



# *The Village of Biscayne Park*

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Log Cabin - 640 NE 114th Street**  
**Biscayne Park, FL 33161**  
**Thursday, October 13, 2016 at 7:00pm**



*Indicates back up documents are provided.*

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**



4.a Proclamation - October is Breast Cancer Awareness Month



4.b Proclamation - October 23 - 31, 2016 is Red Ribbon Week

4.c Miami-Country Day School - Chuck Sennett, Athletic Director

4.d Waste Pro - Kenny Rivera



4.e Amy Raymond - Public Art Advisory Board

**5 Additions, Deletions or Withdrawals to the Agenda**

*At this time, any member of the Village Commission or the Village Manager may request to add, change, or delete items from the agenda.*

**6 Public Comments Related to Agenda Items / Good & Welfare**

*Comments from the public relating to topics that are on the agenda, or other general topics.*

6.a Response to prior public comments and inquiries

**7 Information / Updates**



7.a FY 2015-16 Monthly Financials as of August 31, 2016.

## 8 Consent Agenda

*Items listed under Consent Agenda are viewed to be routine, and the recommendation will be enacted by ONE MOTION in the form listed below. If discussion is desired, then the item(s) will be removed from the Consent Agenda and will be considered separately.*



### 8.a Approval of Minutes

- ◆ September 13, 2016 Regular Commission Meeting
- ◆ September 14, 2016 1st Public Hearing FY 2016-17
- ◆ September 27, 2016 2nd Public Hearing FY 2016-17



### 8.b Acceptance of Board Minutes

- ◆ Biscayne Park Foundation - August 15, 2016
- ◆ Planning & Zoning Board - September 6, 2016
- ◆ Planning & Zoning Board - September 19, 2016
- ◆ Code Compliance Board - September 12, 2016

**< End of Consent >**

## 9 Ordinances

**< First Reading >**



### 9.a Ordinance 2016-08

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AMENDING VARIOUS PROVISIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE ENTITLED "TRANSPORTATION" TO PROVIDE REGULATIONS PERTAINING TO DRIVEWAYS, RIGHTS-OF-WAY, DEFINITIONS AND THE CREATION OF A SPECIAL EXCEPTION PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE**

## 10 Resolutions

**< None >**

## 11 Old Business

*These items are generally discussion items that have been previously discussed by the Commission and new information or updates are available by either a member of the Commission or the Administration.*



### 11.a Landscaping requirements for new builds, major renovations / related Miami-Dade County Code

## 12 New Business

*These items are generally discussion items that have been requested by members of the Commission or the Administration.*

-  12.a Discussion on passing an ordinance / resolution providing for the prohibition of balloon usage and balloon releases - As requested by Commissioner Watts
-  12.b Discussion on alleys and their maintenance - As requested by Mayor Coviello
-  12.c Discussion on feral cat issue - As requested by Mayor Coviello
-  12.d Discussion of fiscal situation and exploring improved systems of checks and balances - As requested by Commissioner Watts
-  12.e Discussion of a ground plaque at the Log Cabin, recognizing all the partners that contributed to the restoration project - As requested by Vice Mayor Ross
-  12.f Facility rental fee waiver for Relay for Life on April 8, 2017.

### **13 Request for placement of items on next meeting agenda**

*Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.*

### **14 Reports**

14.a Village Manager

 14.a.1 - FEMA Public Assistance Grant Fund Audit

 14.a.2 - Police Monthly Publication

14.b Village Attorney

14.c Board / Committee Reports:

- ◆ Biscayne Park Foundation
- ◆ Code Review Board
- ◆ Parks & Parkway Advisory Board
- ◆ Public Art Advisory Board
- ◆ Recreation Advisory Board

14.d Commissioner Comments

- ◆ Vice Mayor Ross
- ◆ Commissioner Anderson
- ◆ Commissioner Jonas
- ◆ Commissioner Watts
- ◆ Mayor Coviello

## 15 Announcements

Saturday, October 15th - Celebrating Safe Communities / Community Safety Day at 10:00am

Saturday, October 15th - Okto"beer"fest Celebration at 6:30pm

Monday, October 17th - Planning & Zoning Board at 6:30pm

Tuesday, October 18th - Meet the Candidates at 7:00pm

Wednesday, October 19th - Parks & Parkway Advisory Board at 7:00pm

Saturday, October 22nd - Stormwater Master Plan Presentation / Workshop at 10:00am

Saturday, October 29th - Halloween Fun House from 4:00pm to 7:00pm

Our next regular Commission meeting is Tuesday, November 1, 2016, at 7:00pm

## 16 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - All comments must be addressed to the Commission as a body and not to individuals. Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

# *Proclamation*

## **Village of Biscayne Park**

### **October 2016 – National Breast Cancer Awareness Month**

**Whereas**, National Breast Cancer Awareness Month was founded in 1985 to promote mammography as a weapon in the fight against breast cancer; in 1991 the Susan G. Komen Foundation first utilized the Pink Ribbon as a symbol for the cause in its New York City race for breast cancer survivors; and in 1993 Evelyn Lauder of Estee Lauder Companies founded The Breast Cancer Research Foundation and also using the Pink Ribbon as its symbol.

**Whereas**, despite considerable progress made in screening, early detection and better treatments, and although mortality rates are steadily decreasing, breast cancer is still the second leading cause of cancer deaths among women in our country.

**Whereas**, knowing the risk factors for breast cancer, including family and personal history, obesity, genetic changes and prior exposure to radiation, as well as exercising regularly, maintaining a healthy balanced diet and body weight, and regular diagnostic screening, may lower or mitigate the development of breast cancer.

**Whereas**, the Village of Biscayne Park holds the health and safety of its citizens as a permanent concern, during National Breast Cancer Awareness Month, we stand with our mothers, daughters, sisters, and friends, and we recognize all who have joined their loved ones in fighting their battle, as well as the advocates, researchers, and health care providers whose care and hard work gives hope to those living with breast cancer. By educating ourselves and supporting innovative research, we will improve the quality of life for all Americans affected by breast cancer and, one day, defeat this terrible disease.

**Now, Therefore**, I, David Coviello, Mayor of the Village of Biscayne Park, Florida, joined by the entire Commission, do hereby join the nation in proclaiming October 2016 as National Breast Cancer Awareness Month. We encourage all citizens to join in activities that will increase awareness of what Americans can do to prevent and control breast cancer.



Dated this 6<sup>th</sup> Day of October, 2016

Village of Biscayne Park, Florida

---

David Coviello, Mayor

# Proclamation

## Village of Biscayne Park

### Red Ribbon Week - October 23-31, 2016

**Whereas**, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

**Whereas**, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

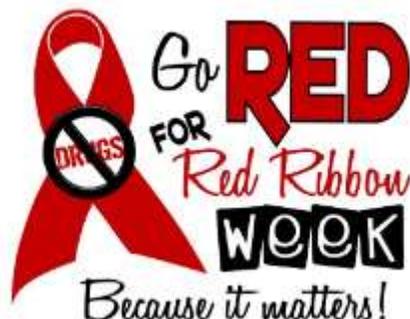
**Whereas**, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

**Whereas**, the red ribbon has been chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, A Drug Enforcement Administration agent who was murdered in the line of duty, and represents the belief that one person can make a difference, and

Whereas, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

Whereas, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

**Now, Therefore**, I, David Coviello, Mayor of the Village of Biscayne Park, Florida, joined by the entire Commission, do hereby proclaim October 23-31, 2016, as **RED RIBBON WEEK** in the Village of Biscayne Park, and urge all citizens to join in this special observance.



Dated this 6<sup>th</sup> Day of October, 2016

Village of Biscayne Park, Florida

---

David Coviello, Mayor

Date: October 3, 2016

To: Village Commission  
From: Amy Raymond, Chair of the Public Art Advisory Board

Re: Art Show (2017) – “*Meet our Artists in Residence*”

The Public Art Advisory Board is planning an Art Show including a Farmers Market. The proposed date is Saturday, February 4 or 11, 2017.

We would like to send an email blast out to our Village residents to see if we have fine artists and artisans interested in showing their work and products the event. It is a social event to meet our talented residents and to get to know our neighbors. No charge for artists. We are in the process of looking for advice and help to put up stalls for hanging art. We will provide tables for artisans to show their products. We are hoping to use the dais for donated wine, cheese and fruit platters. Our volunteers will be responsible for all clean-up.

We are requesting the use of our Log Cabin with fees waived. Also, we would like to use the median directly in front of the Log Cabin for a Farmers Market provided by Art Friedrich who runs the Urban Oasis Project and organizes the market at Legions Park, Adrienne Arsht, and Tropical Park. The Art Board will receive a percentage of the market's earnings. We will receive no earnings from The Art Show. The artists will receive and keep all earnings. We will provide music outside to attract residents and to provide an atmosphere. We may provide a volunteer musician inside at the Art Show.

We are asking the Commission to approve our email blast Call to Artists, and to approve our use of the Log Cabin with a waiver of fees.

Proposed Email Blast:

*The Art Board of The Village of Biscayne Park is sending out a Call to Artists and Artisans in Our Village of Biscayne Park:*

*What: Fine Arts and Artisans Art Show*

*When: February 4 or 11, 2017*

*Time: 2-5pm*

*Where: The Log Cabin*

*Displays: If you cannot provide your own stall or table, we will provide either or both.*

*Fees: None/ You collect any money exchanged*

*Our intention is to have a social event where we can meet our resident artists and enjoy Art with our neighbors. We will have music, wine and other refreshments.*

*We are also planning to have The Urban Oasis Farmer's Market on the grassy median in front of the Log Cabin with music.*

*RSVP: Any and all artists who have an interest in participating in this exciting event, please send an email to the Public Art Advisory Board at [publicart@biscayneparkfl.gov](mailto:publicart@biscayneparkfl.gov), with your name, contact email or phone number and the kind of art you will be showing/selling, by November 1, 2016.*

*We are hoping to have Village residents as our artists; however, if we do not receive enough responses, we will begin to advertise in our neighboring communities.*



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**#7.a**

**REGULAR MEETING**

---

**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Sharon P. Ragoonan, Village Manager

**DATE:** October 6, 2016

**TITLE:** FY 2015-2016 Monthly Financials as of August 31, 2016

---

The purpose of this memorandum is to provide a monthly update on the 2015/2016 fiscal year as of August 31, 2016 (Exhibit 1). The highlights of the financial report are provided below:

Revenues:

- Ad valorem tax revenue exceeded projections in the amount of \$63,114.
- A positive increase in charges for services is directly related to the rise in building permit activity and inspection fees. Over \$23,544 additional revenue was generated due to this heightened activity.
- A law enforcement grant reimbursement in the amount of \$1,404 and two donations totaling \$1,250 resulted in the 117.01% change in operating contributions/grants.
- All other revenue items expected to meet projections.

Expenditures:

- Village Commission expenditures are lower than expected due to the retention of \$2,000 in compensation and \$3,500 in professional fees for the Biscayne Park Foundation audit.
- Administration shows savings related to the compensation, stipends, and benefits such as training and education that was allocated to the vacant Village Manager position, which was filled on September 19, 2016.
- Planning & Zoning will show a savings of \$3,500 for the mail-in ballot not used for annexation. This savings will be posted and shown in the financials as of September 30, 2016.
- An overage in Police is anticipated due to the increase in overtime compensation

since the department is short one police officer and the other sworn personnel assumed the person's duties but have also continued to provide coverage for police officers on sick or vacation leave.

- All other funds expected to meet expenditure projections.

Special Funds:

- CITT- Transportation allocations for storm drainage (\$6,000), street address signs (\$41,123), and road professional fees (\$25,000) in the amount of \$72,123 were not expended.
- CITT- Transit funding in the amount of \$24,030 remained unencumbered.
- Capital Improvement Fund is expected to show an overage caused by the timing of grants received (e.g. Historic Preservation, The Villagers, Miami-Dade County) and were not reflected in the adopted fiscal year budget, and the expenditures incurred for the construction costs associated with the Log Cabin, Village Hall and community signage. Additionally, the Village received a \$150,000 grant for a storm water study and master plan. The current cost to prepare the storm water master plan is \$116,466, and is expected to be reimbursed in the current fiscal year.
- All other special funds are expected to meet projections.

Furthermore, staff developed a new financial tracking tool to keep the Village Commission apprised on the financial status of initiatives that are earmarked in the current 2016/2017 fiscal year - the Project Financial Update Report (Exhibit 2). It will accompany both the monthly and quarterly reports presented to the elected body. The goal is to improve transparency on funded items and provide the information in a reader-friendly format for Village constituents. Since priorities may change throughout the fiscal year, this document will aid in assessing project completion rates, funding availability for new endeavors, and resource allocation. The report will service as a guide in short- and long- term financial planning decisions.

**Attachment**

Exhibit 1 – Financial Report as of August 31, 2016

Exhibit 2 – FY 2016/2017 Project Financial Update Report

---

Prepared by: Claude Charles, Finance Manager

08/31/2016

## REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

Calculations as of 08/31/2016

BUDGET COMPLETION 91.80%

FUND 001

GL NUMBER	DESCRIPTION	2015-16 ORIGINAL BUDGET	2015-16 ACTIVITY THRU 08/31/16	remaining	2015-16 Projected % CHANGE
<b>REVENUES</b>					
	AD VALOREM TAXES	1,474,664	1,537,779	(63,114.88)	104.28%
	UTILITY FEES	278,626	259,041	19,585.28	92.97%
	CHARGE FOR SERVICES	191,153	214,697	(23,544.35)	112.32%
	FRANCHISE FEES	169,339	156,615	12,724.05	92.49%
	OPERATING CONTRIBUTIONS	7,600	8,892	(1,292.46)	117.01%
	INTERGOVERNMENTAL REVENUES	289,406	268,481	20,925.29	92.77%
	JUDGEMENTS & FINES	62,669	59,398	3,270.65	94.78%
	MISCELLANEOUS REVENUES	14,500	3,697	10,802.81	25.50%
	TRANSFERS IN	96,964	77,102	19,862.25	79.52%
<b>TOTAL REVENUES</b>		<b>2,584,921</b>	<b>2,585,702</b>	<b>(781)</b>	<b>100.03%</b>
<b>EXPENDITURES</b>					
	TRANSFER OUT	192,400	187,000	5,400.00	97.19%
	511-Village Commission	23,818	14,582	9,235.73	61.22%
	512-Administration	212,449	179,494	32,954.76	84.49%
	513-Finance	108,418	90,998	17,419.93	83.93%
	515-Planning & Zoning	14,000	14,000	0.00	100.00%
	519-General Government	407,876	328,255	79,620.84	80.48%
	521-Police	1,009,816	961,974	47,842.43	95.26%
	524-Building Department	124,366	115,492	8,873.66	92.86%
	529-Code Enforcement	75,759	65,111	10,647.96	85.94%
	539-Public Works	281,334	227,168	54,165.92	80.75%
	572-Parks and Recreation	134,685	111,969	22,716.29	83.13%
<b>TOTAL EXPENDITURES</b>		<b>2,584,921</b>	<b>2,296,043</b>	<b>288,878</b>	<b>88.82%</b>

NET OF REVENUES/EXPENDITURES

289,659

08/31/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

PERIOD ENDING 08/31/2016

% Fiscal Year Completed: 91.80 %

DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 08/31/2016 NORMAL (ABNORMAL)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
<b>Fund 101 - Road Fund</b>				
<b>Revenues</b>				
Intergovernmental Revenues	103,961	94,914	9,047	91.30%
Charge For Services	23,173	708	22,465	3.06%
<b>Total Revenues:</b>	<b>127,134</b>	<b>95,622</b>	<b>31,512</b>	<b>75.21%</b>
<b>Expenditures</b>				
Total Dept 541-Streets and Roads	127,134	117,813	9,321	92.67%
<b>TOTAL Expenditures</b>	<b>127,134</b>	<b>117,813</b>	<b>9,321</b>	<b>92.67%</b>
Fund 101 - Road Fund:				
<b>TOTAL REVENUES</b>	<b>127,134</b>	<b>95,622</b>	<b>31,512</b>	<b>75.21%</b>
<b>TOTAL EXPENDITURES</b>	<b>127,134</b>	<b>117,813</b>	<b>9,321</b>	<b>92.67%</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0</b>	<b>-22,191</b>		

08/31/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

PERIOD ENDING 08/31/2016

% Fiscal Year Completed: 91.80

DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 08/31/2016 NORMAL (ABNORMAL)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
-------------	------------------------------	--	---	----------------

**Fund 103 - CITT-Transportation  
Revenues**

Intergovernmental Revenues	96,123	77,248	18,875	80.36%
----------------------------	--------	--------	--------	--------

<b>TOTAL Revenues</b>	<b>96,123</b>	<b>77,248</b>	<b>18,875</b>	<b>80.36%</b>
-----------------------	---------------	---------------	---------------	---------------

Expenditures

541-Streets and Roads	96,123	20,947	75,176	21.79%
-----------------------	--------	--------	--------	--------

<b>TOTAL Expenditures</b>	<b>96,123</b>	<b>20,947</b>	<b>75,176</b>	<b>21.79%</b>
---------------------------	---------------	---------------	---------------	---------------

<b>Fund 103 - CITT-Transportation:</b>				
<b>TOTAL REVENUES</b>	<b>96,123</b>	<b>77,248</b>	<b>18,875</b>	<b>80.36%</b>
<b>TOTAL EXPENDITURES</b>	<b>96,123</b>	<b>20,947</b>	<b>75,176</b>	<b>21.79%</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>0</b>	<b>56,301</b>		

08/31/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

PERIOD ENDING 08/31/2016

% Fiscal Year Completed: 91.80

DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 08/31/2016 NORMAL (ABNORMAL)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
<b>Fund 104 - CITT-Transit Revenues</b>				
Intergovernmental Revenues	24,030	19,312	4,718	80.37%
<b>TOTAL Revenues</b>	<b>24,030</b>	<b>19,312</b>	<b>4,718</b>	<b>80.37%</b>
<b>Expenditures</b>				
541-Streets and Roads	0	0	0	0.00%
<b>TOTAL Expenditures</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>
<b>Fund 104 - CITT-Transit:</b>				
<b>TOTAL REVENUES</b>	<b>24,030</b>	<b>19,312</b>	<b>4,718</b>	<b>80.37%</b>
<b>TOTAL EXPENDITURES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>	<b>24,030</b>	<b>19,312</b>	<b>4,718</b>	

08/31/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK  
 PERIOD ENDING 08/31/2016  
 % Fiscal Year Completed: 91.80

GL NUMBER	DESCRIPTION	YTD BALANCE		AVAILABLE	
		2015-16 AMENDED BUDGET	08/31/2016 NORMAL (ABNORMAL)	BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 302 - Capital Improvements Fund					
Revenues					
Dept 539-Public Works					
302-539-3342500.000-DOHR	Grant-Historical Resources (Log Cabin)	0	50000	-50000	100.00
302-539-3342500.000-VILL	Grant-Historical Resources (Log Cabin)	0	25000	-25000	100.00
302-539-3343200.000-CDBG	Local Grants-CDBG Sign Grant	0	50793	-50793	100.00
302-539-3344000.000-DOEO	State Appropriations-DOEO Grant	0	0	0	0.00
	Operating Grants	0	125793	-125793	100.00
Account Type: Transfers-In					
302-539-3810000.000-DOHR	Transfers In	192400	187000	5400	97.19%
	Transfers In	192400	187000	5400	97.19
<b>TOTAL Revenues</b>		<b>192400</b>	<b>312793</b>	<b>-120393</b>	<b>162.57</b>

Expenditures					
Dept 539-Public Works					
302-539-5800000.210-DOEO	Design & Engineering-DOEO Grant	25000	21490	3510	85.96%
302-539-5800000.211	Stormwater Expenses	0	116446	-116446	0.00%
302-539-5800000.220-DOEO	Construction Costs-DOEO	135000	40614	94386	30.08%
302-539-5800000.220-DOHR	Construction Costs-DOHR Grant	32400	60772	-28372	187.57%
302-539-5800000.240-DOEO	Construction Project Management-DOEO	0	225894	-225894	0.00%
<b>TOTAL Expenditures</b>		<b>192400</b>	<b>465215</b>	<b>-272815</b>	<b>241.80%</b>

