollars (\$1,000.00) whichever is less and (b) seven and one half (7½) percent of the remaining net park cost not satisfied by the contribution in lieu of fee. The administrative fee, A&E, design and inspection charges must be paid prior to the time of the building permit issuance.]]~~
- (c) ~~Credits for >>contributions-in-lieu-of-fee prior to adoption of<< Local Park Improvements >>Fee<<. [[(1)]]~~ A credit for past local park improvements may be given. Where park improvements were voluntarily constructed within a local park >>prior to implementation of this chapter<<, a credit may be given for up to >>100<< [[one hundred (100)]] percent of the park improvement fee in accordance with the provisions of >>subsection (b)<< [[this section]].
- [[2) ~~A credit for future local park improvements may be given. Where the feepayer agrees to supply, build or install park and recreation improvements within a local park site pursuant to Section 33H 7(c), a credit may be given in the amount of such facilities agreed to be provided, up to one hundred (100) percent of the park improvement fee. Credits for improvements shall be created when the construction of the park improvement are completed and accepted by the Department for maintenance.~~
 - (3) ~~Credits for the local park improvement fee shall not exceed those improvement costs shown in Table 2 herein.~~
 - (4) ~~Where a feepayer seeks to apply a fee credit against payment of the park impact fee, the administrative fee portion of the impact fee shall be the sum of: (a) seven and one half (7½) percent of the credit or one thousand dollars (\$1,000.00) whichever is less and~~

- (b) seven and one half (7½) percent of the remaining net park cost not satisfied by the contribution. The administrative fee must be paid prior to the time of the building permit issuance.
- (5) ~~Previously approved credits for local park improvements which are: (1) unused and (2) based on a prior park cost which has been subsequently adjusted, shall be entitled to an adjustment equal to the percentage increase or decrease of the net improvement cost in the park impact fee formula. Any such adjustment shall only be utilized to offset park impact fees and shall not be refundable.~~
- (6) ~~Credits shall not be given for the administrative fee portion of the impact fee which remains the responsibility of the feepayer and must be paid prior to the time the building permit is issued.]]~~

Sec. 33H-16. - Appeals of administrative decisions.

>>Appeals of administrative decisions shall be governed by section 33E-15.<<

- [[~~(a) *Administrative remedies.* Except as otherwise provided in this chapter, decisions of the Parks and Recreation Director or of the Planning and Zoning Director, may be appealed by the feepayer to the County Developmental Impact Committee Executive Council for a de novo review. Appeals of the decisions of the Developmental Impact Committee Executive Council shall be to the Board of County Commissioners. If the feepayer appeals the decision of a Director or of the Developmental Impact Committee Executive Council, the decision on appeal shall be deemed a non-final order.~~
- ~~(b) *Procedure on appeal.* If a feepayer wishes to appeal, the feepayer shall first file a notice of administrative appeal with the Developmental Impact Committee Coordinator on a form approved by the Zoning Director. All appeals shall be filed within thirty (30) days after the earlier of: (a) the issuance of a written decision by the Parks and Recreation Director or the Planning and Zoning Director; or (b) the Planning and Zoning Director's acceptance of payment of the park impact fee. The feepayer shall, when filing an appeal, submit a letter which provides a full explanation of the request, the reason for the appeal, and any supporting documentation.~~

(e) ~~Proceedings before Developmental Impact Committee. The Developmental Impact Committee Coordinator shall schedule the appeal before the Development Impact Committee Executive Council as soon as practically possible. The Development Impact Committee Executive Council shall vote to affirm, reject or revise the decision of the Parks and Recreation Director or of the Planning and Zoning Director. The written decision of the Council shall be mailed certified mail, return receipt requested. Any appeal to the Board of County Commissioners shall be filed with the Zoning Director pursuant to Section 33-314 of this code within thirty (30) days from the date of the receipt of the Council's written decision.]]~~

* * *

Section 3. Chapter 33I of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Chapter 33I - POLICE SERVICES IMPACT FEE
ORDINANCE**

* * *

Sec. 33I-4. - Definitions.

The definitions contained in Chapters 28 >>_<< ~~[[and]]~~ 33, >>and 33E<< ~~[[Code of Miami-Dade County, Florida,]]~~ shall apply to this chapter except as otherwise provided in the following definitions:

* * *

- (5) ~~[[Credit means the present value of past provisions made by new developments for the cost of existing or future capital improvements.~~
- (6) ~~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 County ordinance.~~
- (7)]] ~~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 ~~[[the]]~~ county.~~

- >>(6)<< [(8)] *Director of the Miami-Dade Police Department* means the Director of the Miami-Dade Police Department or his designee.
- [(8.1) ~~County Planning and Zoning Director or Zoning Director~~ means the Director of the Miami-Dade County Department of Regulatory and Economic Resources or successor department, or the Director's designee.
- (9) ~~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.
- (10) ~~Existing development~~ means the lawful land use physically existing as of the effective date of the ordinance from which this chapter derives 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.
- (11)] >>(7)<< *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, or provided a letter of credit pursuant to this chapter.