<b>Fund 302 - Capital Improvements Fund:</b>					
<b>TOTAL REVENUES</b>		<b>192,400.00</b>	<b>312,793.17</b>	<b>(120,393.17)</b>	<b>162.57</b>
<b>TOTAL EXPENDITURES</b>		<b>192,400.00</b>	<b>465,215.00</b>	<b>(272,815.43)</b>	<b>222.83</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>		<b>0.00</b>	<b>(152,421.83)</b>	<b>152,422.26</b>	<b>100.00</b>

08/31/2016

REVENUE AND EXPENDITURE REPORT FOR VILLAGE OF BISCAYNE PARK

PERIOD ENDING 08/31/2016

% Fiscal Year Completed: 91.80

DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 08/31/2016 NORMAL (ABNORMAL)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
-------------	------------------------------	--	---	----------------

**Fund 402 - Sanitation Fund  
Revenues**

Waste/Franchise Fees	502,343	467,920	34,423	93.15%
----------------------	---------	---------	--------	--------

<b>TOTAL Revenues</b>	<b>502,343</b>	<b>467,920</b>	<b>34,423</b>	<b>93.15%</b>
-----------------------	----------------	----------------	---------------	---------------

**Expenditures**

534-Garbage/Solid Waste	502,343	440,291	62,052	87.65%
-------------------------	---------	---------	--------	--------

<b>TOTAL Expenditures</b>	<b>502,343</b>	<b>440,291</b>	<b>62,052</b>	<b>87.65%</b>
---------------------------	----------------	----------------	---------------	---------------

<b>Fund 402 - Sanitation Fund:</b>				
<b>TOTAL REVENUES</b>	<b>502,343</b>	<b>467,920</b>	<b>34,423</b>	<b>93.15%</b>
<b>TOTAL EXPENDITURES</b>	<b>502,343</b>	<b>440,291</b>	<b>62,052</b>	<b>87.65%</b>
<b>NET OF REVENUES &amp; EXPENDITURES</b>		<b>27,629</b>		

**Village of Biscayne Park**  
**Project Financial Update Report as of October 1, 2016**

GL NUMBER	DESCRIPTION/COMMENTS	FY16/17 FINAL ADOPTED BUDGET	FY16/17 Revenue Source	FY16/17 Actual Cost	FY16/17 Remaining Balance	FY16/17 % of Completion
<b>DEPT 519 GENERAL GOVERNMENT</b>						
001-519-5480000.100	Newsletter - 3 editions per year @ \$1,200 each	3,600	\$1,500 advertising revenue			
001-519-5690000.000	General Contingencies - Unbudgeted expenditures.	28,741	\$64,793 General Fund			
001-519-5690000.000	General Contingencies - Code rewrite <i>(from 515 Planning)</i>	10,000				
001-519-5690000.000	General Contingencies - Community signage (4) installs <i>(from 539 Public Works)</i>	12,500				
001-519-5690000.000	General Contingencies - Irrigation repairs <i>(from 539 Public Works)</i>	5,000				
001-519-5690000.000	General Contingencies - Repair to shade structure <i>(from 572 Parks &amp; Rec)</i>	8,552				
<b>DEPT 512 ADMINISTRATION</b>						
001-512-5520000.000	Laptop computer	1,200	1,300 General Fund			
001-512-5520000.000	Meeting timer	100				
<b>DEPT 519 GENERAL GOVERNMENT</b>						
001-51--5520000.000	Street file folders	750	750 General Fund			
<b>DEPT 521 POLICE</b>						
001-521-5460000.225	Installation of police radio in two vehicles	9,400	\$3,000 Traffic Fines; \$10,950 General Fund			
001-521-5460000.225	Replacement shoulder radios @\$130 x 5	650				
001-521-5460000.225	Portable vehicle radio chargers	2,400				
001-521-5460000.225	General repairs	1,500				
001-521-5520000.000	CPR masks	300	5,192 General Fund			
001-521-5520000.000	First aid kits for all vehicles	800				
001-521-5520000.000	Fire extinguishers for all vehicles	400				
001-521-5520000.000	ID equipment supplies	500				
001-521-5520000.000	Police vehicle tracking (@ \$19/mo per vehicle (14)	3,192				
001-521-5520000.300	Vests and Non-Leathal Weapons - Two Vests	1,400	\$1,400 General Fund			
001-521-5701000.000	Debt Serving-Principal - Lease year 1 (to replace 2009 Impala 121,360 miles)	6,000	24,000			
001-521-5701000.000	Debt Serving-Principal - Lease year 1 (to replace 2009 Impala 151,778 miles)	6,000				

GL NUMBER	DESCRIPTION/COMMENTS	FY16/17 FINAL ADOPTED BUDGET	FY16/17 Revenue Source	FY16/17 Actual Cost	FY16/17 Remaining Balance	FY16/17 % of Completion
001-521-5701000.000	Debt Serving-Principal - Lease year 1 (to replace 2006 Crown Vic 122,431 miles)	6,000	General Fund			
001-521-5701000.000	Debt Serving-Principal - Lease year 1 (to replace 2007 Crown Vic 122,188 miles)	6,000				
001-521-5800000.100	Byrne Grant Project	2,000	\$2,000 Byrne			

#### DEPT 529 CODE COMPLIANCE

001-529-5310000.000	Landlord permit inspection (CAP Govt @ \$75. ea)	13,500	\$13,500 Code Fines			
001-529-5520000.000	Laptop computer and auto mounting kit	1,500	\$1,500 Code Fines			

#### DEPT 539 PUBLIC WORKS

001-539-5460000.100	Village wide medians and buildings (plant materials, mulch, sod, soil)	15,000	32,500 General Fund			
001-539-5460000.100	Recreation Center Turf maintenance	17,500				
001-539-5460000.275	Paint interior/exterior of Recreation Center	8,000	\$24,500 General Fund			
001-539-5460000.275	Village Hall exterior bathroom repair	1,500				
001-539-5460000.275	General maintenance all buildings	8,000				
001-539-5460000.275	Fumigation all buildings	5,000				
001-539-5460000.275	Septic tank maintenance/cleaning	2,000				
001-539-5460000.280	Tree Trimming and Removal	12,000	\$12,000 General Fund			
001-539-5460000.280	Tree Trimming through Forestry Grant match of \$4,000	8,000	\$4,000 Forestry Grant			
001-539-5460000.300	Repairs & Maintenance-Sidewalks & Median	1,000	\$1,000 General Fund			
001-539-5640000.000	Auger (for Tree Planting)	1,070	\$3,570 General Fund			
001-539-5640000.000	Leaf Vacuum	1,000				
001-539-5640000.000	Chainsaw Blades/Chains	500				
001-539-5640000.000	Weed Eater	300				
001-539-5640000.000	Pallet Jack	300				
001-539-5640000.000	Backpack blower	400				
001-539-5701000.000	Debt Service - Principal - Lease year 1 (to replace 2001 Chevrolet Flat Bed Truck (95,000+ miles)	6,000	\$6,000 General Fund			

#### DEPT 572 PARKS & RECREATION

001-572-5460000.100	Replacement mulch for playground area	4,000	\$4,000 General Fund			
001-572-5460000.200	Paint for Tot Lot/Playground	800	\$4,100			
001-572-5460000.200	Two replacement slides for the playground	3,300	General Fund			

GL NUMBER	DESCRIPTION/COMMENTS	FY16/17 FINAL ADOPTED BUDGET	FY16/17 Revenue Source	FY16/17 Actual Cost	FY16/17 Remaining Balance	FY16/17 % of Completion
001-572-5460000.275	Recreation Center entrance lighting	4,000	\$2,000 BP Foundation; \$2,000 General Fund			
001-572-5490000.915	Halloween	2,000	\$9,200 General Fund			
001-572-5490000.915	Movie Nights @ \$400 per movie rental x 3	1,200				
001-572-5490000.915	Winter Fest	3,500				
001-572-5490000.915	Spring Fest	2,500				

**ROAD FUND EXPENDITURES**

101-541-5460000.300	Sidewalk repairs/mainenance around Rec Center/ Village Hall	1,250	\$1,250 Revenue Sharing			
---------------------	--	-------	-------------------------------	--	--	--

**CAPITAL IMPROVEMENT EXPENDITURES**

302-539-25800000.260	Repair/Improvements Rec Center parking/paving	14,000	\$17,000 General Fund			
302-539-25800000.000	Repair / Improvements - fencing for garbage containers at Village Hall and Rec Center	3,000				

**CITT-TRANSPORTATION EXPENDITURES**

103-541-5300000.200	New Street Address Signs	10,000	\$64,500 CITT- Transportation			
103-541-5310000.350	Professional Services-Road Repair	14,500				
103-541-5310000.450	Storm Drainage - Village Wide Drain vacuuming/Cleaning	40,000				

**CITT-TRANSIT EXPENDITURES**

104-000-5690000.000	General Contingencies - Bus Shelter	21,984	\$21,984 CITT- Transit			
---------------------	-------------------------------------	--------	---------------------------	--	--	--

**SANITATION**

402	Recycling Bins for the Recreation Center Area	2,500	\$5,000 Contract (In- Kind)			
402	Refrigerator magnets of collection schedule	2,500				



## Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Approval of Minutes

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

### **Background**

The Minutes as listed below are being provided for the Commission's review and approval.

**Fiscal/Budget Impact:** None.

**Staff Recommendation:** Approval.

### **Attachments**

- September 13, 2016 Regular Commission Meeting
- September 14, 2016 1<sup>st</sup> Public Hearing FY 2016-17
- September 27, 2016 2<sup>nd</sup> Public Hearing FY 2016-17



**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Log Cabin - 640 NE 114th Street**  
**Biscayne Park, FL 33161**  
**Tuesday, September 13, 2016 at 7:00pm**

**1 Call to Order**

Mayor David Coviello called the meeting to order at 7:01pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Roxanna Ross - present  
Commissioner Bob Anderson - present  
Commissioner Fred Jonas - present  
Commissioner Barbara Watts - present

Present from staff were:

Interim Village Manager Maria C. Camara  
Village Attorney John Hearn  
Chief Cornelius McKenna  
Parks & Recreation Manager Shelecia Bartley

**3 Pledge of Allegiance**

**4 Presentations**

4.a Proclamation - Constitution Week - September 17-23, 2016

4.b Proclamation - September is Childhood Cancer Awareness Month

4.c Debbie Kleinberg, Director of the North Miami Foundation for Senior Citizens' Services spoke providing an update on the services they provide to the Village, thanking the Commission for their donation.

**5 Additions, Deletions or Withdrawals to the Agenda**

< None >

**6 Public Comments Related to Agenda Items / Good & Welfare**

Lourdes Mariano - As a nurse, would like to volunteer at the North Miami Foundation for Senior Citizens' Services. In regards to the proposed code changes on driveways, has a permit on hold. Wants to be able to finalize her project based on the current code.

Barbara Kuhl: Objects to the process regarding the proposed changes to the code on driveways. Had a workshop last year. There was consensus from Code Review Board, Parks & Parkway Advisory Board, and then the Commission changed it. This is why we have wound up with a year of mess. On proposed code for landscaping requirements on new construction, we fall under Miami-Dade County requirements. Code Review Board proposal is making it less restrictive. The Village is also not following the landscape requirements, specifically on what should have been done at Village Hall. Recommend holding off and letting the Village Manager review, then have a professional company rewrite the code.

Gary Kuhl: Barbara is correct. Should adopt Miami-Dade County code and have that information available in Village Hall. Hard to find the language in Miami-Dade County code. You are bringing someone on board with Code experience. Strongly suggest that you table both of these items and let her go through it and get feedback. Job has not been done well so far.

Dan Keys: On parking on the swale, do not prohibit it. Do not prohibit improvements on it. 40% is a good mid-point. Swales in front of all homes is for public use. On a temporary basis, I should be able to use any swale area. You are taking my right away associated with the property.

Gage Hartung: On language of parking on swale, you are going down the right direction. Only concern is that you will allow continued parking on swale without requiring any attempt to park on the property. Many who have come before P&Z with a permit application have made the provision to park on the property.

Judi Hamelburg: A resident for twenty plus years and active on numerous boards. A neighbor helped me by picking up some yard debris from my property and placed it out for collection, but on the wrong day. I was given an administrative citation. I have never had a code issue and should have been given a warning, and not an immediate citation.

Mac Kennedy: On driveways, consider swale development as a last resort. Consider on a case by case basis, and touching the swale is the last resort.

## **7 Information / Updates**

- 7.a Interim Manager Camara provided recap of FY 2015-16 at month end, July 31, 2016, and a status of the audit.

## **8 Consent Agenda**

- 8.a Approval of Minutes

August 2, 2016 Regular Commission Meeting  
August 17, 2016 1st Budget Workshop FY 2016-17  
August 24, 2016 Special Commission Meeting  
August 24, 2016 2nd Budget Workshop FY 2016-17  
August 31, 2016 Special Commission Meeting  
August 31, 2016 2nd Budget Workshop FY 2016-17

8.b Acceptance of Board Minutes

Recreation Advisory Board - May 25, 2016  
Recreation Advisory Board - June 30, 2016  
Code Compliance Board - July 19, 2016  
Biscayne Park Foundation - July 11, 2016  
Planning & Zoning Board - August 1, 2016  
Planning & Zoning Board - August 10, 2016  
Planning & Zoning Board - August 15, 2016  
Code Compliance Board - August 8, 2016

8.c **Resolution 2016-30**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE DONATION OF \$2,500 FOR FISCAL YEAR 2015-16 TO THE NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS' SERVICES, INC.;** PROVIDING FOR AN EFFECTIVE DATE

8.d **Resolution 2016-31**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **GRANTING AUTHORITY TO SHARON RAGOONAN AS VILLAGE MANAGER TO SERVE AS A SIGNATORY** ALONG WITH THE VILLAGE COMMISSION **ON ALL BANKING RELATED DOCUMENTS** FOR THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

8.e **Resolution 2016-32**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **DECLARING VILLAGE VEHICLES AS SURPLUS PROPERTY AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH BIDERA AUCTIONS;** PROVIDING FOR AN EFFECTIVE DATE

Commissioner Anderson makes a motion to accept the consent agenda and it is seconded by Commissioner Watts.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts.

Opposed: None

Motion carries: 5/0

9 **Ordinances**

< None >

**10 Resolutions**

< None >

**11 Old Business**

11.a Proposed code changes regarding driveway improvements

Attorney Hearn provided a recap of the changes agreed up on at the last meeting, and looking for direction to move forward as an ordinance.

There was consensus to include a compliance date of June 1, 2017 for all properties not in compliance.

After discussion there was a consensus to move forward with the agreed upon changes, and to direct the Village Attorney to draft an ordinance for first reading at the next Commission meeting.

11.b Code Review Board - Zoning review and proposed language regarding new construction.

After discussion, there was consensus to move forward with adding the Miami-Dade County language to our code. Attorney Hearn would research the code and provide to the Commission for their review.

11.c Proposed landscaping plans - Parks & Parkway Advisory Board

Interim Village Camara provided a summary of the proposed landscaping plans by the Parks & Parkway Advisory Board for the four community signage locations, and the south side of the Log Cabin; as well as the timetable for purchase of materials and installation schedule.

After discussion, there was a motion by Commissioner Anderson to accept the proposed plans and to direct staff to proceed with the purchase of materials and installation. The motion was seconded by Vice Mayor Ross.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, and Commissioner Jonas.

Opposed: Commissioner Watts

Motion carries: 4/1

**12 New Business**

12.a Discussion on having a workshop on solar power referendum - As requested by Commissioner Watts

Commissioner Watts provided the background.

After discussion, consensus to provide informational material at either or both of these events: Stormwater Master Plan workshop on October 22nd, or Community Safety Day on October 15th.

12.b Street signs - As requested by Commissioner Jonas

Commissioner Jonas provided the background.

After discussion, consensus that it is not a priority project at this time. Interim Manager Camara suggests that Commissioner Jonas reach out to El Portal to find out more on the cost and process, as they did a similar project with their street signs.

12.c Discussion regarding FPL's proposed rate adjustment (increase) - As requested by Commissioner Watts

Commissioner Watts provided the background.

After discussion, the majority consensus is that it would be preferable to work with FPL on what assistance they can provide to the Village on projects, as opposed to challenging the rate increase.

12.d Discussion on police response times from non-emergency dispatch - As requested by Commissioner Watts

Commissioner Watts provided the background.

Representatives from Miami-Dade County 911 operations will be attending the Crimewatch meeting on September 22nd. After that, consider any direction or actions.

12.e Request for a waiver of rental fees for Meet the Candidates on October 18, 2016.

Commissioner Jonas makes a motion to waive the rental fees for the Meet the Candidates event at the Ed Burke Recreation Center on October 18th, and it is seconded by Commissioner Anderson.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas, and Commissioner Watts.

Opposed: None

Motion carries: 5/0

**13 Request for placement of items on next meeting agenda.**

Mayor Coviello - update on Waste Pro.

Mayor Coviello - update on use and maintenance of alleys.

Mayor Coviello - discussion on feral cat issue.

Commissioner Watts - discussion on accountability of fiscal situation; explore methods of checks and balances.

**14 Reports**

14.b Village Attorney:

Attorney Hearn: Will be responding to FEMA issue within the required deadline; received summons on a police related vehicle accident from two years ago which is covered by the League and has been forwarded to them.

**15 Announcements**

Wednesday, September 14th - Public Art Advisory Board at 6:00pm  
Wednesday, September 14th - 1st Public Hearing FY 2016-17 Budget at 6:30pm  
Saturday, September 17th - SATURDAY Special Trash Pick up from noon to 5:00pm  
Monday, September 19th - Planning & Zoning Board at 6:30pm  
Wednesday, September 21st - Parks & Parkway Advisory Board at 7:00pm  
Thursday, September 22nd - Crimewatch Meeting at 7:00pm  
Tuesday, September 27th - 2nd Public Hearing FY 2016-17 Budget at 6:30pm  
Monday, October 3rd - Planning & Zoning Board at 6:30pm

Our next regular Commission meeting is THURSDAY October 6, 2016, at 7:00pm

**16 Adjournment**

The meeting was adjourned at 9:05pm.

---

Commission approved on \_\_\_\_\_.

Attest:

---

David Coviello, Mayor

---

Maria Camara, Village Clerk



## **MINUTES**

**1st Public Hearing FY 2016-17 Budget  
Log Cabin - 640 NE 114th Street  
Biscayne Park, FL 33161  
Wednesday, September 14, 2016 at 6:30pm**

**1 Call to Order**

Mayor David Coviello called the meeting to order at 6:34pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Roxanna Ross - present  
Commissioner Bob Anderson - present  
Commissioner Fred Jonas - present  
Commissioner Barbara Watts - present

Present from staff were:

Interim Village Manager Maria C. Camara  
Attorney Andrew Dunkiel  
Chief Cornelius McKenna  
Parks & Recreation Manager Shelecia Bartley

**3 Pledge of Allegiance**

**4 Public Comments Related to Agenda Items**

Barbara Kuhl: Confirms that the increase for Public Works staff is 3%.

Janey Anderson: Thanks Maria Camara for the detailed budget. To the Commission, respect all for the budget process and detailed review of each line item.

Chuck Ross: Concerns about finances have been forwarded to the auditors. Concerned we have not received the audit. Concerned numbers presented are not accurate. If there is uncertainty, move more money towards contingency.

Dan Samaria: Thanks Maria Camara for the detailed budget. Asks how can we do a budget without the audit. Can we cut 5% across all departments if we are concerned about the revenues?

6.a Recreation Center programs/events review

Interim Manager Camara provided a handout detailing the following items in regards to the Parks & Recreation Department:

- Programming and events at the Ed Burke Recreation Center from July 2015 - June 2016 (12 months)
- Expenditures and revenues related to the programs and events.
- Revenues related to the outsourced After School Care and Summer Camp programs through Golden Gates Tutoring (12 months)
- Revenues related to event/party rentals (December 2015 to current)

**5 Ordinances - FIRST READING**

5.a **Ordinance 2016-06**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2016-17 MILLAGE RATE AT 9.70 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Attorney Dunkiel read the title.

Mayor Coviello opened the meeting for public comment and there were none.

Commissioner Anderson makes a motion to approve Ordinance 2016-06 and it is seconded by Vice Mayor Ross.

The motion was called to a vote:

Commissioner Jonas: Yes

Vice Mayor Ross: Yes

Commissioner Watts: Yes

Commissioner Anderson: Yes

Mayor Coviello: Yes

Motion carries: 5/0

5.b **Ordinance 2016-07**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2016-2017 FOR THE VILLAGE OF BISCAYNE PARK**, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Dunkiel read the title.

Mayor Coviello opened the meeting for public comment and there were none.

Commissioner Anderson makes a motion to approve Ordinance 2016-06 and it is seconded by Vice Mayor Ross, for discussion.

Vice Mayor Ross: Proposes moving the following expenditures to contingencies. Allows for the audit to be completed, and then these expenditures would then come back before the Commission for approval before proceeding.

- > Planning - Code rewrite - \$10,000
- > Year 1 lease purchase of two (2) police vehicles - \$12,000
- > Purchase of police tracking system - \$3,192
- > Purchase of police radios - \$9,400
- > Purchase of laptop for Code Compliance - \$1,500
- > Community signage installation - \$12,500
- > Irrigation repairs - \$5,000
- > Year 1 lease purchase of flat bed truck - \$6,000
- > Repair of shade structure - \$8,552
- > Repair of slides - \$3,300

After discussion, motion made by Vice Mayor Ross to amend the original motion with changes outlined. The motion is seconded by Commissioner Jonas.

The motion was called to a vote:

Commissioner Anderson: No  
Commissioner Watts: Yes  
Commissioner Jonas: Yes  
Vice Mayor Ross: Yes  
Mayor Coviello: No

Motion carries: 3/2

The original motion to approve Ordinance 2016-07 as amended is called to a vote:

Commissioner Jonas: Yes  
Vice Mayor Ross: Yes  
Commissioner Watts: No  
Commissioner Anderson: No  
Mayor Coviello: No

Motion fails: 2/3

Vice Mayor Ross makes a motion remove the purchase of the police radios from the list of items moved to contingencies, and to approve Ordinance 2016-07. The motion is seconded by Commissioner Jonas.

The motion was called to a vote:

Commissioner Anderson: No  
Commissioner Watts: No  
Vice Mayor Ross: Yes  
Commissioner Jonas: Yes

Mayor Coviello: No

Motion fails: 2/3

Commissioner Anderson makes a motion to approve Ordinance 2016-07 with the budget as originally presented with no amendments and it is seconded by Mayor Coviello.

The motion was called to a vote:

Commissioner Jonas: No

Vice Mayor Ross: No

Commissioner Watts: No

Commissioner Anderson: Yes

Mayor Coviello: Yes

Motion fails: 2/3

The following expenditures were proposed to move to contingencies.

- > Planning - Code rewrite - \$10,000
- > Community signage installation - \$12,500
- > Irrigation repairs - \$5,000
- > Repair of shade structure - \$8,552

Commissioner Anderson makes a motion to approve Ordinance 2016-07 with these amendments to the budget, and it is seconded by Mayor Coviello.

The motion was called to a vote:

Commissioner Anderson: Yes

Commissioner Watts: Yes

Vice Mayor Ross: Yes

Commissioner Jonas: Yes

Mayor Coviello: Yes

Motion carries: 5/0

**Additional item presented for discussion:**

Interim Manager Camara: The group of residents hosting the "Meet the Candidates" event on October 18th, has requested a change of location to the Log Cabin and asks for a wavier of the rental fees at the new location.

Commissioner Anderson makes a motion to waive the log cabin rental fees for the "Meet the Candidates" event, and it is seconded by Commissioner Watts.

All in favor: Mayor Coviello, Vice Mayor Ross, Commissioner Anderson, Commissioner Jonas and Commissioner Watts.

Opposed: None

Motion carries: 5/0

**6 Announcements**

Saturday, September 17th - Saturday Quarterly Trash Pick Up  
Monday, September 19th - Planning & Zoning Board at 6:30pm  
Wednesday, September 21st - Parks & Parkway Advisory Board at 7:00pm  
Thursday, September 22nd - Crimewatch Meeting at 7:00pm  
Tuesday, September 27th - 2nd Public Hearing FY 2016-17 Budget at 6:30pm

**7 Adjournment**

The meeting was adjourned at 7:49pm.

---

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
David Coviello, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



## **MINUTES**

### **2nd Public Hearing FY 2016-17 Budget**

**Log Cabin - 640 NE 114th Street**

**Biscayne Park, FL 33161**

**Tuesday, September 27, 2016 at 6:30pm**

**1 Call to Order**

Mayor David Coviello called the meeting to order at 6:37pm.

**2 Roll Call**

Mayor David Coviello - present  
Vice Mayor Roxanna Ross - present  
Commissioner Bob Anderson - present  
Commissioner Fred Jonas - present  
Commissioner Barbara Watts - present

Present from staff were:

Village Manager Sharon P. Ragoonan  
Village Clerk Maria C. Camara  
Village Attorney John J. Hearn  
Chief Cornelius McKenna  
Parks & Recreation Manager Shelecia Bartley  
Finance Manager Claude Charles

**3 Pledge of Allegiance**

**4 Public Comments Related to Agenda Items**

< None >

**5 Ordinances - SECOND READING**

**5.a Ordinance 2016-06**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING THE 2016-17 MILLAGE RATE AT 9.70 MILS** FOR EACH \$1,000 OF ASSESSED VALUATION UPON REAL AND PERSONAL PROPERTY WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment and there were none.

Commissioner Anderson makes a motion to approve Ordinance 2016-06 and it is seconded by Vice Mayor Ross.

The motion was called to a vote:

Commissioner Anderson: Yes

Commissioner Watts: Yes

Vice Mayor Ross: Yes

Commissioner Jonas: No

Mayor Coviello: Yes

Motion carries: 4/1

#### 5.b **Ordinance 2016-07**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ADOPTING A BUDGET FOR FISCAL YEAR 2016-2017 FOR THE VILLAGE OF BISCAYNE PARK**, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Attorney Hearn read the title.

Mayor Coviello opened the meeting for public comment and there were none.

Vice Mayor Ross makes a motion to approve Ordinance 2016-06 and it is seconded by Commissioner Anderson, for discussion.

Manager Ragoonan provided an update on the status of the audit.

Chuck Ross: Asked for and was provided with clarification on the opening balance discrepancies as explained by Manager Ragoonan as it related to the audit.

Dan Samaria: Should not pass the budget until the audit is completed.

Commissioner Anderson recommends moving the following items out of contingencies and back to their perspective departments, with direction to the Village Manager to hold off on the purchase/expense until the audit is completed.

- > Planning - Code rewrite - \$10,000
- > Community signage installation - \$12,500
- > Irrigation repairs - \$5,000
- > Repair of shade structure - \$8,552

After discussion, motion made by Commissioner Anderson to amend the original motion with changes outlined. The motion is seconded by Commissioner Watts:

The motion was called to a vote:

Commissioner Jonas: No  
Vice Mayor Ross: No  
Commissioner Watts: No  
Commissioner Anderson: Yes  
Mayor Coviello: No

Motion fails: 1/4

Commissioner Watts makes a motion to amend the original motion to remove the Code rewrite expense of \$10,000 and to instead earmark the \$10,000 amount for reserves. The motion is seconded by Commissioner Anderson.

Commissioner Watts: Yes  
Commissioner Anderson: Yes  
Vice Mayor Ross: No  
Commissioner Jonas: No  
Mayor Coviello: No

Motion fails: 2/3

The original motion to approve Ordinance 2016-07 as presented is called to a vote:

Vice Mayor Ross: Yes  
Commissioner Jonas: Yes  
Commissioner Anderson: Yes  
Commissioner Watts: No  
Mayor Coviello: Yes

Motion carries: 4/1

**6 Announcements**

Monday, October 3rd - Planning & Zoning Board at 6:30pm

Our next regular commission meeting is THURSDAY, October 6, 2016, at 7:00pm.

**7 Adjournment**

The meeting was adjourned at 7:00pm.

---

Commission approved on \_\_\_\_\_.

Attest:

---

David Coviello, Mayor

---

Maria Camara, Village Clerk



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Acceptance of Board Minutes

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

---

### Background

The Board Minutes as listed below are being provided for the Commission's review and acceptance. If the minutes provided have not yet been approved by the Board, they are noted as DRAFT.

**Staff Recommendation:** Acceptance at Consent

### Attachments

- Biscayne Park Foundation - August 15, 2016
- Planning & Zoning Board - September 6, 2016
- Planning & Zoning Board - September 19, 2016 DRAFT
- Code Compliance Board - September 12, 2016 DRAFT



**MINUTES  
BISCAYNE PARK FOUNDATION**

**BISCAYNE PARK  
FOUNDATION**

Jorge Marinoni  
Erica Pettis  
Marie Smith  
Peter Trupia

**MONDAY, AUGUST 15, 2016**

**7:00 p.m.**

Meeting called to order at 7:08 p.m.

ROLL CALL: Jorge Marinoni, Marie Smith, Erica Pettis and Peter Trupia.

IN ATTENDANCE: David and Amy Raymond.

APPROVAL OF MINUTES: Motion by Peter Trupia, seconded by Marie Smith to approve the Minutes of July 11, 2016, Motion passed.

TREASURER'S REPORT: Jorge reported obtaining copies of all bank statements from City National in preparation of filing our annual returns. Chuck Ross is assisting in the preparation.

BARK IN THE PARK was not a fund raising event; Foundation members set up table and distributed free popcorn and sodas. Jorge expended \$23.27 and would donate this amount to the Foundation. Cash donations amounted to \$16.50.

Jorge reported on our financial balance:

Cash on hand:	\$ 155.00
Bank statement for month of July:	\$6,665.55
Cash deposit CINQUE DE MAYO:	\$ 690.00
Total:	\$7,510.55

NEW BUSINESS: David Raymond spoke on the potential of the Foundation receiving funds under the Miami Foundation charity event SOCIAL DAY OF GIVING when charitable contributions would be matched. If the Foundation completed the application and was registered then solicitations could be made to the Village residents to donate. The Miami Foundation would match the donations minus a small commission and fund our Foundation. November 17, 2016, has been chosen as this year's SOCIAL DAY OF GIVING. Jorge and Peter will research registration and further information will be available at our next meeting.

In order to maximize our Food & Tune events, the dates for our 2017 events should be submitted and if confirmed, by the Village, could be included in the 2017 calendar of Events Flyer sent out with the newsletter. ST. PATRICK'S, Saturday March 11, 2017. CINQUE DE MAYO, Saturday, May 6, 2017, and OKTOBEERFEST, Saturday October 14, 2017.



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

Erica reported that in her application for raffle tickets from the Miami Dolphins, she must apply electronically. Other sources were added by the members Florida Strikers(soccer), Miami Hurricanes, FIU, Miami Heat. She also discussed holding a Silent Auction for the Foundation and soliciting donation from local businesses and residents.

OKTOBERFEST will be discussed at our next meeting. Jorge will apply for the permit and pay the prior sales tax invoice. The music and food will be confirmed and flyers will be available for distribution in the Village and surrounding municipalities.

**MEETING ADJOURNED AT 8:08 p.m.**

**NEXT MEETING: Monday, September 12, 2016**

**Minutes Approved by the board on \_\_September 12, 2016\_\_**

**Jorge Marinoni, President**

**Marie Smith, Secretary**



## MINUTES

### PLANNING & ZONING BOARD MEETING

Log Cabin

640 NE 114 St – Biscayne Park, FL  
Tuesday , September 6<sup>th</sup>, 2016 at 6:30pm

PLANNING &  
ZONING BOARD

Gage Hartung  
Chairman

Andrew Olis  
Vice Chairman

Elizabeth Hornbuckle  
Dan Schneider  
Doug Tannehill

Alternates  
Mario Rumiano

#### 1. CALL TO ORDER

This meeting was called to order at 6:33 P.M.

#### 2. ROLL CALL

Gage Hartung – Board Member– present  
Andrew Olis – Board Member – present  
Elizabeth Hornbuckle – Board Member- present  
Doug Tannehill – Board Member – present  
Dan Schneider- Board Member- present  
Irwin Peterson- staff- present  
Sal Annese- staff- absent

#### 3. APPROVAL OF MINUTES

August 15<sup>th</sup>, 2016

Motion by A. Olis, seconded by D. Schneider. Approved 5-0

#### 4. NEW BUSINESS

- a. Mainade- 11711 Griffing Blvd- Variance request- Accesory Building  
Withdrawn by Applicant

#### 5. BUILDING PERMITS

- a. Schmidt- 1007 NE 118 St- Driveway  
Tabled for more information
- b. Palomino- 11010 NE 10 Ave- Driveway  
Motion by D.Tannedhill, seconded by A. Olis. Approved 5-0
- c. Pacheco- 11230 NE 8 Ct- Windows  
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- c1. Pacheco- 11230 NE 8 Ct- Pool/Deck  
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

- d. Reid- 11315 NE 11 Pl- Driveway  
Tabled for more information
- e. Shibi- 11831 NE 6 Ave- Windows/Doors  
Motion by E. Hornbuckle, seconded by D. Tannehill. Approved 5-0
- f. Vargas- 841 NE 119 St- Windows/Doors  
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- g. Romero- 731 NE 116 St- Windows/Doors  
Motion by D. Tannehill, seconded by D. Schneiger. Approved 5-0
- h. Lyndaker- 11940 NE 6 Ave- Wood Panels  
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- h1. Lyndaker- 11940 NE 6 Ave- Driveway  
Tabled for more information
- i. Larsen- 845 NE 116 St- Addition/Renovation  
Motion by D. Tannehill, seconded by D. Schneiger. Approved 5-0
- i1. Larsen- 845 NE 116 St- Windows/Doors  
Tabled for more information.
- i2. Larsen- 845 NE 116 St- Roof  
Tabled for more information
- j. Gamas- 11095 NE 8 Ave- Addition  
Motion by D. Tannehill, seconded by A. Olis. Approved 5-0
- j1. Gamas- 11095 NE 8 Ave- Windows/Doors  
Motion by A. Olis, seconded by D. Tannehill. Approved 5-0
- j2. Gamas- 11095 NE 8 Ave- Roof  
Motion by A. Olis, seconded by D. Schneiger. Approved 5-0
- k. Lajeune- 930 NE 119 St- REVISION to Driveway  
Motion by A. Olis, seconded by D. Schneiger. Approved 5-0
- l. Scher- 955 NE 118 St- Windows/Doors  
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0
- m. Goehl- 11625 NE 7 Ave- Windows/Doors  
Tabled for more information
- n. Childress- 780 NE 112 St- Door  
Motion by A. Olis, seconded by E. Hornbuckle. Approved 5-0



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

- o. Hill- 660 NE 119 St- Door  
Motion by E. Hornbuckle. Approved 5-0
  
- p. Mariano- 511 NE 119 St- Gravel/Swale  
Tabled for more information

The next meetings of the Planning & Zoning Board are Monday, September 19<sup>th</sup>, 2016 and tba.

### **6. ADJOURNMENT**

This meeting was adjourned at 08:22 p.m.

Minutes approved on : \_\_\_\_\_  
(Date)

By: \_\_\_\_\_  
Gage Hartung, Chair Planning & Zoning Board



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

### PLANNING & ZONING BOARD

Gage Hartung  
Chairman

Andrew Olis  
Vice Chairman

Elizabeth Hornbuckle  
Dan Schneiger  
Doug Tannehill

Alternates  
Mario Rumiano

### **MINUTES PLANNING & ZONING BOARD MEETING LOG CABIN**

**640 NE 114 ST – Biscayne Park, FL  
Monday, September 19th, 2016 at 6:30 p.m.**

#### **1. CALL TO ORDER**

This meeting was called to order at 6:30 p.m.

#### **2. ROLL CALL**

Gage Hartung- Board Member- present  
Andrew Olis- Board Member- present  
Elizabeth Hornbuckle- Board Member- present  
Doug Tannehill- Board Member- present  
Dan Schneiger- Board Member- absent- Motion to excuse by D. Tannehill,  
Seconded by A. Olis. Approved 4-0  
Irwin Peterson- Staff- present  
Sal Annese- Staff- absent

#### **3. APPROVAL OF MINUTES**

September 6th, 2016

Motion by A. Olis, seconded by D. Tannehill. Approved 4-0

#### **4. OLD BUSINESS, DELETIONS OR DISCUSSIONS TO ORDER OF BUSINESS**

- a. Scott- 1070 NE 120 St- Roof  
Motion by D. Tannehill, seconded by E. Hornbuckle. Approved 4-0
- b. Wolven- 11305 NE 10 Ave- Windows/Doors  
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- c. Schmidt- 1007 NE 118 St- Driveway  
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- d. Larsen- 845 NE 116 St- Windows/Doors  
Motion by D. Tannehill, seconded by A. Olis. Approved 4-0
- d1. Larsen- 845 NE 116 St- Roof Addition  
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- e. Mariano- 511 NE 119 St- Swale Development  
Tabled for more information
- f. Candela- 472 NE 121 St- Addition  
Tabled for more information
- g. Gamas- 11095 NE 8 Ave- Revision to plans from P & Z 09-06-16  
Motion by D. Tannehill, seconded by A. Olis. Approved 4-0



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

### 5. **BUILDING PERMIT**

- a. Hartung- 1029 NE 114 St- Windows/Doors  
Motion by E. Hornbuckle, seconded by D. Tannehill. Approved 3-0  
G. Hartung recused from vote.
- b. Nalepa- 775 NE 113 St- Pool  
Motion by E. Hornbuckle, seconded by A. Olis. Approved 4-0
- c. Childress- 1019 NE 115 St- Fence  
Motion by A. Olis, seconded by E. Hornbuckle. Denied 4-0
- d. Huff- 579 NE 118 St- Driveway  
Motion by D. Tannehill, seconded by A. Olis. Approved 4-0
- e. Martinez- 11205 NE 8 Ave- Driveway/Walkway  
Motion by A. Olis, seconded by D. Tannehill. Approved 4-0
- f. Ederr- 11528 Griffing Blvd- Windows/Doors  
Motion by D. Tannehill, seconded by E. Hornbuckle. Approved 4-0

### 6. **Variance Request**

- a. Mainade- 11711 Griffing Blvd- Accessory Building  
Permit- Motion by D. Tannehill, seconded by A. Olis. Denied 4-0  
Variance Request- Motion by A. Olis, seconded by D. Tannehill. Denied 3-1  
E. Hornbuckle voted against.

The next meetings of the Planning & Zoning Board are Monday, October 3<sup>rd</sup>, 2016 and tba.

## **ADJOURNMENT**

**TWO OR MORE MEMBERS OF THE VILLAGE OF BISCAYNE PARK COMMISSION AND OTHER VILLAGE BOARD MEMBERS MAY BE IN ATTENDANCE.**

### **DECORUM**

Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Committee, shall be barred from further audience before the Committee by the presiding officer, unless permission to continue or again address the Committee is granted by the majority vote of the members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Board Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899-8000 no later than (4) days prior to the proceeding for assistance.



**CODE COMPLIANCE  
BOARD**

**Gary Kuhl**  
**Chairman**

**Dale Blanton**  
**Vice-Chair**

**Harvey Bilt**  
**Linda Dillon**  
**Art Pyle**

**MINUTES**  
**CODE COMPLIANCE BOARD**  
**Log Cabin 640 NE 114 St, Biscayne Park, FL**  
**Monday, September 12<sup>th</sup>, 2016 at 7:00 p.m.**

**1. CALL TO ORDER**

The meeting was called to order at 7:00 P.M.

**2. ROLL CALL**

Gary Kuhl – Chair – Present

Dale Blanton – Vice Chair – Present

Harvey Bilt – Absent – Motion to excuse by Dale Blanton, Seconded by Art Pyle.