* * *

Sec. 33I-5. - Imposition of police services impact fee.

- (a) Any application for building permit for development activity within unincorporated Miami-Dade County shall be subject to the assessment of a police services impact fee in the manner and amount set forth in this chapter. ~~[[However, any application for a building permit where the required police services impact fee payment is made prior to October 1, 1994 shall not be subject to the provisions of this ordinance amending Chapter 33I of the Code of Metropolitan Miami-Dade County provided said building permits are issued prior to January 29, 1995.~~

~~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 in accordance with Section 33I-12, provided that, in the case of reapplication shall be paid.]]~~

(b) No building permit shall be issued by the County until the applicant has paid the assessed impact fees as calculated pursuant to ~~>>sections<< [[Sections]]~~ 33I-6 and 33I-14.

~~>>(c)<< [[(1)]] Payment shall be >>governed by section 33E-6.1, including the stop-work order, lien, and other enforcement provisions contained therein.<< [[made in a form acceptable to the Zoning Director. The Zoning Director may charge a nonrefundable convenience fee to cover any transactional costs imposed by the institution processing the form of payment. Notwithstanding any other provision to the contrary, the payment amount due shall be based on the fee in effect on the date the plans filed with a building permit application are submitted to Miami Dade County for impact fee assessment.~~

~~(2) The County shall have the authority to lien real property for which a Final Certificate of Use (C.U.) or Final Certificate of Occupancy (C.O.) has been issued but for which the correct required impact fee has not been paid in full. Such lien must be filed within three years from the date of issuance of the C.U. or the C.O. The County shall charge a collection fee above the value of the impact fee being collected to cover the cost of collection of unpaid impact fees. In no case shall the administrative fee and any convenience fee be refunded.~~

~~(e)]] >>(d)<< Notwithstanding the payment of a police services impact fee, other State or County developmental regulations may limit the issuance of building permits for development activity.~~

~~>>(e)<< [[(d)]] Nothing in this chapter shall prohibit the County from paying the required impact fee on behalf of any applicant or feepayer. In such an instance, the impact fee payment shall be from allowable fundable sources other than prior impact fee revenues.~~

~~>>(f)<< [[(e)]] The police services impact fee manual (the manual) shall be used for the administration of this chapter.~~

Sec. 33I-6. - Police services impact fee computation formula.

* * *

- (c) In the case of development activity involving a change of use ~~>>~~₁~~<<~~ ~~[[and/or]]~~ magnitude of existing use ~~>>~~, or both, or which otherwise generates additional population density or intensity~~<<~~, the proposed development shall be required to pay an impact fee only for the increase in the development activity.
- ~~>>~~(1)~~<<~~ 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 33I-4]]~~.
- ~~>>~~(2)~~<<~~ Any building permit which expires or is revoked after ~~>>~~April 3, 1990~~<<~~ ~~[[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.
- ~~>>~~(3)~~<<~~ 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, the Director ~~[[of the Miami-Dade Police Department]]~~ shall use the activity most nearly comparable in computing the fee.
- ~~>>~~(e)~~<<~~ ~~[[~~(f)~~]]~~ In determining existing development ~~[[activity, as defined in Section 33I-4,]]~~ and the units or number of square feet for the proposed or existing development, the Director ~~[[of the Miami-Dade Police Department]]~~ shall use the building permit and certificate of use information contained in the building or zoning records of Miami-Dade County or other governmental agencies.
- ~~>>~~(f)~~<<~~ ~~[[~~(g)~~ All building permits subject to Police Services Impact Fee issued within one year after the effective date of this ordinance shall be obligated to pay sixty percent (60%) of the computed fee as determined herein. All building permits subject to the Police Services Impact Fee and issued more than one year after but less than two years after the effective date of this Ordinance shall be obligated to pay eighty percent (80%) of the computed fee as determined herein.]]~~ Beginning ~~>>~~April 3, 1993~~<<~~ ~~[[the third year after the effective date of this ordinance]]~~, all building permits subject

to the Police Services Impact Fee shall be obligated to pay >>100<< ~~[[one hundred]]~~ percent ~~[[100%]]~~ of the computed fee as determined herein.

* * *

Sec. 33I-7. - Exemptions.

>>Exemptions shall be governed by section 33E-14.<<

- ~~[[~~(a) ~~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.~~
- ~~(b) Governmental or public facilities are exempt from the impact fee, including those parcels, grounds, buildings, or structures owned by federal, State, County, or municipal governments, the Miami Dade County School Board, or the South Florida Water Management District, and related to the operation of those entities and used for governmental purposes including, but not limited to, governmental offices, police and fire stations, airports, seaports, parking facilities, equipment yards, sanitation facilities, water control structures, schools, parks, and similar facilities in or through which general government operations are conducted. It is provided, however, the following shall not be considered governmental or public facilities and shall be subject to the provisions of this chapter: (1) privately owned properties or facilities leased for governmental operations or activities; and (2) public properties or facilities used for private residential, commercial, or industrial activities. Notwithstanding the foregoing, the application of the police 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.~~
- ~~(c) 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.~~
- ~~(d) A building replacement meeting the requirements of Section~~