Motion passes 4-0

Linda Dillon – Present

Art Pyle- Present

**3. APPROVAL OF MINUTES**

a. August 8, 2016

-Motion by Dale Blanton, Seconded by Linda Dillon. Motion passed 4-0

**4. NEW BUSINESS**

a. Case # 16-0592- Gilles Tardif- 11119-11121 NE 11<sup>th</sup> Pl- Carport constructed without a permit.

- Motion by Art Pyle, Seconded by Linda Dillon.

- Motion to find property in compliance and close case.

- Motion passes 4-0

b. Case # 16-0590 – Jeanette J. Harrington- 1106 NE 119<sup>th</sup> St- Unused/unsightly vehicle.

- Motion by Dale Blanton, Seconded by Linda Dillon.

- Motion for owner to remove vehicle or get properly registered within 14 days.

- If owner not in compliance, \$50 fine and \$10 daily. Motion passes 4-0

c. Case # 16-0591- Anna K Von Elbe -1009 NE 119<sup>th</sup> St- Overgrown grass, weeds and shrubberies.

- Code Officer White advised property in compliance and case closed.



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

- d. Case # 16-0598- MF 600 LLC- 600 NE 119<sup>th</sup> St- Excessive growth of flora.
  - Motion by Dale Blanton, Seconded by Art Pyle.
  - Motion for owner to cut overgrowth within 7 days.
  - If owner not in compliance, \$25 fine and \$5 daily. Motion passes 4-0
  
- e. Case # 16-0595- Glen R. Wexo- 10916 NE 9<sup>th</sup> Ct- Commercial Vehicle not properly stored.
  - Motion by Art Pyle, Seconded by Linda Dillon.
  - Motion to find in compliance and close case.
  - Motion passes 4-0
  
- f. Case # 16-0594- Glen R. Wexo- 10916 NE 9<sup>th</sup> Ct- Commercial Vehicle violation.
  - Motion by Art Pyle, Seconded by Linda Dillon.
  - Motion to find in compliance and close case.
  - Motion passes 4-0
  
- g. Case # 16-0499- Helga M. Silva- 920 NE 119<sup>th</sup> St- Containers not stored properly.
  - Code Officer White advised property in compliance and citation paid.
  - Motion to close by Dale Blanton, Seconded by Linda Dillon.
  - Motion passes 4-0
  
- h. Case # 16-0501- Gil Prizament- Containers not stored properly
  - Motion by Dale Blanton, Seconded by Art Pyle.
  - Motion to find in compliance subject to payment of citation fee and administrative costs.
  - Motion passes 4-0
  
- i. Case # 16-0495- Edward M. Leshansky- 11701 Ne 9<sup>th</sup> Ave- Containers not stored properly.
  - Motion by Dale Blanton, Seconded by Linda Dillon.
  - Motion to find in compliance subject to payment of citation fee and administrative costs.
  - Motion passes 4-0
  
- j. Case # 16-04900- Christian Danielle Forsythe- 10932 Griffing Blvd- Trash pile out on wrong day.
  - Motion by Dale Blanton, Seconded by Linda Dillon.
  - Motion to find in compliance subject to payment of citation fee and administrative costs.
  - Motion passes 4-0
  
- k. Case # 16-0482- James A. Reeder- 730 NE 121th St- Trail ple out on wrong day.
  - Motion by Dale Blanton, Seconded by Art Pyle.
  - Motion to find in compliance subject to payment of citation fee and administrative costs.
  - Motion passes 4-0



**5. OLD BUSINESS**

- a. Case # 16-0455- Magda T. Vergara- 12075 NE 10<sup>th</sup> Ave- Overgrown grass, weeds and shrubberies.
  - Motion by Dale Blanton, Seconded by Art Pyle.
  - Motion to find in compliance subject of payment of citation fee and administrative costs
  - Motion passes 4-0
  
- b. Case # 16-0464- Jose Ramirez Jr.- 720 NE 117<sup>th</sup> St- Containers stored improperly.
  - Motion by Dale Blanton, Seconded by Linda Dillon.
  - Motion to find property not in compliance and \$100 fine and administrative costs.
  - Motion passes 4-0

The following are from previous Agenda dated August 8<sup>th</sup>, 2016:

- c. Case # 16-0507- Alejandro Bowers & Audra McCollum- 11540 NE 10<sup>th</sup> Ave  
Unused/unsightly objects stored on the property.
  - Motion by Dale Blanton, Seconded by Linda Dillon.
  - Motion to find property in compliance and close case.
  - Motion passes 4-0
  
- d. Case # 16-0504- Nao Homes LLC- 11002 NE 10<sup>th</sup> Ave- Canopy constructed without a permit.
  - Motion by Dale Blanton, Seconded by Linda Dillon.
  - Motion to find property in compliance and close case.
  - Motion passes 4-0

**6. FINE REDUCTIONS**

- a. Case # 6-09-1288, 6-09-1289 – 1116 NE 117<sup>th</sup> St - Elona Wagner- Property maintenance.
  - Motion by Dale Blanton ,Seconded by Linda Dillon to reject offer.
  - Motion passes 4-0
  - New motion by Dale Blanton, Seconded by Art Pyle to accept offer of \$1000 within 30 Days.
  - Motion passes 4-0.

**7. DISCUSSIONS**

- Code Officer White reported the following to the Board:
- If an administrative citation has been issued and the owner complies without paying the fees, the Board can enter an order requiring payment of the citation amount and administrative costs.
- For properties in which there is non payment of an administrative citation, the Board



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

can enter a final order authorizing the lien against the property for the citation amount.  
-First time violators that come into compliance before the meeting date need not go before the Board.

### **8. ADJOURNMENT**

The meeting was adjourned at 8:15 pm.

---

Minutes approved on \_\_\_\_\_

\_\_\_\_\_  
Gary Kuhl, Chair



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Ordinance 2016-08 Chapter 5

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

---

### Background

At the June 7<sup>th</sup> meeting, the Commission began reviewing a previously adopted ordinance, number 2015-04, specifically as it related to driveway requirements and use of swales/right-of-way for off street parking. The discussion continued over the next several meetings and on September 13<sup>th</sup>, the Commission approved the final changes and directed the Village Attorney to draft an ordinance based upon the agreed upon changes to Chapter 5 and to present it for first reading at the next meeting.

The changes are summarized as follows:

- existing swales, whether or not permitted, and which are currently used for parking and are properly maintained may remain, unless there is deterioration beyond 50%
- no new improvement of the swale area will be allowed, except for the necessary driveway approach
- if the swale is currently used for parking and is properly maintained, and there is no parking provided on the property, the resident will not be required to provide for parking on the property
- if it is not possible to install a driveway on the property due to the uniqueness of the property or extraordinary circumstances related to the property, the property owner can apply for a special exception; the Village Manager would make the recommendation to submit the variance request to the Planning Board and all appeals would then be brought before the Commission
- ribbon driveways are allowed as long as they are properly maintained and a driveway approach connects the ribbon driveway to the road
- non-conforming properties will have until June 1, 2017, to come into compliance

### Attachments

- Ordinance 2016-08

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**ORDINANCE NO. 2016-08**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING VARIOUS PROVISIONS IN CHAPTER 5 OF THE LAND DEVELOPMENT CODE ENTITLED "TRANSPORTATION" TO PROVIDE REGULATIONS PERTAINING TO DRIVEWAYS, RIGHTS-OF-WAY, DEFINITIONS AND THE CREATION OF A SPECIAL EXCEPTION PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

WHEREAS, at the direction of the Village Commission, staff reviewed Chapter 5 entitled "Transportation" of the Land Development Code; and

WHEREAS, numerous meetings and workshops were held to discuss the proposed changes to Chapter 5 of the Land Development Code; and

WHEREAS, the Village Commission finds it in the best interests of the Village to amend various sections in Chapter 5 to provide regulations pertaining to driveways, rights-of-way, definitions and the creation of a special exception process, and to approve this ordinance, authorizing the LDC to be amended;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:**

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2.** Chapter 5 of the Village of Biscayne Park Land Development Code, entitled "Transportation", shall be amended to read as follows:

**CHAPTER 5. - TRANSPORTATION**

**5.1. - General provisions.**

**5.1.1 Definitions.**

Driveway shall mean a private road leading from a street or other thoroughfare to a building, house, garage, or other structure.

1 Off-street Parking shall mean an area dedicated for parking of vehicles on private  
2 property.

3  
4 Public Right-of-way shall mean the surface, the area above, and the area below the  
5 surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge,  
6 tunnel, parkway, waterway, public easement, or similar property in which the village, county or  
7 state now or hereafter holds any property interest. Public rights-of-way do not include buildings,  
8 parks, or other property owned or leased by the village.

9  
10 Swale shall mean the right-of-way property between the edge of the roadway pavement  
11 and the property contiguous to that property.

12 ~~5.1.1~~ 5.1.2 *Purpose.* This chapter establishes minimum requirements applicable to the  
13 transportation system, including public and private streets, bikeways, pedestrian ways,  
14 parking, and access control from public streets. The standards in this chapter are intended to  
15 minimize the traffic impacts of development, and to assure that all developments adequately  
16 and safely provide for the storage and movement of vehicles with good engineering and  
17 development design practices.

18 ~~5.1.2~~ 5.1.3 *Compliance with technical construction standards manual.* All required elements  
19 of the transportation system shall be provided in compliance with the engineering design and  
20 construction standards of ~~the Public Works Manual, Metro~~ Miami-Dade County, as  
21 amended from time to time.

## 22 **5.2. - Streets.**

23  
24 5.2.1 *Street classification system established.* Streets in the village are classified and mapped  
25 according to function served in order to allow for regulation of access and appropriate  
26 design and construction standards. Streets dedicated to the village and private streets are  
27 classified in a street hierarchy system with design tailored to function. The street hierarchy  
28 system shall be defined by road function and average daily traffic (ADT), calculated by trip  
29 generation rates prepared by the Institute of Transportation Engineers. The following street  
30 hierarchy is established: Residential, collector, and arterial. Each street type is divided into  
31 subcategories.

32 5.2.2 *Residential streets (local roads).* Residential streets are primarily suited to providing  
33 direct access to residential development and are designed to minimize unnecessary and/or  
34 speeding traffic. Each residential street shall meet the minimum standards for one (1) of the  
35 following street types:

- 36 (a) *Residential access street.* This is the lowest order street in the hierarchy. A residential  
37 access street is a frontage street which provides direct access to abutting properties and  
38 should not carry more traffic than is generated on the street itself. Residential access  
39 streets may take access from any higher order street type. Both ends of a residential  
40 loop street must take access from a single higher order street. Residential access streets  
41 shall have a maximum ADT of five hundred (500). Loop streets shall have a maximum  
42 of four hundred (400). Cul-de-sacs shall have a maximum ADT of two hundred (200).
- 43 (b) *Residential subcollector street.* This is the middle order street in the residential street  
44 hierarchy. It will collect traffic from residential access streets and provide direct access  
45 to abutting properties. Residential subcollector streets may take access from any higher  
46 order street type and may give access to residential access streets and may provide

1 direct access to nonresidential uses. Residential subcollector streets shall have a  
2 maximum ADT of one thousand (1,000).

- 3 (c) *Residential collector street.* This is the highest order street that can be classified as  
4 residential. It will collect traffic from residential access and subcollector streets and  
5 may provide direct access to nonresidential uses. Residential collector streets shall have  
6 a maximum ADT of two thousand (2,000).

7 5.2.3 *Collector roads (county collectors).* Collector roads connect lower order streets to other  
8 collector streets and to arterial streets, provide access to nonresidential uses, and serve  
9 through traffic. Collector streets shall have an average daily traffic volume of no greater than  
10 seven thousand (7,000).

11 5.2.4 *Arterial roads (state minor arterials).* There are three (3) types of arterial roads, minor,  
12 major, and freeways but there is only a minor type in the village. The minor arterial links  
13 community districts to regional and state highways and may give access to any lower order  
14 street type.

15 5.2.5 *Special purpose roadways.*

- 16 (a) *Alley.* Alleys are not considered part of the street hierarchy system as they are generally  
17 unpaved thoroughfares for the purpose of service to adjacent properties.  
18 (b) *Divided streets.* Divided streets are for the purpose of protecting environmental features  
19 or avoiding excessive grading. In such a case, the standards shall be applied to the  
20 aggregate dimensions of the two (2) street segments.

21 5.2.6 *Future traffic circulation map.* The future traffic circulation map and any amendments  
22 thereto, adopted by the village as part of the comprehensive plan (Map 3.4), is hereby made  
23 a part of this code. Roadways within the village are either designated in the future traffic  
24 circulation map or may be classified according to function, design, and use by the village  
25 upon request. The map shall be the basis for all decisions regarding required road  
26 improvements or access.

### 27 **5.3. - Rights-of-way.**

28  
29 5.3.1 *Right-of-way widths.* The right-of-way shall be measured from lot line to lot line.

30 5.3.2 *Protection and use of rights-of-way.*

- 31 (a) No encroachment shall be permitted into existing rights-of-way, except for temporary  
32 uses authorized by the village.  
33 (b) Use of the right-of-way for public or private utilities, including, but not limited to,  
34 potable water, telephone wires, cable television wires, gas lines, sanitary sewer, or  
35 electricity transmission, shall be allowed subject to the placement specifications of  
36 Miami-Dade County in the Public Works Manual, Metro-Dade County, and other  
37 applicable county regulations.  
38 (c) All vehicles of any type parked on any street, alley, or public right-of-way in the  
39 Village of Biscayne Park shall have at all times attached a current license plate.  
40 (d) Sidewalks and bicycle ways shall be placed within the right-of-way.

41 5.3.3 *Parking of trucks, etc., prohibited in the right-of-way.*

- 42 (a) It shall be unlawful to park or cause to be parked upon any public street or in the public  
43 right-of-way in the village any truck, trailer, semitrailer, bus (public or private owned)

1           except while loading or unloading or when such vehicle is parked in connection with  
2           and in the aid of the performance of a service to or on the property being serviced.

3           ~~(b) Nothing herein contained shall be deemed to prohibit the parking of one (1) truck in~~  
4           ~~front of any one property not exceeding three fourths ton net weight that contains no~~  
5           ~~lettering or advertising and is owned or leased by the occupant of the property, when it~~  
6           ~~is proven to be physically impossible to park it off of the public right-of-way.~~

7           (eb) It shall be unlawful to park or store any boat, boat trailer, air boat, any self-propelled or  
8           nonself-propelled mobile home, motor home or camper upon any public street or in the  
9           public right-of-way in the village.

10   5.3.4 *Landscaping and objects in the swale area of the right-of-way.*

11           (a) *Markers.* Dome-type markers only may be placed within dedicated right-of-way,  
12           provided that they are placed not closer than eighteen (18) inches to the nearest edge of  
13           the paved surface of the designated roadway. All markers must be at least twenty-four  
14           (24) inches apart. Markers placed in the right-of-way shall not exceed twelve (12)  
15           inches in diameter, nor be more than six (6) inches in height and shall be white in color.

16           (b) *Landscaping.* Nothing shall be planted or allowed to grow in such a manner so as to  
17           obstruct the right-of-way clear zone at a level between three (3) feet and six (6) feet  
18           above the grade, measured at the centerline of right-of-way. Trees or palms, however,  
19           having trunks and foliage trimmed in such a manner that no branches or foliage extend  
20           into the right-of-way area clear zone shall be allowed, provided they are so located so as  
21           not to create a traffic hazard.

22           (c) *Paving and drainage.* Pervious pavers shall be allowed but any impervious paving shall  
23           be adequately drained to prevent the buildup of stormwater in the right-of-way. The  
24           pervious pavers and impervious area shall be limited to no more than forty (40) percent  
25           of the swale area.

26           (d) *Other objects prohibited.* Other than as provided for in section 5.6.8 of this Code, it  
27           shall be unlawful to install, place or maintain within the dedicated right-of-way, parking  
28           or swale area of the village any pointed concrete or other unapproved hard materials,  
29           such as rocks, stones, bricks, metal objects or other similar obstructions.

30           (e) A combination of an approved parking approach and ~~sodding of rights of way~~  
31           landscape consistent with the Village Code shall be permitted, provided the pervious  
32           pavers and impervious sections does not exceed forty (40) percent of the total area and  
33           such paved areas shall be kept in good condition.

34           (f) *Removal of obstructions by the village.* In the event any object or tree placed in the  
35           swale creates an emergency situation involving potential danger to the health, safety  
36           and welfare of the community, the village may perform removal operations  
37           immediately, thus eliminating the emergency, and may assess the cost of such removal  
38           against the adjacent property owner.

39           (g) *Removal of trees in the swale by the abutting property owner.* Property owners must  
40           obtain a permit from the village and Miami-Dade County to remove trees in the swale.

41           (h) *Property owner/resident responsibilities for maintenance.* The property owner or  
42           resident living in the property shall be jointly and severally responsible for the  
43           maintenance of the swale area contiguous to their property. Maintenance shall include,  
44           but not be limited to, mowing the sod and performing general edging, weeding,  
45           trimming, pruning and cleanup activities. The landscaping and sod shall be maintained

1 in good plant health. The landscaping shall be kept free of dead limbs and branches. No  
2 swale landscaping shall be maintained in such manner as to constitute a nuisance.

- 3 (i) Property owners shall be responsible for the maintenance of the swale area contiguous  
4 to their property as well as for the removal and costs of dead, diseased and/or fallen  
5 trees and any trees that may interfere with the right-of-way or otherwise pose a danger  
6 to the health, safety and welfare of the community.

7 5.3.5 *Vacation of rights-of-way.* Applications to vacate a right-of-way may be approved upon a  
8 finding that all the following requirements are met:

- 9 (a) The requested vacation is consistent with the traffic circulation element of the village  
10 comprehensive plan.  
11 (b) The right-of-way does not provide the sole access to any property. Remaining access  
12 shall not be by easement.  
13 (c) The vacation would not imperil the current or future location of any utility.  
14 (d) The proposed vacation is not detrimental to the public interest, and provides a benefit to  
15 the village.

16 **5.4. - Street standards.**  
17

18 5.4.1 *Clear visibility triangle.* In order to provide a clear view of intersecting streets to the  
19 motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting  
20 streets or the intersection of a driveway and a street. The following standards shall be met:

- 21 (a) For street intersections the clear visibility triangle shall be formed by a line along the  
22 street pavement edge fifteen (15) feet long from the street corner perpendicular,  
23 generally, to a second line of the street pavement edge of approaching traffic, connected  
24 by a third line that measures three (3) times the speed limit of the street.  
25 (b) For driveways two (2) clear visibility triangles shall be formed by connecting, in each  
26 case, a point on the edge of the street pavement and a point on the edge of the driveway,  
27 each to be located at a distance of twenty (20) feet from the intersection of the street and  
28 driveway lines, and a third line joining the two (2) points.  
29 (c) Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner  
30 so as to obstruct cross-visibility at a level between three (3) feet and six (6) feet above  
31 the grade, measured at the centerline of the intersection. Trees or palms, however,  
32 having trunks and foliage trimmed in such a manner that no trunks or foliage extend  
33 into the cross-visibility area shall be allowed, provided they are so located so as not to  
34 create a traffic hazard.

35 **5.5. - Sidewalks and bikeways.**  
36

37 5.5.1 *Design and construction standards.* Design and construction of sidewalks, bikeways, or  
38 other footpaths shall conform to the requirements of ~~the Public Works Manual,~~  
39 ~~Metro~~Miami-Dade County, including provision for access by physically handicapped  
40 persons.

41 **5.6. - Off-street parking.**  
42

43 5.6.1 *Applicability.* Off-street parking facilities shall be provided within each property in the  
44 village pursuant to the requirements of this code. The facilities shall be maintained as long  
45 as the use exists that the facilities were designed to serve.

1 (a) All vehicles must be parked on an approved parking surface subject to the design  
2 standards set forth in section 5.6.8.

3 (1) All residential properties, other than those currently utilizing the swale for parking,  
4 are required to have a driveway using approved parking surface materials. The  
5 driveway area shall be limited to no more than forty percent (40%) of the front yard  
6 and may be of pervious or impervious material. The remaining sixty percent (60%)  
7 of the front yard must be landscaped consistent with the village code.

8 (2) Ribbon driveways are allowed, as long as properly maintained and provided there  
9 is a driveway approach that connects the ribbon driveway to the road.

10 (3) When an approved parking surface exists, all vehicles shall park on said approved  
11 parking surface effective upon enactment of this ordinance. Existing swales that  
12 are currently used for parking and are properly maintained can continue to be used  
13 for parking, provided that no damage occurs to the grass and landscaped areas and  
14 that parking does not cover any portion of any sidewalk. Those swale parking  
15 surfaces may remain until a substantial portion, fifty (50) percent or greater,  
16 requires repair. Parking on any swale shall be considered non-conforming parking  
17 requiring a release agreement to be executed by the adjacent property owner.  
18 Consistent with section 5.3.2, this section does not create any rights or ownership  
19 by the adjacent property to the swale and is not an approved permanent use. The  
20 Village may remove all or any portion of any driveway on the swale, if the Village,  
21 in its sole discretion, deems it necessary to achieve a public purpose.

22 (4) If the occupants of a residential property do not currently have parking surface on  
23 the swale, the occupants of that property shall not be allowed to utilize the swale  
24 for parking in the future. No new improvements of the swale area will be allowed,  
25 except for the necessary driveway approach.

26 ~~(45)~~ Nonconforming residential properties that do not have an approved parking surface,  
27 including an approved approach, or an existing swale, consistent with Section  
28 5.6.1(3), shall have ~~one (1) year until June 1, 2017 from the date of enactment of~~  
29 this ordinance to have the compliant parking surface permitted and installed.

30 ~~(26)~~ Existing nonconforming parking surfaces permitted by the village, may remain  
31 unless a substantial portion, fifty (50) percent or greater, requires repair or an  
32 addition to the parking surface occurs.

33 (7) In rare occasions, and due to the unusual nature of the property, relief from this  
34 section may be granted through a special exception as provided for in Section 5.7  
35 of this Code.

36 5.6.2 *Computation.* In the village hall, recreation area, and church, the occupancy shall be  
37 based on the maximum capacity rating given the building by the fire marshal. Gross floor  
38 area shall be the sum of the gross horizontal area of all floors of a building measured from  
39 the exterior faces of the exterior walls.

40 5.6.3 *Number of parking spaces required.* The table below specifies the required minimum  
41 number of off-street parking spaces. The number of off-street parking spaces for uses not  
42 listed in the table shall be determined by the planning board. The term "tandem parking  
43 space" means a parking space that abuts a second parking space in such a manner that  
44 vehicular access to the second space can be made only through the abutting (tandem) space.  
45

Use	Minimum Off-Street Parking Requirement	
	Resident Parking	Visitor Parking
(a) Residential		
Detached one-family:		
1, 2 and 3 bedrooms	2 spaces*	1 space**
4 bedrooms	3 spaces*	1 space**
Duplexes/attached and detached:		
1, 2, 3 or more bedrooms	2 spaces/unit*	0.5 spaces/unit**
(b) Recreation area:		
Determined by the planning board.		
(c) Public assembly/service:		
Church: 1 space/3 seats or 1 space/35 square feet of gross floor area		
(d) Government buildings:		
1 space/300 square feet of gross floor area		

1

2

§ 9.0.1 Resident parking spaces may be tandem.

3

§ 9.0.2 If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than one hundred (100) feet from the unit's street frontage.

4

5

5.6.4 *Handicapped parking spaces.* Any parking area to be used by the general public shall provide suitable, marked and paved parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of F.S. §§ 316.1955, and 316.1956 553.5041, or succeeding provisions as amended from time to time. No parking spaces required for the handicapped shall be counted as a parking space in determining compliance with subsection 5.6.3, public uses, above, but supplemental spaces for the handicapped shall be counted. The parking and related features contained in the Department of Community Affairs, Florida Board of Building, Codes and Standards, Accessibility Requirements Manual are hereby incorporated by reference into the Village Code.

6

7

8

9

10

11

12

13

14

15

5.6.5 *Parking in medians prohibited.* No parking shall be allowed in median open spaces or median parkways.

16

17

18

19

20

21

22

5.6.6 *Existing nonconforming minimum off-street parking requirements.* The number of off-street parking spaces existing on properties at the time of the adoption of this code (June 14, 1985), although such number does not conform to the minimum off-street parking requirements hereof, may be lawfully continued. However, all vehicles must be parked on an approved parking surface consistent with section 5.6.1.

23

24

5.6.7 *Historic preservation exemption.* The preservation of any property that has been placed on the county or national register of historic places, shall be grounds for a grant by the

1 planning review board of a reduction in, or complete exemption from, the parking  
2 requirements in subsection 5.6.3 of this chapter.

3 5.6.8 *Design standards for off-street parking.* Except as provided herein, all required off-street  
4 parking spaces and the use they are intended to serve shall be located on the same parcel.  
5 Unless expressly addressed in this subsection, ~~The size and layout of these spaces shall be~~  
6 ~~according to the Miami-Dade County Code and Public Works Manual, Miami-Dade County.~~  
7 Vehicles shall be parked on impervious or pervious surfaces but ~~impervious areas~~ the  
8 driveway shall not exceed forty (40) percent of the front yard, excluding the right-of-way.  
9 Off-street parking (within the lot lines of all properties) shall only be permitted on approved  
10 surfaces by the Village of Biscayne Park. In no circumstances shall grass or sod be an  
11 approved surface.

- 12 (a) All parking surfaces shall be of approved materials except as otherwise provided below.  
13 (b) All parking surfaces must have an improved approach across the swale which shall  
14 meet the minimum standard of gravel construction.  
15 (c) All parking surfaces shall be no closer than thirty (30) inches from side property line  
16 unless exempted below in subsection (d).  
17 (d) All nonconforming parking surfaces, as related to setback, shall come into compliance  
18 when there is a change in parking surface material or the installation of a new parking  
19 surface. If a determination is made by the village manager or designee that adhering to  
20 the setback would make the parking surface nonfunctional, the village manager may  
21 waive this requirement in writing.  
22 (e) Parking surfaces shall only be constructed with the following materials: concrete, paver,  
23 brick, gravel, asphalt, cut stone or turf block.  
24 (f) Gravel parking surfaces shall be built with a permanent perimeter border consisting of  
25 suitable material as approved by village staff a minimum of four (4) inches deep with  
26 the width of the border being sixteen (16) inches immediately adjacent to the road  
27 perimeter and four (4) inches along the entire length of both edges of the parking  
28 surface.

29 Construction of a portion of a parking surface in the swale or right-of-way, such as the apron  
30 and parking surface approach, shall require the property owner to indemnify, hold harmless, and  
31 defend the village from any and all actions, caused by, resulting from, or in any way associated  
32 with the proposed work within the village right-of-way on a form provided by the village.  
33

## 34 **5.7 Special exception from off-street parking requirements.**

35

36 5.7.1 The owner of any property affected by the requirement to have an approved driveway on  
37 their property shall have the right to apply for a special exception which may be granted where,  
38 due to the extreme and unusual nature of the property, a driveway cannot be placed on the  
39 property.

40  
41 5.7.2 Grounds for a special exception. In determining whether or not to grant a special  
42 exception, the Planning Board shall review the Village Manager's recommendation and shall  
43 determine whether:  
44

- 1           (a) There are special circumstances or conditions affecting the property, such as the  
2           unusual size and/or configuration of the lot that makes the installation of the  
3           driveway impractical; and  
4           (b) The granting of a special exception will not be detrimental to the public welfare or  
5           injurious to other adjacent properties; and  
6           (c) Any appropriate mitigation measures will be required to be implemented by the  
7           owner seeking a special exception.  
8

9 If all three criteria are met, the Planning Board shall grant a special exception.

10  
11 5.7.3 Appeal. An owner of property may appeal the Planning Board decision in writing to the  
12 Village Commission within ten (10) days of that decision. The Village Commission shall review  
13 the determination of the Planning Board and may reverse that decision only upon a specific  
14 finding that the Planning Board erred in its determination.  
15

16           **Section 3.**     **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts  
17 thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

18           **Section 4.**     **Severability.** The provisions of this Ordinance are declared to be  
19 severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be  
20 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining  
21 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it  
22 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any  
23 part.

24           **Section 5.**     **Codification.** It is the intention of the Village Commission of the Village of  
25 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of  
26 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be  
27 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other  
28 word or phrase in order to accomplish such intention.

29           **Section 6.**     **Effective Date.** This Ordinance shall be effective upon adoption on  
30 second reading.





# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Landscape Code - new construction

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

---

### Background

At the September 13<sup>th</sup> meeting, the Commission continued its discussion on amending our code to add language for required landscaping on new construction, or major additions/renovations. Along with considering suggested language by the Code Review Board, the Commission also considered utilizing existing Miami-Dade County Code.

Following the meeting, the Village Attorney provided the Commission with the Miami-Dade County Landscape Code, Chapter 18A for their review, and for discussion at the October meeting on incorporating/amending the County Code into the Village Code.

### Attachments

- Miami-Dade County – Landscape Code Chapter 18A

# MIAMI-DADE COUNTY – LANDSCAPE CODE

## Chapter 18A

### Sec. 18A-1. - Short title and applicability.

(A) *[Title.]* This chapter shall be known and may be cited as the "Miami-Dade County Landscape Ordinance".

(B) *Applicability.*

(1) This chapter shall be a minimum standard and shall apply to both the incorporated and unincorporated areas, and in the unincorporated area shall be enforced by the County and in the incorporated areas shall be enforced by the municipalities; provided, any municipality may establish and enforce more stringent regulations as such municipality may deem necessary; and in the event the provisions hereof are not enforced within any municipality, the County shall enforce same.

(2) The provisions of this chapter shall be considered minimum standards and shall apply to all public and private development when a permit is required, except for the following:

(a) Existing attached and detached single family and duplex dwellings, including any future additions or expansions shall be exempt from the provisions of this chapter.

(b) *Bonafide agricultural activities.* Any property receiving an agricultural classification and assessment pursuant to Section 193.461 Florida Statutes, substantiated by a plan submitted indicating the area with the agricultural classification.

(c) Except as provided for in Section 33-284.63(A) of this Code, development within the Downtown Kendall Urban Center District pursuant to Article XXXIII(I) of the Code of Miami-Dade County, Florida shall be exempt from the provisions of this chapter.

(3) Existing development as defined in Section 18A-3(O) shall only be required to comply with the street tree requirements of Section 18A-6(C)(2) and parking lot buffers of Section 18A-6(I). This requirement shall not apply to existing attached and detached single family and duplex dwellings pursuant to subsection (2)(a) above. Parking lot buffer will not be required if inadequate area exists which will cause the elimination of any required parking pursuant to County or municipal code. The provisions of this subsection shall only apply where a building permit is required for external alterations or where a paving permit is required for expansion of parking areas. Routine maintenance such as re-roofing and painting shall not be considered external alterations.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 99-166, § 3, 12-16-99)*

### Sec. 18A-2. - Purpose and intent.

It is the intent of this chapter to establish minimum landscape standards for Incorporated and Unincorporated Miami-Dade County that enhance, improve and maintain the quality of the landscape, and to:

- (A) Promote Florida Friendly landscaping principles through the use of drought-tolerant plant species, grouping of plant material by water requirements, the use of irrigation systems that conserve the use of potable and nonpotable water supplies and restrictions on the amount of lawn areas. Florida Friendly landscape principles also promote planting the right plant in the right place and appropriate fertilization and mulching.
- (B) Use landscape material, specifically street trees, to visually define the hierarchy of roadways, and to provide shade and a visual edge along roadways.
- (C) Prevent the destruction of the community's existing tree canopy and promote its expansion.
- (D) Provide for the preservation of existing natural forest communities and specimen sized trees in conformance with Section 24-60, as may be amended from time to time; re-establish native habitat where appropriate, and encourage the appropriate use of native plant material in the landscape.
- (E) Promote the use of trees and shrubs for energy conservation by encouraging cooling through the provision of shade and the channeling of breezes, thereby helping to offset global warming and local heat island effects through the added absorption of carbon dioxide and reduction of heat islands.
- (F) Contribute to the processes of air movement, air purification, oxygen regeneration, ground water recharge, and stormwater runoff retention, while aiding in the abatement of noise, glare, heat, air pollution and dust generated by major roadways and intense use areas.
- (G) Improve the aesthetic appearance of commercial, industrial and residential development through the use of plant material, thereby protecting and increasing property values within the community, and protecting designated historic landscapes.
- (H) Reduce the negative impacts of exotic pest plant species and prohibit the use of noxious exotic plants which invade native plant communities.
- (I) Promote the use of trees to protect and buffer the effects of high winds on structures.
- (J) Promote the concept of planting the right tree or plant in the right place to avoid problems such as clogged sewers, cracked sidewalk and power services interruptions.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 09-35, § 1, 5-5-09)*

### **Sec. 18A-3. - Definitions.**

The definitions contained in Chapters 24 and 33, Code of Miami-Dade County, Florida, shall apply to this chapter except as otherwise changed herein:

**Accessways:** The maximum width of an accessway through the perimeter landscaped strip to an off-street parking or other vehicular use area shall be determined according to the Public Works Manual, Part I, Standard Details. No more than one (1) two-way accessway shall be permitted or any street frontage up to one hundred (100)

lineal feet or no more than two (2) one-way accessways shall be permitted for any street frontage up to one hundred (100) lineal feet, such standards to be applicable to any property under one (1) ownership. Where such ownership involves over one hundred (100) feet of street frontage, one (1) additional two-way or two (2) additional one-way drives may be permitted for each additional one hundred (100) feet of frontage or major fraction thereof. The balance of such street frontage not involved with access ways shall be landscaped in accordance with the provisions of this chapter.

*ANSI A300 Standards:* Industry-developed standards of practice for tree care. Acronym for American National Standards Institute.

*Automatic irrigation system:* An irrigation system with a programmable controller or timing mechanism.

*Bonafide agricultural activities:* Land used for the growing of food crops, nurseries for the growing of landscape material, the raising of livestock, horse farms, and other good faith agricultural uses, except any portion of the property not eligible for agricultural exemption.

*Buffer, perimeter landscape:* An area of land which is set aside along the perimeter of a parcel of land in which landscaping is required to provide an aesthetic transition between different land uses and to eliminate or reduce the adverse environmental impact, and incompatible land use impacts.

*Caliper:* For trees under four (4) inches in diameter, the trunk diameter measured at a height of six (6) inches above natural grade. For trees four (4) inches and greater in diameter, the trunk diameter measured at twelve (12) inches above natural grade.

*Clearance pruning:* Pruning required to avoid damage or danger related to structures, power distribution and property, as defined in the current ANSI A300 Standards.

*Colonnade:* A roof or building structure, extending over the sidewalk, open to the street and sidewalk, except for supporting columns or piers.

*Common open space:* Area required as open space under Chapter 33 or municipal codes for various zoning districts.

*Controlled plant species:* Those plant species listed in the Landscape Manual which tend to become nuisances because of their ability to invade proximal native plant communities or native habitats, but which, if located and cultivated properly may be useful or functional as elements of landscape design.

*Diameter at breast height (DBH):* Diameter of a tree's trunk measured at a height four and one-half (4.5) feet above natural grade. In the case of multiple-trunk trees, the DBH shall mean the sum of each trunk's diameter measured at a height of four and one-half (4.5) feet above natural grade.

*Differential operation schedule:* A method of scheduling an irrigation system to apply different quantities of water, and/or apply water at different frequencies as appropriate, for different hydrozones.

*Dissimilar land uses:* Proximate or directly associated land uses which are contradictory, incongruous, or discordant such as higher intensity residential, commercial or industrial uses located adjacent to lower intensity uses.

*Drip line:* An imaginary vertical line extending from the outermost horizontal circumference of a tree's branches to the ground.

*Duplex dwelling:* A residence building designed for, or used as the separate homes or residences of two (2) separate and distinct families, but having the appearance of a single family dwelling house. Each individual unit in the duplex shall comply with the definition for a one-family dwelling.

*Emitters:* Devices which are used to control the discharge of irrigation water from lateral pipes.

*Existing development:* Shall mean a site with structures that were legally approved through the issuance of a certificate of use and occupancy or a certificate of completion as of the effective date of this chapter.

*Energy conservation zone:* A zone located no more than twenty-two (22) feet from a structure in a one hundred eighty (180) degree band from due east of the northeast point of the structure, to due south, to due west of the northwest point of the structure.

*Environmentally Endangered Lands:* Lands that contain natural forest, wetland or native plant communities, rare and endangered plants and animals, endemic species, endangered species habitat, a diversity of species, outstanding geologic or other natural features, or land which functions as an integral and sustaining component of an existing ecosystem.

*Facultative:* Plants with a similar likelihood of occurring in both wetlands and uplands, which are not recognized indicators of either wetland or upland conditions.

*Florida Friendly Landscaping:* Practices, materials or actions developed by the Florida Yards and Neighborhood Program that help to preserve Florida's natural resources and protect the environment.

*Florida Yards and Neighborhood Program:* Is a partnership of the University of Florida/Institute of Food and Agricultural Sciences, Florida's water management districts, the Florida Department of Environmental Protection, the National Estuary Program, the Florida Sea Grant College Program and other agencies, managed locally by the Miami-Dade Cooperative Extension Division of the Consumer Services Department.

*Forbs:* Herbaceous plants other than grasses.

*Geologic feature:* A natural rock or mineral formation.

*Graywater:* That portion of domestic sewage emanating from residential showers, residential baths, residential bathroom washbasins, or residential clothes washing machines.

*Ground cover:* A dense, extensive growth of low-growing plants, other than turfgrass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

*Hatrack:* To flat-cut the top of a tree, severing the leader or leaders, or the removal of any branch three (3) inches or greater in diameter at any point other than the branch collar.

*Hazard pruning:* The removal of dead, diseased, decayed, or obviously weak branches two (2) inches in diameter or greater.

*Heat island:* An unnaturally high temperature microclimate resulting from radiation from unshaded impervious surfaces.

*Hedge:* A landscape barrier consisting of a continuous, dense planting of shrubs, not necessarily of the same species.

*Herbaceous plant:* A plant having little or no woody tissue.

*Hydromulch:* A sprayed application of seed, mulch and water.

*Hydrozone:* A zone in which plant material with similar water needs are grouped together.

*Included bark:* Bark that is embedded in a crotch between a branch and trunk or between co-dominant stems, causing a weakened structure.

*Irrigation detail:* A graphic representation depicting the materials to be used and dimensions to be met in the installation of the irrigation system.

*Irrigation plan:* A plan drawn at the same scale as the landscape plan, indicating location and specification of irrigation system components and other relevant information as required by this chapter.

*Irrigation system:* A system of pipes or other conduits designed to transport and distribute water to keep plants in a healthy and vigorous condition.

*Landscape feature:* Trellis, arbor, fountain, pond, garden sculpture, garden lighting, decking, patio, decorative paving, gazebo, and other similar elements.

*Landscape material:* Plants such as grass, ground cover, forbs, shrubs, vines, hedges, trees and non-living material such as rocks, pebbles, sand, mulch, or pervious decorative paving materials.

*Landscape plan:* A plan indicating all landscape areas, stormwater retention/detention areas, areas which qualify to be excluded from maximum permitted lawn area, existing vegetation to be retained, proposed plant material, landscape

legend, landscape features, planting specifications, and details, and all other relevant information in compliance with this chapter.

*Lawn area:* An area planted with lawn grasses.

*Manual irrigation system:* An irrigation system in which control valves and switches are manually operated rather than operated by automatic controls.

*Mixed use:* A mixture of land uses such as provided in Traditional Neighborhood Development (TND), Planned Area Development (PAD), and Planned Development (PD).

*Moisture and rain sensor switches:* Devices which have the ability to switch off an automatic irrigation controller after receiving a predetermined amount of rainfall or moisture content in the soil.