- ~~104.3(D), South Florida Building Code (replacement necessitated by partial destruction) is exempt.~~
- (e) ~~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. This exemption shall not apply to any additional development regardless of whether such additional development constitutes a substantial deviation under Chapter 380, Florida Statutes.~~
 - (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 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 fee payer to the Zoning Director and a determination by the 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 through 29 89 of the Code of Miami Dade County; (b) if such development activity is located within a municipality, the municipality has also granted property tax exemption under the aforesaid sections 29 81 through 29 89; and (c) the fee payer has furnished all the documentation required by the County Planning and Zoning Director.~~
 - (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 police services capital acquisition, expansion and improvements as identified in Section 33I-11(a). The total amount of exemption shall not exceed the total expenditure from tax increment dollars for police 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 by feepayer. If an exemption is sought pursuant to Section 33I-7(h), 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 Zoning Director, on a form acceptable to the Zoning Director.~~

(1) ~~Application for a refund under Section 33I-7 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.~~

(2) ~~Notwithstanding the aforesaid, if an exemption is sought pursuant to Section 33I-7(h)(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 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 Zoning Director, in lieu of payment of impact fees prior to the issuance of the building permit, in accordance with the provisions of the manual. Joint ventures of either a CDC or a 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.]]~~

Sec. 33I-8. - Credits.

>>Credits. Except as provided in this section, credits for contributions-in-lieu-of-fee or for existing development shall be governed by section 33E-14.<<

- ~~[(a) Credit for up to the full amount of the impact fee shall be given by the Director of the Miami Dade Police Department for monetary contributions toward capital equipment and facilities that were voluntarily proffered or required under County 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. No refunds shall be made under this section.~~
- ~~(b) Any claim for credit pursuant to this section must be filed with the Director of the Miami Dade Police Department within one (1) year from the effective date of this chapter and shall be in accord with the standards and procedures for issuance of credits provided in the Police Services 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 a monetary contribution for capital equipment or facilities. Any appeal from the Director of the Miami Dade Police Department'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 police services impact fee manual.~~
- ~~(c) The feepayer shall, at the time the application for credit is submitted to the Director of the Miami Dade Police Department, pay the charge for applications for credit set forth in the Police Services 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.]]~~

* * *

Sec. 33I-12. - Refund of impact fees paid.

>>Refunds shall be governed by section 33E-13.<<

- ~~[(a) If a building permit encompassing fee-paying development expires or is revoked, if an error in the impact fee calculation is discovered, or if the fee-payer has paid impact fees in excess of the amount determined by an approved independent fee computation study completed in accordance with conditions set forth in Section 33I-9, then the fee-payer may request from the County Planning and Zoning Director a refund of the impact fee paid or the appropriate portion thereof. However, the County shall retain any convenience fees and the general administrative cost portion of the fee to cover the cost of the administration of the impact fee calculation, collection and refund. The fee-payer must submit an application for such refund to the Zoning Director within thirty (30) days of notification of any of the enumerated circumstances. No refund shall be provided for impact fees deemed expended pursuant to Section 33I-11(c) if no timely claim was made. Funds shall be deemed expended for the 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. No refunds of police services impact fees shall be given for proposed development activity which results in a negative impact fee computation.~~
- (b) ~~Any impact fee trust funds not expended by the end of the fiscal quarter immediately following six (6) years from the date that the fee was paid shall be returned to the fee-payer by the Zoning Director with accrued interest. The fee-payer shall be required to submit a written request for refund to the County Planning and Zoning Director before issuance of the refund can be authorized. No refunds of impact fees will be provided for in the event the fee-payer does not request such a refund prior to the expiration of one (1) year following the six-year period from the date the impact fee was paid.~~
- (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 33I-10 and shall be utilized for the purposes described in Section 33I-11. 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.~~
- (d) ~~The fee-payer may request a refund of impact fees paid for a development that has been exempted pursuant to Section 33I-7, in accordance with the provisions set forth therein.~~

~~The amount of the exemption refund shall exclude the administrative cost portion of the fee and any applicable convenience fees.]]~~

Sec. 33I-13. - Appeal of administrative decisions.

~~>>Appeals of administrative decisions shall be governed by section 33E-15.<<~~

- ~~[(a) *Administrative remedies.* Except as otherwise provided in this chapter, decisions of the Director of the Miami Dade Police Department or of the County Planning and Zoning Director under this chapter may be appealed by the feepayer to the Developmental Impact Committee Executive Council for a de novo review. Appeals of the decisions of the Developmental Impact Committee Executive Council shall be to the Board of County Commissioners. If the feepayer appeals the decision of a Director or of the Developmental Impact Committee Executive Council, the decision on appeal shall be deemed a non final order.~~
- ~~(b) *Procedure on appeal.* If a feepayer wishes to appeal an administrative decision of the Director of the Miami Dade Police Department or of the Zoning Director, the feepayer shall first file with the Developmental Impact Committee Coordinator a notice of administrative appeal on a form approved by the Zoning Director. All appeals shall be filed within thirty (30) days of the issuance of a written decision of the Director of the Miami Dade Police Department or of the 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.~~
- ~~(c) *Proceedings before the Developmental Impact Committee.* 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 Director of the Miami Dade Police Department or of the County Planning and Zoning Director. The written decision of the Council shall be mailed certified mail, return receipt requested. Any appeal to the County Commission shall be filed with the County Zoning Director pursuant to Section 33-314 of this code within thirty (30) days from the date of the receipt of the Council's written decision.]]~~

* * *

Section 4. Chapter 33J of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Chapter 33J - FIRE AND EMERGENCY MEDICAL SERVICES IMPACT FEE ORDINANCE

* * *

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. >>As such, the cost of new facilities should be borne by new users to the extent new uses require new facilities.<<

* * *

Sec. 33J-4. - Definitions.

The definitions contained in Chapters 28 >>,<< ~~[[and]]~~ 33, >>and 33E<< ~~[[Code of Miami-Dade County, Florida,]]~~ shall apply to this chapter except as otherwise provided in the following definitions:

* * *

- ~~[[(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.]]~~

* * *

- ~~[[(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.]]~~

* * *

- [[~~(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 South Florida Building Code or any applicable County ordinance.]]~~

* * *

- [[~~(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 the ordinance from which this chapter derives 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.]]~~

* * *

- [[~~(r-1)~~] ~~*County Planning and Zoning Director or Zoning Director* means the Director of the Miami Dade County Department of Regulatory and Economic Resources or successor department, or the Director's designee.]]~~

* * *

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 increased 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 >>after March 30, 1991<< [[more than one year after the effective date of this Ordinance]] shall be obligated to pay >>100<< [[one hundred (100)]] percent of the computed fee as determined herein.~~

- (1) ~~[[For building permits which expire or are revoked after the effective date of this chapter the fee payer shall be entitled to a refund of previously paid impact fees (see Section 33J-13) provided that in the case of reapplication for permit, the impact fee in effect at the time of reapplication shall be paid.~~
- (2) ~~No such building permit shall be issued by the County or any Miami-Dade County municipality within the District unless and until the fee payer has paid such impact fee >>or made a contribution in-lieu-of-fee pursuant to section 33J-7. Payment shall be governed by section 33E-6.1, including the stop-work order, lien, and other enforcement provisions contained therein.<< [[, or presented adequate security for such impact fee, in a form permitted by this chapter and acceptable to the County Planning and Zoning Director, for a contribution in lieu of fee as provided in Section 33J-7.~~
- (3) ~~Payment shall be made in a form acceptable to the Zoning Director. The Zoning Director may charge a nonrefundable convenience fee to cover any transactional costs imposed by the institution processing the form of payment. Notwithstanding any other provision to the contrary, the payment amount due shall be based on the fee in effect on the date the plans filed with a building permit application are submitted to Miami Dade County for impact fee assessment. In no case shall the administrative fee and any convenience fee be refunded.~~
- (4) ~~The County shall have the authority to lien real property for which a Final Certificate of Use (C.U.) or Final Certificate of Occupancy (C.O.) has been issued but for which the correct required impact fee has not been paid in full. Such lien must be filed within three years from the date of issuance of the~~

~~C.U. or C.O. The County shall charge a collection fee above the value of the impact fee being collected to cover the cost of collection of unpaid impact fees.]~~

- (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.

Sec. 33J-6. - Fee computation formula.

* * *

- (c) In the case of development activity >>requiring a building permit and<< involving a change of use >>,<< [[~~of~~]] magnitude of use >>, or both, or otherwise generating additional population density or intensity<< [[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.

 - >>(1)<< 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]]~~.
 - >>(2)<< Any building permit which expires or is revoked after >>March 30, 1990<< [[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.
 - >>(3)<< 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.
- >>(e)<< ~~[[~~(f)~~]]~~ In determining existing development activity~~[[, as defined in Section 33J-4,]]~~ 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.

* * *

Sec. 33J-8. - Exemptions.

>>Exemptions shall be governed by section 33E-14.<<

- ~~[(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.~~

- ~~(e) 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 Zoning Director and a determination by the 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 through 29 89 of the Code of Miami Dade County; (b) if such development activity is located within a municipality, the municipality has also granted property tax exemption under the aforesaid sections~~

~~29-81 through 29-89; and (c) the fee payer has furnished all the documentation required by the County Planning and Zoning Director.~~

~~(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 police services capital acquisition, expansion and improvements as identified in Section 33J-12(a). The total amount of exemption shall not exceed the total expenditure from tax increment dollars for police services capital acquisition, expansion, and improvements.~~

~~(i) An exemption must be claimed by the fee payer prior to paying the impact fee. Any exemption not so claimed shall be deemed to have been waived by the fee payer. If an exemption is sought pursuant to Section 33J-8(h) impact fees shall be paid prior to the issuance of the building permit. However, the fee payer shall be entitled to a refund pursuant to this chapter upon submitting a formal application for a refund to and receiving approval from the Zoning Director, on a form acceptable to the Zoning Director.~~

~~(1) Application for a refund under Section 33J-8 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 fee payer, within the above referred one year period shall invalidate the right for a refund under this section.~~

~~(2) Notwithstanding the aforesaid, if an exemption is sought pursuant to Section 33J-8(h), 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 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 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.]]~~

Sec. 33J-9. - >>Contributions-in-lieu-of-fee<< Credits.