*Mulch:* Materials customarily used in landscape design to retard erosion, weed infestation, and retain moisture and for use in planting areas.

*Multifamily residential development:* Any residential development other than attached or detached single-family or duplex.

*Multiple single-family developments:* Attached and detached single-family developments that are planned as a total project and not as a single family unit on a single lot.

*Native habitat:* An area enhanced or landscaped with an appropriate mix of native tree, shrub and groundcover species that resembles a native plant community or natural forest community in structure and composition or is naturally occurring.

*Native plant species:* Plant species with a geographic distribution indigenous to all or part of Miami-Dade County. Plants which are described as being native to Miami-Dade County in botanical manuals such as, but not limited to, "A Flora of Tropical Florida" by Long and Lakela, are native plant species within the meaning of this definition. Plant species which have been introduced into Miami-Dade County by man are not native plant species.

*Native plant community:* A natural association of plants dominated by one (1) or more prominent native plant species, or a characteristic physical attribute.

*Natural Forest Community:* All assemblages of vegetation designated as Natural Forest Communities on the Miami-Dade County Natural Forest Community Maps and approved by the Board of County Commissioners, pursuant to Resolution No. R-1764-84 and further defined in Section 24-5 of the Miami-Dade County Code.

*Net lot area:* For the purpose of this chapter, net lot area shall be the area within lot boundaries of all lands comprising the site. Net lot area shall not include any portion of the abutting dedicated streets, alleys, waterways, canals, lakes or any other such dedications.

*One family dwelling:* A private residence building used or intended to be used as a home or residence in which all living rooms are accessible to each other from within the building and in which the use and management of all sleeping quarters, all appliances for sanitation, cooking, ventilating, heating or lighting are designated for the use of one (1) family only.

*Overhead irrigation system:* A high pressure, high volume irrigation system.

*Planting detail:* A graphic representation of the plant installation depicting the materials to be used and dimensions to be met in the placement of plants and other landscape materials.

*Prohibited plant species:* Those plant species listed in the Miami-Dade Landscape Manual which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety, and welfare.

*Shrub:* A self-supporting woody perennial plant normally growing to a height of twenty-four (24) inches or greater, characterized by multiple stems and branches continuous from the base.

*Site plan:* A comprehensive plan drawn to scale indicating appropriate site elevations, roadways, and location of all relevant site improvements including structures, parking, other paved areas, ingress and egress drives, landscaped open space and signage.

*Specimen tree:* A tree with any individual trunk which has a DBH of eighteen (18) inches or greater, but not including the following:

- (1) All trees listed in Section 24-49(4)(f);
- (2) Non-native fruit trees that are cultivated or grown for the specific purpose of producing edible fruit, including, but not limited to, mangos, avocados, or species of citrus;
- (3) Non-native species of the genus *Ficus*, and
- (4) All multitrunk trees in the palm family, except *Acoelorrhaphe wrightii* and *Phoenix reclinata* which have a minimum overall height of fifteen (15) feet.

*Spray head:* An irrigation device which applies water to the soil or plant surface by fixed spray or mist nozzles.

*Sprinkler head:* a sprinkler head that provides aboveground or overhead irrigation.

*Stabilized lawn area:* An area of ground underlain with structural support in the form of grass pavers or stabilized soil prepared to withstand the load of intended vehicular use, such as automobiles, fire trucks and garbage trucks.

*Stormwater retention/detention area:* An area designed, built and used for temporary storage of stormwater. For purposes of this chapter, these areas are intended to be permanently exempt from wetland regulations.

*Street Tree Master Plan: A greenprint for Miami-Dade County as adopted by the Board of County Commissioners on March 6, 2007 as may be amended from time to time.*

*Tree abuse:* Tree abuse shall include:

- (1) Damage inflicted upon any part of a tree, including the root system, by machinery, construction equipment, cambium layer penetration, storage of materials, soil compaction, excavation, chemical application or spillage, or change to the natural grade.
- (2) Hatracking.
- (3) Girdling or bark removal of more than one-third (1/3) of the tree diameter.
- (4) Tears and splitting of limb ends or peeling and stripping of bark resulting from improper pruning techniques not in accordance with the current ANSI A300 Standards.

*Tree canopy:* The aerial extent of the branches and foliage of a tree as defined by the drip line.

*Temporary irrigation systems:* A system including surface distribution elements (hose, pipe, etc.) which may be easily removed when landscape is established.

*Understory:* The complex of woody, fibrous, herbaceous and graminoid plant species that are typically associated with a natural forest community, native plant community, or native habitat.

*Vegetation required to be preserved by law:* Portions of a site, including but not limited to specimen trees, natural forest communities and native vegetation which are clearly delineated on site plans, plats, or recorded restrictions, or in some other legally binding manner that are to be protected from any tree or understory removal or effective destruction and maintained without any development.

*Vegetation survey:* A drawing provided at the same scale as the landscape plan which includes relevant information as required by this chapter.

*Vehicular use area:* A hard surface area designed or used for off-street parking and/or an area used for loading, circulation, access, storage, including fire trucks, garbage trucks, or display of motor vehicles.

*Vine:* A plant with a flexible stem which normally requires support to reach mature form.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 09-35, § 2, 5-5-09)*

#### **Sec. 18A-4. - Plans required.**

(A) *General.* Landscape plan(s) shall be approved by the Department of Planning and Zoning, or by the corresponding department(s) in the municipalities, and where required pursuant to 18A-4(D), an irrigation plan shall be approved by the Building Department or by the corresponding department(s) in the municipalities, prior to the

issuance of any building permit or paving for new parking areas or expansion of existing parking areas.

**(B) Landscape plans.**

**(1) Owner - builder single-family or duplex dwelling:** Landscape plan(s) submitted for new one (1) family or duplex dwellings may be in the form of a plot plan or drawing prepared by the owner or the owner's representative, provided however, developments, requiring site plan approval pursuant to administrative site plan review or public hearing by Chapter 33 shall meet the requirements of subsection 18A-4(B)(2) and Chapter 481, Florida Statutes.

**(2) All other development:** The landscape plan for development other than provided for in subsection (1) above, shall be prepared by, and bear the seal of, a landscape architect licensed to practice in the State of Florida, or by persons authorized by Chapter 481, Florida Statutes, to prepare landscape plans or drawings. Preliminary landscape plans shall be provided as part of the submission for site plan approval and shall:

**(a)** Be drawn to scale and include property boundaries, north arrow, graphic scale, and date.

**(b)** Include a vegetation survey, including an aerial photograph which outlines the subject site, provided at the same scale as the landscape plan.

**(c)** Delineate existing and proposed structures, parking spaces, accessways and other vehicular use areas, sidewalks, utilities, easements, height and voltage of power lines on the property or adjacent property.

**(d)** Indicate the common and scientific name and quantity of plants to be installed using "Landscape Legend" code format as prescribed by the Director of the Department of Planning and Zoning.

**(e)** Identify all landscape features and non-living landscape materials.

**(f)** Show all areas of vegetation required to be preserved by law, including but not limited to trees, specimen trees, native plant species, Natural Forest Communities, native habitats and wetlands.

**(g)** Illustrate geologic, historic and archeological features to be preserved.

**(h)** Depict stormwater retention/detention areas and areas excluded from maximum permitted lawn area.

**(i)** Document zoning district, net lot area, required open space, and maximum permitted lawn area.

**(j)** Show building coverage and the location and dimension of greenbelt and water areas proposed for business and industrial zones, if required by Chapter 33.

**(k)** Complete "Preparer's Certification of Landscape Compliance."

Final landscape plans submitted for permit shall include all of the above, as well as the following:

**(a)** A fully completed, permanently affixed "Landscape Legend" as prescribed by the Director of the Department of Planning and Zoning.

**(b)** Critical layout dimensions for trees, plant beds and landscape features.

- (c) Method(s) to protect and relocate trees and native plant communities during construction.
- (d) Planting details and specifications.
- (e) Irrigation plans, as required by the zoning district.
- (f) Irrigation details and specifications, as required above.
- (g) Notarized "Preparer's Certification of Landscape Compliance" at time of final inspection."

**(C) *Vegetation survey.*** A vegetation survey shall be provided for all sites at the same scale as the landscape plan. The vegetation survey shall be accompanied by an aerial photograph which outlines the subject site without obscuring its features. Within municipalities, surveys shall be verified by the department(s) or board(s) as deemed appropriate by the municipality. The vegetation survey shall provide the following information:

- (1) The accurate location and graphic representation, in relation to existing development, of all existing trees of a minimum two-inch DBH or ten-foot height or, for native trees, of a minimum one and one-half (1½) DBH or eight-foot height, including those which are proposed to be removed, relocated or preserved on site in accordance with the requirements of this Code and Section 24-60 of the Code.
- (2) The boundaries of any native habitat, native plant community, native plant species, and/or Natural Forest Community and associated understory that exists on site, as determined by the Department of Environmental Resources Management.
- (3) A table showing the following information:
  - (a) The scientific and common name of each tree, each of which shall be numbered.
  - (b) The diameter at breast height (DBH) of each tree, or if a multiple trunk tree, the sum DBH for all trunks.
  - (c) An estimate of the height, canopy cover, and physical condition of each tree, and whether specimen tree(s) exist on site.

**(D) *Irrigation plans.*** An irrigation plan shall be submitted if a sprinkler system is required by Chapter 33, or as required in the individual municipalities or where an irrigation system is to be provided regardless of code requirements. Where a landscape plan is required, an irrigation plan shall be submitted concurrently.

- (1) For a new one-family or duplex dwelling the irrigation plan may be indicated on a plot plan or a separate drawing prepared by the owner or the owner's agent indicating area(s) to be irrigated, location and specifications of lines and heads and pump specifications.
- (2) All other development other than those provided in a subsection (1) above shall:
  - (a) Be drawn on a base plan at the same scale as landscape plan(s).
  - (b) Delineate landscape areas, major landscape features, and hydrozones.
  - (c) Delineate existing and proposed structures, parking areas or other vehicular use areas, access aisles, sidewalks, driveways, the location of utilities and easements, and similar features,

(d) Include water source, design operating pressure and flow rate per zone, total volume required for typical depths of application, and application rate.

(e) Include locations of pipes, controllers, valves, sprinklers, back flow prevention devices, rain switches or soil moisture sensors, and electrical supply.

(f) Irrigation details.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98; Ord. No. 09-35, § 3, 5-5-09)*

#### **Sec. 18A-5. - Tree removal and preservation.**

Tree removal permits or natural forest community vegetation removal permits are required prior to the removal of trees, specimen trees, or any vegetation in a natural forest community, respectively, pursuant to Section 24-60 of the Code of Miami-Dade County. The Miami-Dade County Department of Environmental Resources Management is responsible for administering and enforcing these provisions.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98)*

#### **Sec. 18A-6. - Minimum standards.**

The following standards shall be considered minimum requirements unless otherwise indicated:

**(A)** *Lawn area (turf).*

(1) Grass areas shall be planted in species well adopted to localized growing conditions in Miami-Dade County. Grass areas may be sodded, plugged, sprigged, hydromulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, overseeding shall be sown for immediate effect and protection until coverage is otherwise achieved.

(2) Exclusions from maximum permitted lawn areas:

(a) Stabilized grassed area used for parking;

(b) Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas;

(c) Grassed areas in the right-of-way;

(d) Stormwater retention/detention areas planted in grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

(3) Maximum permitted lawn area for all residential and mixed uses in the unincorporated area is referenced in Table A.

(4) Maximum permitted lawn area for all office, commercial, and industrial uses is as referenced in Table A. Very drought tolerant grasses and low growing native plants, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area specified in Table A.

**(5)** In municipalities, the maximum amount of lawn area for residential and mixed uses shall be limited to a maximum of sixty (60) percent of the landscaped open space required in the individual municipal code(s). In those residential and mixed use zoning districts where landscaped open space is not specified, lawn areas shall be restricted to a maximum of fifty (50) percent of the net lot area. Lawn areas in commercial, office and industrial zones shall be limited to a maximum of twenty (20) percent of the open space required by the individual municipalities. In those commercial, office and industrial zones, where landscaped open space is not specified, lawn area shall be restricted to a maximum of twenty (20) percent of the net lot area less the area covered by buildings. Very drought tolerant grasses and low growing native plant species, including grasses and forbs, as referenced in the Landscape Manual, may be used as groundcover beyond the maximum permitted grass area.

**(B)** *Irrigation.*

**(1)** All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established and subsequently on as-needed basis to prevent stress and die-off in compliance with existing water use restrictions.

**(2)** Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities.

**(3)** Irrigation systems shall be designed, operated and maintained to:

**(a)** Meet the needs of all the plants in the landscape.

**(b)** Conserve water by allowing differential operation schedules based on hydrozone.

**(c)** Consider soil, slope and other site characteristics in order to minimize water waste, including overspray or overflow on to impervious surfaces and other non-vegetated areas, and off-site runoff.

**(d)** Minimize free flow conditions in case of damage or other mechanical failure.

**(e)** Use low trajectory spray heads, and/or low volume water distributing or application devices.

**(f)** Maximize uniformity, considering factors such as:

**(1)** Emitters types,

**(2)** Head spacing,

**(3)** Sprinkler pattern, and

**(4)** Water pressure at the emitter.

**(g)** Use the lowest quality water feasible (graywater shall be used where approved systems are available).

**(h)** Rain switches or other devices, such as soil moisture sensors, shall be used with automatic controls.

Operate only during hours and on days permitted under Chapter 32 of the Code of Miami-Dade County.

- (i) Where feasible, drip irrigation or micro-sprinklers shall be used.
- (4) During dry periods, irrigation application rates of between one (1) and one and one-half (1½) inches per week are recommended for turf areas.
- (5) If an irrigation system is not provided, a hose bib shall be provided within seventy-five (75) feet of any landscape area.

(C) *Trees.*

(1) *Tree size.* All trees, except street trees, shall be a minimum of ten (10) feet high and have a minimum caliper of two (2) inches at time of planting except that thirty (30) percent of the tree requirement may be met by native species with a minimum height of eight (8) feet and a minimum caliper of one and one-half (1½) inches at time of planting.

(2) *Street tree size and spacing.* Street trees shall be of a species typically grown in Miami-Dade County which normally mature to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of two (2) inches at time of planting, and shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center, except as otherwise provided in this chapter. Street trees are not required when a colonnade open to the public is located within four (4) feet of the edge of the roadway. The thirty-five (35) foot average spacing requirement for multiple single family units such as zero-lot-line and townhouse shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Public Works Department or the appropriate authority within the municipality. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.

(3) *Power lines.* Where the height and location of overhead powerlines requires the planting of low growing trees, street trees shall have a minimum height of eight (8) feet, a minimum caliper of one and one-half (1½) inches at time of planting, and shall meet the following requirements:

(a) Single trunk trees clear of lateral branches to four (4) feet and/or multitrunk trees or tree/shrubs, as referenced in the Landscape Manual, cleared of foliage to a height of four (4) feet.

(b) A maximum average spacing of twenty-five (25) feet on center.

(c) Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.

(d) Under high voltage (50kV and above) transmission lines installed independent of underbuilt distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards

Institute) Z133.1 Standards, as referenced in the Landscape Manual.

(4) *Palms*. Palms which meet all of the following requirements shall count as a required street tree on the basis of one (1) palm per tree.

(a) Minimum canopy of fifteen (15) feet at maturity.

(b) Provided at an average maximum spacing of twenty-five (25) feet on center.

(c) Fourteen-foot minimum overall height or minimum caliper of four (4) inches at time of planting.

It is provided however that queen palms (*Syagrus romanzoffiana*) shall not be allowed as street trees.

(5) Minimum number of trees. Within Unincorporated Miami-Dade County, the minimum number of required trees, in addition to street trees, is referenced in Table A.

<b>TABLE A (See note below regarding street trees)</b>				
<b>LAND USE OR ZONING DISTRICT</b>	<b>NUMBER OF TREES REQUIRED</b>		<b>MAXIMUM LAWN AREA</b>	
	<b>Per Acre of Net Lot Area</b>	<b>Per Lot</b>	<b>Percent of Net Lot Area</b>	<b>Percent of Required Open Space</b>
<b>SINGLE FAMILY RESIDENTIAL AND DUPLEX</b>				
RU-1	-	3	50%	-
RU-1M(a)	-	3	35%	-
RU-1M(b)	-	3	35%	-
RU-1Z	-	3	35%	-
RU-2	-	3	50%	-
<b>TOWN HOUSE</b>				
RU-TH	28	-	-	60%
<b>ESTATE USE</b>				
EU-M	9	-	50%	-
EU-S	9	-	50%	-
EU-1	9	-	60%	-
EU-2	9	-	60%	-
EU-1C	9	-	60%	-
<b>MULTI-FAMILY RESIDENTIAL</b>				
RU-3	28	-	60%	-
RU-3B	28	-	60%	-
RU-3M	28	-	-	60%
RU-4L	28	-	-	60%
RU-4M	28	-	-	40%
RU-4	28	-	-	40%

<b>RU-4A</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>40%</b>
<b>OFFICE</b>				
<b>RU-5</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>30%</b>
<b>RU-5A</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>30%</b>
<b>OPD</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>30%</b>
<b>COMMERCIAL</b>				
<b>BU-1</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>BU-1A</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>BU-2</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>BU-3</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>INDUSTRIAL</b>				
<b>IU-1</b>	<b>15</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>IU-2</b>	<b>15</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>IU-3</b>	<b>15</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>IU-C</b>	<b>22</b>	<b>-</b>	<b>-</b>	<b>20%</b>
<b>MISCELLANEOUS ZONING DISTRICTS AND LAND USES</b>				
<b>Planned Developments</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>40%</b>
<b>Planned Developments Area</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>40%</b>
<b>Private Educational Facilities</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>40%</b>
<b>TND</b>	<b>28</b>	<b>-</b>	<b>-</b>	<b>40%</b>
<b>GU Interim*</b>	<b>9</b>	<b>-</b>	<b>60%</b>	<b>-</b>
<b>AU Agriculture (Residential Use)</b>	<b>9</b>	<b>-</b>	<b>60%</b>	<b>-</b>
<b>All Other Zoning Districts</b>	<b>28</b>	<b>-</b>	<b>60%</b>	<b>-</b>
<b>* Use dependent on character of neighborhood, otherwise EU-2 standards apply.</b>				
<b>** Unusual uses must comply with the requirements of underlying zoning district.</b>				
<b>In addition to the number of trees indicated in Table A, additional trees (street trees) may be required as provided in Section 18A-6(C).</b>				

**(6)** Grassed areas that are to be used for organized sports such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating tree requirements.

**(7)** Trees shall be planted to provide shade to residential structures of a height of thirty-five (35) feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone as defined herein. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs as referenced in the Landscape Manual.

**(8)** Palms of a ten-foot minimum overall height or minimum caliper of three (3) inches at time of planting shall count as a required tree on the basis of two (2) palms-per tree, except as provided herein for palms used as of street trees. No more than thirty (30) percent of the minimum tree requirements may be met by palms.

**(9)** Existing trees required by law to be preserved on site and that meet the requirements of Section 18A-6(C), may be counted toward fulfilling the minimum tree requirements.

**(10)** Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.

**(11)** Of the required trees at least:

**(a)** Thirty (30) percent shall be native species; and

**(b)** Fifty (50) percent shall be low maintenance and drought tolerant; and

**(c)** No more than thirty (30) percent shall be palms.

**(12)** Eighty (80) percent of the trees shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

**(13)** In order to prevent adverse environmental impacts to existing native plant communities, cabbage palms (*Sabal palmetto*) that are harvested from the wild shall not be used to satisfy minimum landscaping requirements. Only existing cabbage palms, which are rescued from government approved donor sites, transplanted within the site, or commercially grown from seed shall be counted towards the minimum tree and native plant requirements.

**(14)** When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in this Code. A covenant executed by those owners is required, or a special taxing district must be created to maintain these areas. Where the State, County or municipality determines that the planting of trees and other landscape material is not appropriate in the public right-of-way, they may require that said trees and landscape material be placed on private property.