- (a) >>Credits. Except as provided in this section, credits for contributions-in-lieu-of-fee or for existing development shall be governed by section 33E-14.

- (b) Contributions-in-lieu-of-fee prior to March 30, 1990.<< 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 >>March 30, 1990<< ~~[[the effective date of this chapter]]~~.
 - (1) 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.
 - >>(2)<< Any claim for credit pursuant to this >>subsection<< ~~[[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.
 - >>(3)<< ~~[[(2)]]~~ 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.
 - >>(4)<< 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.
 - >>(5)<< No refunds shall be made under this section.
 - >>(6)<< Any appeal from the Fire Director's determination of the amount of credit shall be >>reviewed pursuant to section 33E-15 and any applicable procedures set

forth in the adopted manual<< ~~[[to the Developmental Impact Committee Executive Council pursuant to the procedures set forth in this chapter]].~~

- (b) >>Administrative fee.<< The feepayer shall, at the time the application for credit is submitted to the Fire Director, pay ~~[[to the County Planning and Zoning Director]]~~ the charge for applications for credit set forth in the impact fee manual >>or as adopted by implementing order approved by the Board of County Commissioners<<. 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.

* * *

Sec. 33J-13. - Refund of Impact Fees Paid.

>>Refunds shall be governed by section 33E-13.<<

- ~~[[a) If a building permit encompassing feepaying development expires or is revoked, if an error in the impact fee calculation is discovered, or if the feepayer has paid impact fees in excess of the amount determined by an approved independent fee computation study completed in accordance with conditions set forth in this chapter, then the feepayer may request from the County Planning and Zoning Director a refund of the impact fee paid, or the appropriate portion thereof. However, the County and any designated collecting city shall retain any convenience fees and 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(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, except for the general administrative and convenience portion of the fee, 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 the fee was paid shall be returned to the feepayer by the Zoning Director with accrued interest.~~

- (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 and shall be utilized for the purposes described in Section 33J-12. 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.~~
- (d) ~~The feepayer may request a refund of impact fees paid for a development that has been exempted pursuant to Section 33J-8, in accordance with the provisions set forth therein. The amount of the exemption refund shall exclude the administrative cost portion of the fee and any applicable convenience fees.]]~~

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

>>Appeals of administrative decisions shall be governed by section 33E-15.<<

- ~~[(a) Administrative remedies. Except as otherwise provided in this chapter, decisions of the Fire Director or of the County Planning and Zoning Director under this chapter may be appealed by the feepayer to the Developmental Impact Committee Executive Council for a de novo review. Appeals of the decisions of the Developmental Impact Committee Executive Council shall be to the Board of County Commissioners. If the feepayer appeals the decision of a Director or of the Developmental Impact Committee Executive Council, the decision on appeal shall be deemed a non-final order.~~
- ~~(b) Procedure on appeal. If a feepayer wishes to appeal an administrative decision of the Fire Director or of the Zoning Director, the feepayer shall first file with the Developmental Impact Committee Coordinator a notice of administrative appeal on a form approved by the County Zoning Director. All appeals shall be filed within thirty (30) days of the issuance of a written decision of the Fire Director or of the 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.~~
- ~~(c) Proceedings before the Developmental Impact Committee. The Developmental Impact Committee Coordinator shall schedule the appeal before the Developmental Impact~~

~~Executive Council as soon as practically possible. The Developmental Impact Executive Council shall vote to affirm, reject or revise the decision of the Fire Director or of the County Planning and Zoning Director. The written decision of the Council shall be mailed certified mail, return receipt requested. Any appeal to the County Commission shall be filed with the Zoning Director pursuant to Section 33-314 of this code within thirty (30) days from the date of the receipt of the Council's written decision.]]~~

* * *

Section 5. Chapter 33K of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Chapter 33K - EDUCATIONAL FACILITIES IMPACT FEE ORDINANCE

* * *

Sec. 33K-4. - Definitions.

The definitions contained in Chapters 28 >>_<< ~~[[and]]~~ 33, >>and 33E<< ~~[[Code of Miami-Dade County, Florida,]]~~ shall apply to this chapter except as otherwise provided in the following definitions:

* * *

(8) *Existing residential development* means >>existing development as defined in section 33E-5, with specific reference to residential uses<< ~~[[the lawful residential land development existing as of the effective date of this chapter, and any residential land development for which the landowner holds a valid building permit or valid mobile home dwelling unit tie-down permit as of the effective date of this chapter. Existing residential land development shall also include that maximum level of development activity for which a previous impact fee was paid under the provisions of this chapter]]~~. Residential land development shall include but not be limited to single family dwellings, multi-family dwellings, and mobile home dwelling units.

* * *

(11) *New residential development* means the construction of new residential units, the creation of additional residential units from existing residential units, any expansion of residential units that increase unit size, or a change in use from non-residential development to residential units.

>>(a) New residential development<< ~~[[Residential units]]~~ shall include but not be limited to single family dwellings, multi-family dwellings, and mobile home dwelling units.

>>(b)<< New residential land development shall not include transitory development (such as hotels or motels and time-shares) where units or bedrooms are leased for less than >>30<< ~~[[thirty (30)]]~~ days.

* * *

~~[[(16) *County Planning and Zoning Director* or *Zoning Director* means the Director of the Miami-Dade County Department of Regulatory and Economic Resources or successor department, or the Director's designee.]]~~

* * *

Sec. 33K-5. - Imposition of educational facilities impact fee.

(a) Any application for a building permit for new residential development within Miami-Dade County shall be subject to the imposition of an educational impact fee in the manner and amount set forth in this chapter. All building permits issued after >>May 12, 1995<< ~~[[the effective date of this chapter]]~~ shall be subject to the imposition of the computed impact fee as determined herein.

(b) No such building permit shall be issued by the County or any Miami-Dade County municipality unless and until the applicant has paid such impact fee >>as required by this chapter<< ~~[[, or presented a letter of credit for such impact fee in a form acceptable to the Miami-Dade County Planning and Zoning Director]].~~

(c) Notwithstanding the payment of an educational facilities impact fee, other state, County, or municipal developmental regulations may limit the issuance of building permits for development activity.

(d) Nothing in this chapter shall prohibit any municipality, School Board, or Miami-Dade County from paying the required impact fee on behalf of any applicant or feepayer.

In such an instance, the impact fee payment shall be from allowable fundable sources other than prior impact fee revenues.

- (e) The educational facilities impact fee manual (the manual) shall be used for the administration of this chapter.

Sec. 33K-6. - Computation of the amount of educational facilities impact.

- (a) The feepayer shall pay an educational facilities impact fee amount based on the formula set forth below.

>>(1)<< Such fee is based on the capital cost required to serve the increased demand for capital educational facilities resulting from proposed new residential development, together with impact fee administration charges.

>>(2)<< The formula to be used to calculate the educational facilities impact fee shall be established as follows for all new residential development, except as applied to the expansion of existing residential units which is addressed below in >>this section<< ~~[[Section 33K-5(e)]].~~

>>(3)<< The County ~~[[Planning and]]~~ Zoning Director shall employ the following formula to compute the amount of the fee to be paid:

$$\begin{array}{r}
 \text{New Residential Unit Size*} \\
 \text{(square feet)} \\
 \times \\
 \text{Square Footage Fee**} \\
 \text{(\$0.90)} \\
 + \\
 \text{Base Fee} \\
 \text{(\$600.00)} \\
 + \\
 \text{2\% Administrative Fee} \\
 = \\
 \text{Educational Facilities Impact Fee}
 \end{array}$$

*Provided by the County ~~[[Planning and]]~~ Zoning Director or municipality at the time of building permit application or change of use, whichever is applicable.

**Statistical information supporting this calculation of the square footage fee and the base fee is contained in the

Educational Facility Impact Fee Methodology and Technical Report prepared for the School Board of Miami-Dade County, Florida by James Duncan and Associates, Craig Richardson, and James C. Nicholas, and dated April 7, 1995.

* * *

- (f) Any building permit which expires or is revoked after >>May 12, 1995,<< ~~[[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.
- (g) In determining the unit size for new residential development, the County ~~[[Planning and]]~~ Zoning Director shall use the building permit and certificate of use information contained in the County building or zoning records, municipal building code and zoning regulations, or other governmental agencies, whichever is relevant.
- (h) ~~[[No impact fee payment shall be required for any development activity when the calculated fee is less than fifty dollars (50.00).]]~~
- (i) The County ~~[[Planning and]]~~ Zoning Director, in consultation with the School Board, shall >>periodically<< ~~[[annually]]~~ review the contents of the Educational Facilities Impact Fee chapter, its formula, and the Educational Facilities Impact Fee Methodology and Technical Report, and if appropriate, make recommendations for revisions to the Board of County Commissioners. ~~[[The Board of County Commissioners shall consider the County Planning and Zoning Director's and School Board's recommendations within three (3) months of their receipt.]]~~ The County ~~[[Planning and Zoning]]~~ Director's and School Board's recommendation and the Commission's action shall ensure that the benefits to a fee-paying development are equitable in that the fee charged to the paying development shall not exceed a proportionate share of the cost of mitigating capital educational facilities impacts, and the procedures for administering the impact fee process remain efficient.
- ~~[[j) The Board of County Commissioners shall adopt, prior to the effective date of this chapter, a Metro Miami-Dade Educational Facilities Impact Fee Manual which shall be used for the administration of this chapter.]]~~

Sec. 33K-7. - Assessment and payment of fee.