**(15)** Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

**(16)** Municipalities shall meet all the above requirements in the corresponding zoning districts or land use categories of the particular municipality.

**(D)** *Shrubs.*

**(1)** All shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs shall be provided at ratio of ten (10) per required tree. Of the provided shrubs at least:

**(a)** Thirty (30) percent shall be native species; and

**(b)** Fifty (50) percent shall be low maintenance and drought tolerant; and

**(c)** Eighty (80) percent shall be listed in the Miami-Dade Landscape Manual, the Miami-Dade Street Tree Master Plan and/or the University of Florida's Low-Maintenance Landscape Plants for South Florida list.

**(2)** When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of thirty (30) inches on center or if planted at a minimum height of thirty-six (36) inches, shall have a maximum average spacing of forty-eight (48) inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one (1) year after time of planting. Shrubs used as a buffer, visual screen, or hedge need not be of the same species.

**(E)** *Vines.* Vines shall be a minimum of twelve (12) inches in length immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. Planting of perimeter walls with vines is recommended as a deterrent to painting of graffiti.

**(F)** *Ground covers.* Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

**(G)** *Mulch.*

**(1)** Mulches shall be applied and maintained in accordance with the most recent edition of the Florida Yards and Neighborhoods Handbook titled "A Guide to Florida Friendly Landscaping" by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) and available online at <http://www.floridayards.org/landscape/FYN-Handbook.pdf>.

**(2)** Cypress mulch shall not be used because its harvest degrades cypress wetlands.

**(H)** *Buffers between dissimilar land uses.* Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer consisting of a six (6) foot wall or fence with a life expectancy of at least ten (10) years, or shrubs which normally grow to a minimum height of six (6) feet. Where chain link fencing is used, shrubs shall also be required. Shrubs used as a buffer shall be a minimum of thirty (30) inches in height at time of planting, and shall be planted at a maximum average spacing of thirty-six (36) inches on center, or a minimum of thirty-six (36) inches in height at time of planting and planted at a maximum average spacing of forty-eight (48) inches on center. Said buffer shall form a continuous screen between the dissimilar land uses within one (1) year after planting. Buffers screening dissimilar uses shall include trees planted at a maximum average spacing of thirty-five (35) feet on center within a minimum five (5) foot landscaped strip.

**(I)** *Parking lot buffers.* All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3) foot high wall with a seven (7) foot landscaped strip incorporating said planting and/or wall on private property. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30)

inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.

**(J)** *Landscaped areas in parking lots.* Ten (10) square feet of landscaped area per parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers. Planting areas for each tree shall have a minimum width of five (5) feet, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. This requirement is in addition to any applicable required open space as provided in Chapter 33 of the Code of Miami-Dade County or applicable municipal code.

**(K)** *Plant quality.*

**(1)** Plants installed pursuant to this Code shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.

**(2)** Trees installed pursuant to this Code shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

**(L)** *Stormwater retention/detention areas.*

**(1)** Stormwater retention/detention areas shall be designed to maximize the perimeter dimension, where feasible.

**(2)** Stormwater retention/detention areas shall be planted throughout with native herbaceous facultative plants, with the following exceptions:

**(a)** In areas that are designated and actively used for play and/or picnic areas, overflow parking, or sports shall be planted with grasses which are very drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

**(b)** In areas where the minimum required stormwater retention capacity would be adversely affected.

**(3)** The minimum required number of native herbaceous facultative plants shall be one (1) plant per square foot of retention/ detention area, including the slope. Minimum required herbaceous plant container size shall be one and one-half (1½) inches, commonly, referred to as a liner. Sprigging, seeding, plugging, hydro-mulching or sodding with native herbaceous facultative plants grown from local seed sources may be used in lieu of liners. Herbaceous plants shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

**(4)** Native facultative trees or shrubs may be used in lieu of native herbaceous facultative plants, provided that the minimum required stormwater retention capacity is not adversely affected.

---

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 97-90, § 1, 6-17-97; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 09-35, § 4, 5-5-09)*

---

**Sec. 18A-7. - Landscape plan review criteria.**

In the unincorporated area all landscape plans shall be reviewed by the Department of Planning and Zoning, and where existing trees or Natural Forest Communities or Environmentally Endangered Lands are involved, the Department of Environmental Resources Management. In the case of a municipality, landscape plans shall be approved by the department(s) or board(s) as deemed appropriate within the municipality. Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines and illustrations provided in the Landscape Manual as well as the Guide to Florida-Friendly Landscaping provided by the Florida Yards and Neighborhoods Program:

**(A)** Landscape design shall enhance architectural features; relate structure design to the site; visually screen dissimilar uses and unsightly views; reduce noise, glare and heat gain from paved areas, major roadways and incompatible uses; strengthen important vistas and reinforce neighboring site design and architecture.

**(B)** Existing specimen trees, native vegetation (including canopy, understory, and ground cover) and Natural Forest Communities shall be preserved to the maximum extent possible and all requirements of Section 24-49 of the Code of Miami-Dade County shall be met. Preserved Natural Forest Community areas shall be deducted from the total area used to calculate minimum landscaping requirements. Native vegetation in these Natural Forest Community areas shall not be used to satisfy minimum landscape requirements.

**(C)** In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydrozones. Adequate growth area, including rooting space, based on natural mature shape and size shall be provided for all plant materials.

**(D)** The plan shall include the use of native plant species in order to reestablish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.

**(E)** Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.

**(F)** Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.

**(G)** Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.

**(H)** Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks in accordance with Section 33-11 of the Code.

**(I)** Historic landscapes and landscape features designated by local, State or federal governments shall be preserved.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98; Ord. No. 09-35, § 5, 5-5-09)*

**Sec. 18A-8. - Preparer's certification of landscape compliance.**

(A) A preparer's Certification of Landscape Compliance bearing the original letterhead of the designing firm and licensing number shall be submitted to and approved by the Department of Planning and Zoning prior to issuance of any final Certificate of Use and Occupancy or Certificate of Completion. The preparer's Certification of Landscape Compliance shall contain a statement, signed and sealed by the landscape architect or by person(s) authorized to prepare plans by Chapter 481, Florida Statutes, who prepared the approved plans, that the landscape and irrigation plans have been implemented and that all requirements of this chapter have been met. Any changes or substitutions to the approved plan shall be approved by the original designing firm prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on all copies. Changes and substitutions of plant material shall be of similar quality, quantity and size, as originally approved and shall be in compliance with the intent and requirements of his chapter.

(B) For a new single-family, duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation have been installed according to approved plan(s).

(C) The Department of Planning and Zoning shall have the right to inspect all projects for compliance prior to issuance of a Certificate of Use and Occupancy or Certificate of Completion.

(D) Municipalities are not required to establish a Preparer's Certification of Landscape Compliance procedure.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98)*

**Sec. 18A-9. - Committee of landscape adjustment.**

(A) In unincorporated Miami-Dade County, the members of the Executive Council of the Developmental Impact Committee or their designees shall constitute the Committee of Landscape Adjustment.

(B) The Committee of Landscape Adjustment, upon receipt of an application for adjustment of landscaping requirements shall have the authority and duty to consider and act upon such application. The application shall be filed on forms prescribed by the County, executed and sworn to by the owner or tenant of the property concerned or by authorized agents as evidenced by written power of attorney, and accompanied by a fee for processing of the application, as provided by Administrative Order.

(C) In the application, the applicant shall state clearly and in detail what adjustment of landscaping requirements are being requested and the reasons such adjustments are warranted, and shall accompany the application with such supplementary data, such as sketches, surveys and statistical information as is deemed necessary to substantiate the adjustment.

(D) The Committee of Landscape Adjustment may approve, modify or deny the requested adjustment, but shall approve or modify such request only if it determines that approval of any adjustment would not be contrary to the public interest and would be in keeping with and would preserve the intent of this chapter. The Committee of Landscape Adjustment shall not consider requests for variance from the requirements of Chapter 24, the Miami-Dade County Environmental Protection Code, including

specimen tree and natural forest community variance requests. Any such requests shall be made according to the provisions of Sections 24-48 and 24-49 of the Code. Additionally, the Committee of Landscape Adjustment shall not have authority to modify or adjust any part of Chapter 33 of the Miami-Dade County Code.

**(E)** Committee of Landscape Adjustment shall meet on a regular basis to act on pending application(s), and shall post their decision in the form of a short, concise statement of the action taken on a conspicuous bulletin board that may be seen by the public at reasonable times and hours in the office of the Department of Planning and Zoning.

**(F)** Within fourteen (14) days after posting of decision, but not thereafter, any decision of the Committee of Landscape Adjustment may be appealed to the appropriate Community Zoning Appeals Board as prescribed in Chapter 33 for appeals of administrative decisions; otherwise, it shall become final.

**(G)** The Community Zoning Appeals Boards or the Board of County Commissioners shall have the authority to grant adjustment from this chapter as part of a zoning application.

**(H)** Each municipality may establish or assign an existing board, committee, or other similar body to review adjustments and to establish criteria for landscape adjustment.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 97-16, § 1, 2-25-97; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98)*

#### **Sec. 18A-10. - Landscape Manual.**

The Department of Planning and Zoning, in cooperation with other County departments shall prepare a landscape manual and make the same available to the public. The landscape manual shall be adopted by resolution of the Board of County Commissioners. Said manual shall provide an illustrative interpretation of the standards provided herein and suggested guides for landscaping in accordance with the above standards.

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98)*

#### **Sec. 18A-11. - Landscape maintenance.**

**(A)** An owner is responsible to ensure that landscaping required to be planted pursuant to this chapter, or the ordinances which were in effect prior to the effective date of this chapter, is:

- (1)** Installed in compliance with the Landscape requirements;
- (2)** Maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and
- (3)** Sufficiently fertilized and watered to maintain the plant material in a healthy condition.

**(B)** If any tree or plant dies which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.

**(C)** Trees shall be pruned in the following manner:

- (1) All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.
- (2) Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.
- (3) Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.
- (4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.
- (5) No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.
- (6) Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

---

(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98)

---

#### **Sec. 18A-12. - Prohibitions.**

- (A) *Prohibited plant species.* Prohibited species shall not be planted and shall be removed from any site which is subject to the requirements of this chapter.
- (B) *Controlled plant species.* Controlled species shall not be planted within five hundred (500) feet of a Natural Forest Community or native habitats as defined herein.
- (C) *West Indian Mahogany.* West Indian Mahogany, *Swietenia mahagoni*, shall not be planted within five hundred (500) feet of a rockland hammock or pine rockland.
- (D) *Tree abuse.* Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.

---

(Ord. No. 98-13, § 1, 1-13-98)

---

#### **Sec. 18A-13. - Enforcement.**

(A) Except during Emergency Phase II and Phase III water restriction periods imposed by the South Florida Water Management District (the "District") as set forth below, the Miami-Dade County Department of Planning and Zoning shall withhold approval of a final building inspection prior to the issuance of a Final Certificate of Use and Occupancy or Certificate of Completion until a Preparer's Certification of Landscape Compliance has been submitted and approved.

During Emergency Phase II and Phase III water restriction periods imposed by the District, and subject to written consent by contract purchasers of individual houses or units, the Department is hereby authorized to issue Certificates of Completion and Certificates of Use and Occupancy for residential uses only, without the installation of the plant and tree components of the required landscaping, including right-of-way and street trees, and without the required watering of such landscaping, as needed. However, the landscaping requirements for grass and irrigation must be complied with as set forth in this Chapter. The Landscape Architect on the project shall provide to the Department a good faith written estimate of the installed cost of the required landscaping not being provided on the property because of the restrictions. In order to assure the Department that the required landscaping shall be planted within ninety (90)

days after the Emergency Phase II or Phase III Water Restrictions are ended by the District, a Performance and Payment Bond in an amount equal to one hundred and ten (110) percent of the estimated cost of such landscaping shall be provided by the Contractor or owner-builder to the Department prior to the issuance of any Certificate of Completion or Certificate of Use and Occupancy. For the purposes of this subsection, the term contractor is defined as any person, firm, joint venture or corporation indicated on the official permit records of the Building Department as the primary contractor and/or primary landscaping contractor for the project. An owner/builder is additionally considered to be a contractor. Additionally, the contract purchaser for any individual house or unit must covenant in writing that after the Emergency Phase II and Phase III Water Restrictions are ended by the District, that such contract purchaser (who may then be an owner) will not interfere with or refuse to allow the installation of the required landscaping.

**(B)** The Department of Planning and Zoning shall have the right to inspect the lands affected by this Code. Team Metro is authorized to issue cease and desist orders and citations to the current owner and the Contractor, if applicable, for violations.

**(C)** Failure to install or maintain landscaping according to the terms of this chapter shall constitute a violation of this Code. Also, failure to plant, preserve, or maintain each individual tree shall be considered to be a separate violation of this Code. Each day in which either landscaping or individual trees are not installed or maintained according to the terms of this chapter shall constitute a continuing and separate violation of this Code. Further, failure by the current owner or the Contractor to provide the required landscaping and watering of such landscaping within ninety (90) days after the South Florida Water Management District ends the emergency Phase II and Phase III water restrictions shall constitute a violation of this Code.

**(D)** In the municipalities, enforcement shall be performed by the Department within the municipality as may be deemed appropriate by the municipality, and in the event the provisions hereof are not enforced within the municipality, the County shall enforce same.

---

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98; Ord. No. 98-125, § 36, 9-3-98; Ord. No. 02-36, § 1, 2-26-02)*

---

#### **Sec. 18A-14. - Conflicts with other ordinances or regulations.**

If this chapter conflicts with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

---

*(Ord. No. 95-222, § 2, 12-5-95; Ord. No. 98-13, § 1, 1-13-98)*

---

#### **Editor's note—**

Ord. No. 98-13, §§ 1, 2, adopted January 13, 1998, renumbered § 18A-13 as § 18A-14 and repealed § 18A-14 which pertained to sunset provisions and derived from Ord. No. 95-222, § 4, 12-5-95.

#### **Sec. 18A-15. - Effective date.**

This chapter shall become effective seventy (70) days after the date of enactment provided however this chapter shall not apply to projects for which prior to the effective date of this chapter:

- (1) An application for a building permit has been filed;
- (2) A building permit has been issued and is in effect;
- (3) The Zoning Appeals Board, Community Zoning Appeals Board, or Board of County Commissioners has by resolution approved a project site plan;
- (4) A site plan which has received administrative site plan approval; or
- (5) A zoning application has been filed prior to March 11, 1998 that includes detailed site and landscape plans.

---

***(Ord. No. 95-222, § 6, 12-5-95; Ord. No. 98-13, § 5, 1-13-98)***

---



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Discussion on prohibition of balloon usage and balloon releases

**Prepared By:** Commissioner Barbara Watts

**Sponsored By:** Commission

---

### **Background**

The release of helium balloons and so called "Chinese lanterns" have been shown to endanger marine life, particularly sea turtles, as they resemble them when they deflate and are grounded. So too, as evidence from California attests, these air-borne confections endanger power lines and cause electrical outages.

A number of South Florida municipalities have passed resolutions or ordinances banning helium balloons and the like from public and even private spaces and Miami-Dade County is considering participation but have not yet made a final commitment. Such legislation largely has been due to awareness campaigns launched by environmental groups in Florida, California, and abroad (see backup websites). I suggest that the Commission discuss the matter and consider passing a resolution banning the release of helium balloons (there are alternatives), limiting (or providing guidelines for) their outdoor display, and/or publicize the dangers that accompany their release so that residents refrain from releasing them and/or and take special care to secure them when displaying them outdoors (please excuse run-on sentence).

### **Fiscal / Budget Impact**

Staff time.

October 6, 2016

Commission Agenda Report

**Recommendation:**

Pass a resolution limiting or banning the outdoor display of helium balloons and the like, and include information regarding their potential environmental hazards in a flyer, on the Rec. Center's Facebook page and rules for Rec. Center rental, and in the Newsletter.

**Attachments**

- General Balloon Ban information
- Balloon Ban Participation Options
- Dania Beach Ordinance
- Lantana Ordinance

Links:

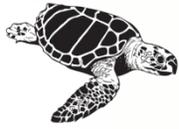
<https://www.marinelife.org/four-south-florida-counties-now-implementing-balloon-ban/>

<https://www.facebook.com/ban.balloon.releases/>

[http://www.mcsuk.org/what\\_we\\_do/Clean+seas+and+beaches/Campaigns+and+policy/Action+on+sky+lanterns+&+balloons](http://www.mcsuk.org/what_we_do/Clean+seas+and+beaches/Campaigns+and+policy/Action+on+sky+lanterns+&+balloons)

<http://www.mypalmbeachpost.com/news/news/local/why-lake-worth-is-going-to-regulate-outdoor-balloon/nsHFx/>

<http://balloonsblow.org/ban-helium-filled-foil-balloons-california/> This California website has links that contain valuable information regarding the risks to sea life and to electrical lines posed by helium balloons, See "B2709 Factsheet" and "History of , , ,"



**LOGGERHEAD**  
MARINELIFE CENTER

## Balloon Ban

Loggerhead Marinelifelife Center  
14200 US Highway One, Juno Beach, FL 33408  
561-627-8280 | [marinelife.org](http://marinelife.org)



---

<u>Table of Contents</u>	
Sample Ordinance.....	3
Flyer.....	5
Signage Options.....	6
Sample Webpage.....	8

*Florida’s East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country. At Loggerhead Marinelife Center (LMC), a non-profit organization located in Juno Beach, Florida, hospital staff regularly treat turtles with complications due to marine debris ingestion.*

*Balloons are often released, purposefully or by accident, and end up littering the ocean. The deflated balloons resemble jellies, a common prey item for sea turtle species. In an effort to promote the safety and protection of marine life, LMC staff wish to form a partnership to prohibit the use of balloons in designated locations along the coast.*

LMC Contacts

Tommy Cutt, Chief Conservation Officer – [tcutt@marinelife.org](mailto:tcutt@marinelife.org)  
Demi Fox, Outreach Coordinator – [dfox@marinelife.org](mailto:dfox@marinelife.org)

---

Sample Ordinance

Below is a sample ordinance that may be added to the City, Town, Village, or County Code.

**ORDINANCE NO. XXXX**

AN ORDINANCE OF THE TOWN COUNCIL OF THE (TOWN NAME), FLORIDA, ENTITLED "BALLOON BAN," PROVIDING FOR THE PROHIBITION OF BALLOON USAGE AND BALLOON RELEASES IN (LOCATION(S)); AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS** balloons are often released, contributing to marine debris. The deflated balloons resemble jellies, a common prey item for sea turtle species as seen in Exhibit "A"; and

**WHEREAS** Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE (TOWN NAME), FLORIDA:**

**Section 1.** In an effort to promote the safety and protection of sea turtles, no person shall display, release, or distribute balloons of any kind in (location(s)).

**Section 2.** The (Property Name – civic centers, park pavilions, etc.) lease shall include a notice of the prohibition of balloon usage as well as a link to educational information regarding the effect of balloons on sea turtles and marine life.

**Section 3.** The party responsible for (Property Name) reservations is hereby directed to supply prospective renters with educational information explaining the prohibition of balloon usage and the Town's reason for the restriction.

**Section 4.** Effective date. This ordinance shall take effect immediately upon its adoption.

---

**Exhibit "A"**

The below pictured green sea turtle (*Chelonia mydas*), being treated at Loggerhead Marinelife Center, ingested a plastic balloon.



Town  
Logo

## Balloon Ban



Deflated balloons resemble jelly fish, a common prey item for sea turtles. In an effort to promote the safety and protection of sea turtles, (Town Name) has prohibited the use of balloons in (location(s)).



Former LMC patient, Lil' Nugget, swallowed a balloon.



Hundreds of balloons are collected on Florida beaches.

You can also help protect sea turtles in the following ways:

- Remove any lounge chairs, umbrellas, and other beach furniture from the beach overnight.
- Knock down sand castles and fill in holes in the sand when leaving the beach.
- Turn off outdoor lights at night and close curtains after sunset to keep light pollution off the beach.
- Dispose of all trash and clean up any debris found on the beach.
- If you see a nesting turtle, try not to disrupt her. Do not use any bright lights or flash photography and avoid creating loud noises.
- If you see healthy hatchlings, allow them to crawl to the ocean on their own.