- (a) The person applying for the issuance of a building permit for new residential development not exempted pursuant to ~~>>section<< [[Section]]~~ 33K-8 shall pay the educational facilities impact fee pursuant to ~~>>section<< [[Section]]~~ 33K-6, less any applicable credits as provided for in ~~>>section<< [[Section]]~~ 33K-9, to the County ~~[[Planning and]]~~ Zoning Director prior to the issuance of the building permit. No such permits shall be requested, issued, or approved until the applicable impact fee is paid.
- (b) All funds collected shall be properly identified and promptly transferred for deposit in the Educational Facilities Impact Fee Trust Fund and shall be held in a separate account as determined in ~~>>section<< [[Section]]~~ 33K-10 of this chapter and shall be used solely for the purposes specified in this chapter.
- (c) No building permit shall be requested, issued~~>>,<<~~ or approved by Miami-Dade County or any municipality until such applicable impact fee has been paid.
- (d) Payment shall be ~~>>governed by section 33E-6.1, including the stop-work order, lien, and other enforcement provisions contained therein.<< [[made in a form acceptable to the County Planning and Zoning Director. The Zoning Director may charge a nonrefundable convenience fee to cover any transactional costs imposed by the institution processing the form of payment. Notwithstanding any other provision to the contrary, the payment amount due shall be based on the fee in effect on the date the plans filed with a building permit application are submitted to Miami Dade County for impact fee assessment. In no case shall the administrative fee and any convenience fee be refunded.~~
- (e) ~~The County shall have the authority to lien real property for which a Final Certificate of Use (C.U.) or Final Certificate of Occupancy (C.O.) has been issued but for which the correct required impact fee has not been paid in full. Such lien must be filed within three years from the date of issuance of the C.U. or C.O. The County shall charge a collection fee above the value of the impact fee being collected to cover the cost of collection of unpaid impact fees.]]~~

Sec. 33K-8. - Exemptions.

The following shall be exempt from the terms of this chapter. An exemption must be claimed by the feepayer at the time of application for a building permit or mobile home tie-down permit. Any exemption not so claimed shall be deemed to have been waived by the feepayer.

- (a) Any land development activity that is not capable of creating capital educational facilities demand during its useful lifetime as a matter of law and fact.
- (b) Multi-family units contained in one ~~[[4]]~~ or more buildings with a minimum of six ~~[[6]]~~ units per building and which units do not contain kitchen facilities for the exclusive use of one ~~[[4]]~~ family.
- (c) The construction of accessory buildings or structures on residentially zoned properties which are detached from the primary use and which will not result in the occupancy of additional school age children.
- (d) The replacement of any residential structures which physically and lawfully existed at any time subsequent to January 1, 1992 for which the landowner held a valid building permit.
- (e) The issuance of a tie-down permit for a mobile home on which an impact fee has been paid.

Sec. 33K-9. - ~~>>Contributions-in-lieu-of-fee;<<~~ Credits.

- (a) ~~>>Credits. Except as provided in this section, credits for contributions-in-lieu-of-fee or for existing residential development shall be governed by section 33E-14.~~
- (b) ~~Contributions-in-lieu-of-fee prior to May 12, 1995.<<~~ Credit for up to the full amount of the educational facilities impact fee shall be given by the County ~~[[Planning and]]~~ Zoning Director after review and recommendation of the School Board for monetary contributions or land dedication made toward capital educational 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 ~~>>May 12, 1995<<~~ ~~[[the effective date of this chapter]]~~.
 - (1) Credit shall be limited to the extent of monies paid or land dedicated.

- (2) A credit shall be considered only for those properties encompassed by the development order or action.
 - (3) Any feepayer claiming such credit shall present documentation and any other evidence of a monetary contribution or land dedication for capital educational facilities.
 - (4) Any appeal from determination of the amount of credit pursuant to this subsection shall be ~~>>reviewed pursuant to section 33E-15 and any applicable procedures set forth in the adopted manual<< [[to the Developmental Impact Committee Executive Council pursuant to the procedures set forth in Section 33K-14 of this chapter]].~~
- (b) Credit shall also be provided to any feepayer by the County ~~[[Planning and]]~~ Zoning Director if the School Board accepts feepayer's offer to dedicate or convey land to the School Board for school sites, or accepts an offer to provide capital educational facilities, or provide a contribution.
- >>(1)<< In the event that the feepayer offers to dedicate or convey land, the feepayer shall provide to the School Board prior to the School Board acceptance of feepayer's offer, an environmental site assessment which specifically complies with the requirements set forth in American Society For Testing and Materials (ASTM) Standards on Environmental Site Assessments for Commercial Real Estate, Second Edition, E1527-94 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process and 1528-93 Standard Practice for Environmental Site Assessments: Transaction Screen Process.
 - >>(2)<< This requirement shall not be deemed exclusive and the School Board is authorized to require any and all conditions necessary prior to acceptance of feepayer's offer to dedicate or convey land.
- (c) The credit shall equal the amount of the fair market value of the land dedication, capital educational facility provided, or contribution given.
- >>(1)<< If the School Board accepts such an offer, it shall inform the County ~~[[Planning and]]~~ Zoning Director of the dedication or contribution and the value of the credit.

- >>(2)<< The County ~~[[Planning and]]~~ Zoning Director shall review the materials submitted by the School Board, and then determine the appropriate credit and/or reimbursement due against the sum otherwise due.
- >>(3)<< Reimbursements to the feepayer shall be made with available revenue from the benefit district within which the capital educational facilities have been provided.
- >>(4)<< The fee or portion satisfied by the conveyance of land or contribution of capital educational facilities shall be deemed paid when the conveyance or contribution has occurred.
- >>(5)<< In administering this provision, the County ~~[[Planning and]]~~ Zoning Director shall comply with the >>applicable<< requirements of >>section 380.06<< ~~[[Section 380.06(16)]]~~, Florida Statutes and the procedures in the Educational Facilities Impact Fee Manual.

* * *

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

>>Refunds shall be governed by section 33E-13.<<

~~[(a) The following shall apply upon expiration or revocation of a building permit.~~

- ~~(1) If a building permit within Miami Dade County encompassing fee-paying development expires or is revoked, if an error in the impact fee calculation is discovered, or if the feepayer has paid impact fees in excess of the amount required in this chapter, then the feepayer shall be entitled to a refund of the impact fees paid or the appropriate portion thereof, without interest, from the County Planning and Zoning Director, except that the County Planning and Zoning Director may retain any convenience fees and the administrative cost portion of the fee for the administration of the impact fee calculation, collection, and refund. If the County Planning and Zoning Director has transmitted the impact fee funds to the School Board pursuant to Section 33K-11(b) that are required to be refunded, the School Board shall transmit back the monies to be refunded to the County Planning and Zoning Director.~~

- (2) ~~In no event shall a refund be provided pursuant to this subsection 33K-13(a), for impact fees deemed expended pursuant to Section 33K-12.~~
- (3) ~~Funds shall be deemed expended for the 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 School Board action~~
- (b) ~~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 monies are spent or encumbered.~~
- (c) ~~No refunds of educational facilities impact fees shall be given for new residential development which results in a negative impact fee computation.~~
- (d) ~~Any impact fee trust funds not expended by the end of the fiscal quarter immediately following six (6) years from the date that the fee was paid shall be returned to the feepayer by the County Planning and Zoning Director with accrued interest. The feepayer shall be required to submit a written request for refund to the County Planning and Zoning Director before issuance of the refund can be authorized. No refund of educational facilities impact fees shall be provided if the feepayer does not request such a refund prior to the expiration of one (1) year following the six (6) year period from the date the educational facilities impact fee was paid.]]~~

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

>>Appeals of administrative decisions shall be governed by section 33E-15. Notwithstanding any other provision to the contrary, administrative decisions pursuant to this chapter may also be appealed by the School Board <<

- [[~~(a) *Administrative remedies.* Except as otherwise provided in this chapter, decisions of the County Planning and Zoning Director under this chapter may be appealed by the feepayer or the School Board to the Developmental Impact Committee Executive Council for a de novo review. Appeals of the decisions of the Developmental Impact Committee Executive Council may be made by either the feepayer or the School Board to the Board of County Commissioners. If the feepayer appeals the decision of a Director or of the Developmental Impact Committee Executive Council, the decision on appeal shall be deemed a non final order.~~

- (b) ~~Procedure on appeal. If a feepayer or School Board decides to appeal an administrative decision of the County Planning and Zoning Director, the feepayer or School Board shall first file a notice of administrative appeal with the Developmental Impact Committee Coordinator on a form approved by the Zoning Director. All appeals shall be filed within thirty (30) days of the issuance of a written decision of the 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.~~
- (c) ~~Proceedings before the Developmental Impact Committee. The Developmental Impact Committee Coordinator shall schedule the appeal before the Council as soon as practically possible. The Developmental Impact Committee Executive Council shall vote to affirm, reject or revise the decision of the County Planning and Zoning Director. The written decision of the Executive Council shall be mailed certified mail, return receipt requested. Any appeal to the County Commission shall be filed with the Zoning Director pursuant to Section 33-314 of this code within thirty (30) days from the date of the receipt of the Executive Council's written decision.]]~~

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Section 6. Section 33H-3 of the Code shall be renumbered pursuant to the revisions in section 2 above.

Section 7. Section 33I-4 of the Code shall be renumbered pursuant to the revisions in section 3 above.

Section 8. Section 33J-4 of the Code shall be renumbered pursuant to the revisions in section 4 above.

Section 9. 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 10. 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, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

March 1, 2022

Approved by County Attorney as
to form and legal sufficiency:




Prepared by:

Dennis A. Kerbel

Prime Sponsor: Commissioner Kionne L. McGhee