## Signage Option 1

Below is an example of signage that may be displayed in appropriate locations. All colors, text, and logos are fully customizable and may be edited to best suit the needs of each location.



Town  
Logo

# Notice: Balloons Prohibited

---

Deflated balloons resemble jelly fish, a common prey item for sea turtles. In an effort to promote the safety and protection of sea turtles, (Town Name) has prohibited the use of balloons in (location(s)).

For more information,  
visit [marinelife.org](http://marinelife.org)

LOGGERHEAD MARINELIFE CENTER  
**PROJECT SHIELD**

Signage Option 2

Below is a mock-up of the signage that was recently installed in Loggerhead Park in collaboration with Palm Beach County. Similar signage could be produced for any town location. All colors, text, and logos are fully customizable and may be edited to best suit the needs of each location.

24 in

3.2 in

.95 in

.5 in

30 in

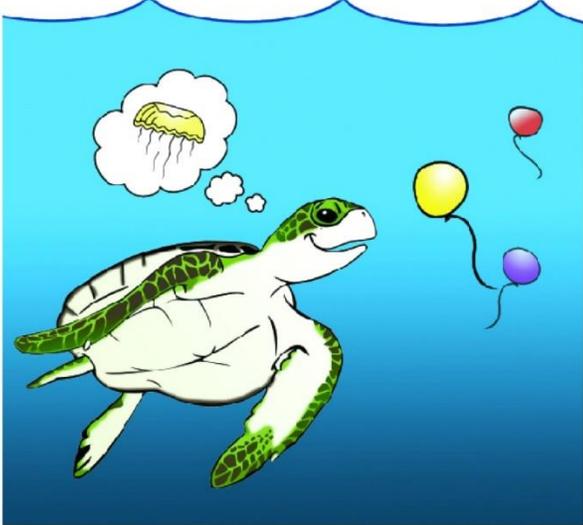
.431 in

# NOTICE



## BALLOONS ARE PROHIBITED

Deflated balloons resemble jelly fish, a common prey item for sea turtles.  
At Loggerhead Marineline Center hospital staff are regularly treating turtles that have eaten balloons.



In an effort to promote the safety and protection of sea turtles, Loggerhead Marineline Center and **Your Name Here** have partnered to prohibit the use of balloons at **Your Location**.

**YOUR LOGO HERE**

To learn more visit <http://www.marinelife.org/>



## Sample Webpage

Below is the notice that is currently displayed on the Loggerhead Park webpage.

www.pbcgov.com/parks/locations/loggerhead.htm#VyuZiQrKUI

Palm Beach County: Home | Jobs | Links | Publications | FAQs | Site Index | Site Info | Contact PBC

Select Language

Parks & Recreation  
We create opportunities for healthy, happy living!

Advanced Search  
Search Site...  
Search Tips

Parks & Recreation Home | Find Parks/Amenities | Calendar of Events | Things to Do | General Information | Contact Us

You are here: Palm Beach County » Parks » Locations » Loggerhead Park

North Parks

- o Bert Winters
- o Burt Reynolds
- o Cabana Colony
- o Carlin
- o Coral Cove
- o County Pines Rec Complex at Samuel Friedland
- o DuBois
- o Dyer
- o Fullerton Island
- o Gramercy
- o Jim Barry Light Harbor
- o Juno
- o Juno Beach
- o Jupiter Beach
- o Jupiter Farms
- o Kennedy Estates
- o Limestone Creek
- o Loggerhead
- o Loxahatchee River Battlefield
- o North County Aquatic Complex
- o Ocean Cay
- o Ocean Reef
- o Peanut Island
- o Phil Foster
- o Riverbend
- o West Jupiter Recreation Center

315

## Loggerhead Park

**NOTICE:** The use of balloons is now prohibited at Loggerhead Park. Loggerhead Marinelife Center and Palm Beach County have committed to the prohibition of balloons at the park in an effort to promote the safety and protection of sea turtles. Visit Loggerhead Marinelife Center online to learn more about the dangers balloons pose to marine wildlife.

**ENTRANCE:** 14200 U.S. Highway 1, Juno Beach, Florida 33408  
[Google Maps](#)

**HOURS:** Sunrise - Sunset

**CLASS:** Beach

**ACREAGE:** 17.26 acres

**AMENITIES**

- o activity building
- o beach frontage, guarded (900 feet)
- o beach surf wheelchair is available; contact a lifeguard to arrange for use.
- o saltwater fishing and surfing not permitted in guarded swimming area
- o fishing (saltwater)
- o nature trail
- o parking
- o picnic areas with grills, single table
- o picnic pavilion, reserved group (1)
- o picnic shelters, family (7)
- o playground, including
  - o playground safety
  - o play structure (ages 2-12 years)
  - o play structure (ages 5-12 years)
- o restroom facilities
- o showers, outdoor

**LOCATION OF**

- o Celestial Railroad historical marker




Loggerhead Park  
Location Map

View Loggerhead Park in a larger map

**Contact Information**

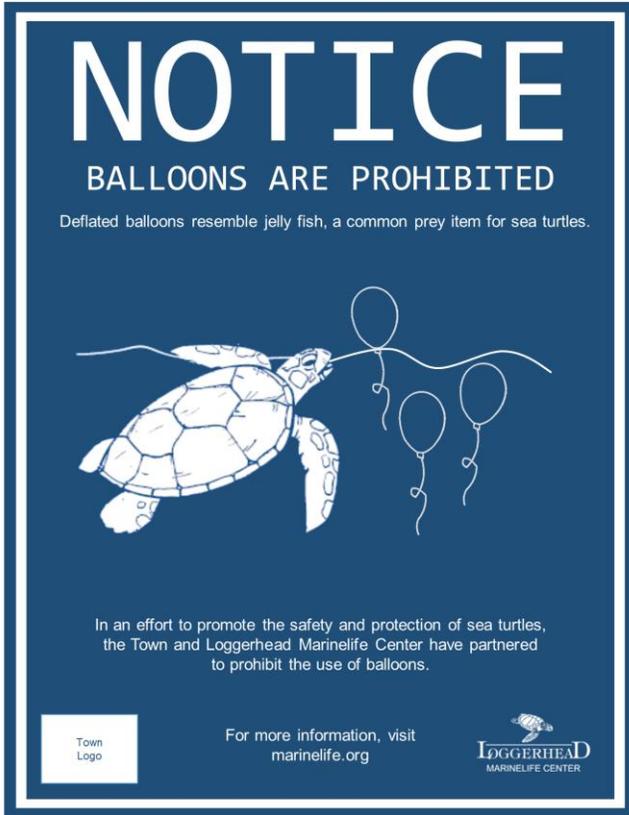
- o **Daily Beach Conditions**
  - o North County: (561) 624-0065
  - o South County: (561) 629-8775
- o **Ocean Rescue Headquarters**
  - o **North District:** (561) 694-7480  
Juno Beach Park, 14775 U.S. Highway 1, Juno Beach, Florida 33408
  - o **South District:** (561) 629-8770  
Ocean Inlet Park, 6990 N. Ocean Boulevard, Ocean Ridge, Florida 33435
- o **Webcams**
- o **Contact Us:** If you have questions, comments, or would like to be notified by email about upcoming activities at an aquatic facility

**Beach Cleanups**

Interested in Beach Clean Ups?

10:11 AM  
3/3/2016

**Signage**



**Educational Materials**



Deflated balloons resemble jelly fish, a common prey item for sea turtles. In an effort to promote the safety and protection of sea turtles, (Town Name) has prohibited the use of balloons in (location(s)).



Former LMC patient, LIF Nugget, swallowed a balloon. Hundreds of balloons are collected on Florida beaches.

You can also help protect sea turtles in the following ways:

- Remove any lounge chairs, umbrellas, and other beach furniture from the beach overnight.
- Knock down sand castles and fill in holes in the sand when leaving the beach.
- Turn off outdoor lights at night and close curtains after sunset to keep light pollution off the beach.
- Dispose of all trash and clean up any debris found on the beach.
- If you see a nesting turtle, try not to disrupt her. Do not use any bright lights or flash photography and avoid creating loud noises.
- If you see healthy hatchlings, allow them to crawl to the ocean on their own.



Towns may choose to participate in the Balloon Ban in any capacity listed below. Additional participation may include [town webpage notices](#) and [press releases](#).

**Level 1**

- Signage installed or educational materials distributed

**Level 2**

- Signage installed
- Educational materials distributed

**Level 3**

- Signage installed
- Educational materials distributed
- Town ordinance adopted

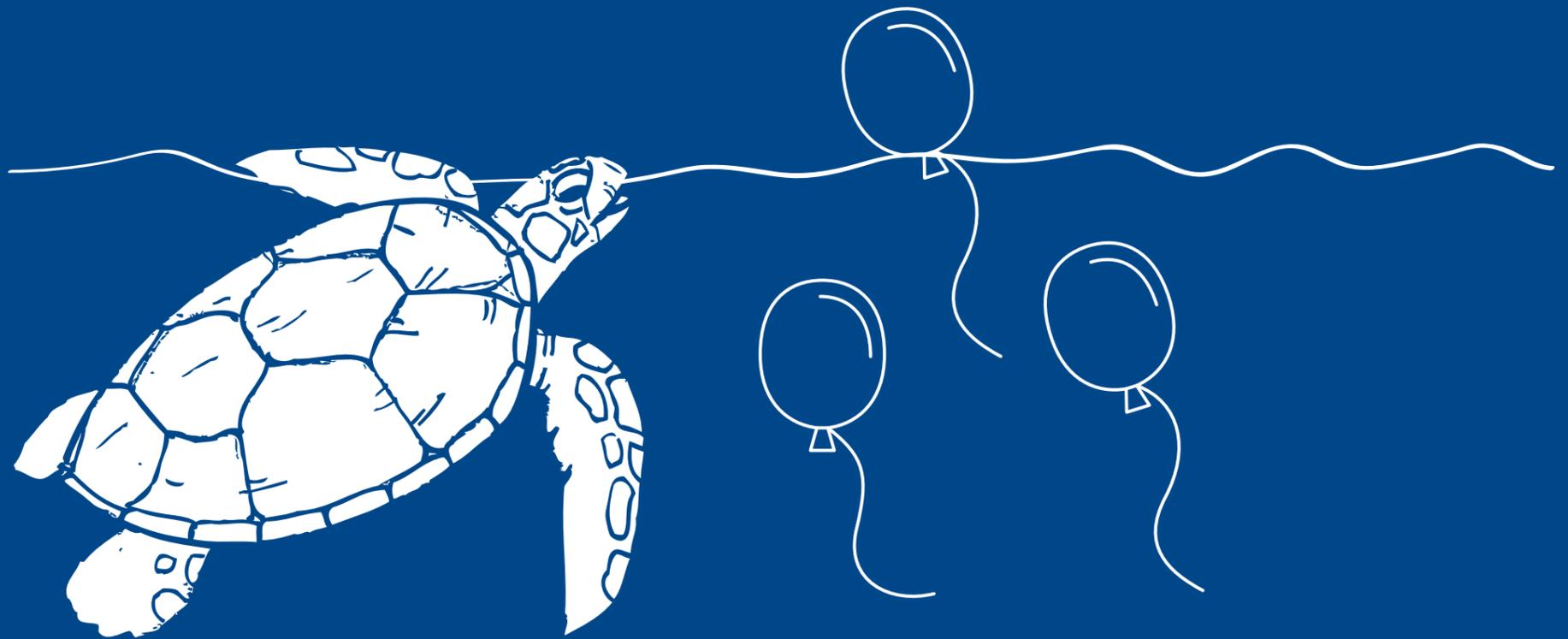
**Benefits Available to Partners**

- Sea turtle seminars led by Loggerhead Marineline Center staff, on site or at the center
- Private guided tours of Loggerhead Marineline Center
- Featured on Loggerhead Marineline Center Conservation webpage
- Partnership announced on Loggerhead Marineline Center social media accounts

# NOTICE

## BALLOONS ARE PROHIBITED

Deflated balloons resemble jelly fish, a common prey item for sea turtles.



In an effort to promote the safety and protection of sea turtles, the City of Dania Beach and Loggerhead Marineline Center have partnered to prohibit the use of balloons.



For more information, visit  
[marinelife.org](http://marinelife.org)



**ORDINANCE NO. O-10-2016**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA. AMENDING CHAPTER 13. OFFENSES. AT ARTICLE I. IN GENERAL. BY ADOPTING SECTION 13-7. ENTITLED BALLOONS AND SKY LANTERNS RELEASE. IN ORDER TO ADDRESS THE REGULATION OF BALLOONS AND SKY LANTERNS WITHIN THE TOWN AND PROVIDE DEFINITIONS REGARDING THE SAME; PROVIDING THAT EACH AND EVERY SECTION AND SUBSECTION OF CHAPTER 13. OFFENSES. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Lantana, Florida, has determined that balloons and sky lanterns released into the atmosphere return to the earth as litter; and,

WHEREAS, the Town Council believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, Florida's East Coast is home to some of the most densely utilized sea turtle nesting beaches in the country; and

WHEREAS, marine animals, such as sea turtles, mistake the remains from balloons as food which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by marine wildlife; and,

WHEREAS, to limit the number of released balloons and sky lanterns within the Town, the Town Council wishes to prohibit the same on Town-owned property; and

WHEREAS, the Town Council of the Town of Lantana finds that these revisions to the Town's code will preserve, promote and protect the health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LANTANA, FLORIDA, THAT:

Section 1: Chapter 13. Offenses. of the Code of Ordinances of the Town of Lantana is hereby amended at Article I. In General. by adopting Section 13-7. Balloons and Sky Lanterns release. which shall hereafter read as follows:

**Sec. 13-7. – Balloons and Sky Lanterns Release.**

In addition to the regulations contained in this article, the following regulations shall apply to all parks and recreation facilities, public property, and private property.

*Balloons and sky lanterns.*

- (1) Within any park, recreational facility area, municipal beach, municipal beach area, or other public property and private property, as these terms are defined in this chapter:
  - a. No person shall display, possess or release one or more balloons inflated with a gas that is lighter than air; and
  - b. No person shall display, possess or release one or more sky lanterns.
  
- (2) This subsection does not prohibit the following:
  - a. Possession of balloons or sky lanterns where such items are moved from a vehicle or structure to another structure and where the resulting exposure of such items to the outdoors is de minimis;
  - b. Display, possession or release of balloons indoors;
  - c. Display or possession of sky lanterns indoors; or
  - d. Display, possession or release of balloons by a governmental agency for scientific or meteorological purposes.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park, park grounds or recreation facility or recreational facility area shall mean a park, playground, gymnasium, athletic field or court, recreation center or any other area in the city owned by the city and devoted to active or passive recreation.

Public property and public property grounds shall mean all property owned by the city that has a zoning designation of "Public".

Private Property and private property grounds shall mean all property owned by an individual or group of individuals.

Sky lantern shall mean a device that requires a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

Section 2: Each and every other Section and Subsection of Chapter 13. Offenses. shall remain in full force and effect as previously enacted.

Section 3: All Ordinances or parts of Ordinances in conflict be and the same hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 5: Specific authority is hereby given to codify this Ordinance.

Section 6: This Ordinance shall take effective immediately upon reading passage.

[The remainder of this page left intentionally blank.]

FIRST READING this 8<sup>th</sup> day of August, 2016.

SECOND AND FINAL READING this 22<sup>nd</sup> day of August, 2016.

TOWN OF LANTANA

✓  
Aye                      Nay

David J. Stewart  
Mayor David J. Stewart

✓  
Aye                      Nay

Philip J. Aridas  
Vice Mayor Philip J. Aridas

✓  
Aye                      Nay

Malcolm Balfour  
Councilmember Malcolm Balfour

✓  
Aye                      Nay

Tom Deringer  
Councilmember Tom Deringer

✓  
Aye                      Nay

Lynn J. Moorhouse  
Councilmember Lynn J. Moorhouse

ATTEST:  
Heidi A. Ditz  
TOWN CLERK



(Seal)

Approved as to form and  
legal sufficiency.

[Signature]  
TOWN ATTORNEY



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Discussion on alleys and their maintenance

**Prepared By:** Mayor David Coviello

**Sponsored By:** Commission

---

### Background

There are three alleyways in the Village located at:

- Between 119<sup>th</sup> St and 118<sup>th</sup> St from 8<sup>th</sup> Ave east to 10<sup>th</sup> Ave
- Between 120<sup>th</sup> St and 119<sup>th</sup> St from 8<sup>th</sup> Ave east to 10<sup>th</sup> Ave
- Between 10<sup>th</sup> Ave and 11<sup>th</sup> Ct from 121<sup>st</sup> St south to 119<sup>th</sup> St

In regards to maintenance,

- Are the adjoining property owners to the alleys responsible for the maintenance of the area between their property line and the alley roadway?
- What maintenance is performed by the Public Works Department?
- Are there immediate improvements/repairs needed on the alley roadway?

### Recommendation

To discuss and provide necessary direction to the Village Manager.



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Discussion on feral cat issue

**Prepared By:** Mayor David Coviello

**Sponsored By:** Commission

---

### Background

Residents have expressed significant concerns regarding the feral cat population in the Village, and its impact on private property, wildlife (including our bird population), and even our property values. Based upon my research, this issue has plagued many communities across the country for many years, and there is no shortage of articles and information offering ideas and solutions.

While there is plenty of information, the most consistent recommendation to help curb the feral cat population is the implementation of a well-organized TNR (trap, neuter and release) program. In addition, however, we need to look at local enforcement of existing regulations (State, County and Village, if any), as well as examine the need for new Village regulations to help combat the problem. Below are topics for discussion:

#### TNR:

1. What is a TNR program?
2. How is a TNR program implemented?
3. Funds for a TNR program (grants, partner with non-profits)
4. Volunteers critical to assist and monitor program.
5. Legal implications (e.g., can the village trap cats on public property and can private property owners trap cats on their private property).
6. Proper notice to residents prior to TNR event
7. Role of Village staff and whether we have capacity

#### Code Compliance:

1. What are existing State, County and Village Laws?
2. Educate public on existing laws and issues concerning feral cats

October 6, 2016

Commission Agenda Report

Feral Cat Issue

3. Aggressive code compliance to enforce existing laws (e.g., number of pets per household)
4. Add to list of violations eligible for civil citation under Village's new ordinance
5. Discuss need for amendments to code (e.g., outside feeding, leash law for cats)

Below are links from the web to help aid our discussion.

**Links:**

<https://www.animallaw.info/article/detailed-discussion-feral-cat-population-control>

<https://www.animallaw.info/article/detailed-discussion-state-cat-laws>

[https://www.law.ufl.edu/\\_pdf/academics/centers-clinics/clinics/conservation/resources/feralcatpresentation.pdf](https://www.law.ufl.edu/_pdf/academics/centers-clinics/clinics/conservation/resources/feralcatpresentation.pdf)



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Discussion on procedures regarding  
fiscal accountability, transparency,  
and writing of checks

**Prepared By:** Commissioner Barbara Watts

**Sponsored By:** Commission

---

### **Background**

I believe that it is the responsibility of the current Commission to address and attempt to rectify the Village's policies and procedures regarding financial transactions and their oversight that resulted in the significant overage on its construction and renovation projects, brought to the Commission's attention only late last spring. One of the reasons for the overage, we were told, was a survey by Miami-Dade County necessary for the building of the Annex (approx. \$30,000). Surely, this overlooked cost was known and probably paid for months prior, So too, the architect's fee for the Log Cabin's restoration (around \$70,000?) which seems to have been omitted from the budget, was paid at some point, probably before its re-opening celebration in Jan. 2016. Two people had to sign the checks—the City Manager and the Mayor or another Commissioner. Was anyone paying attention? Did the signees sign the checks for these items thinking things were just hunky-dory because the Village Manager indicated nothing and because the mantra was "Let the Village Manager manage?"

Obviously, the ball was dropped and "mistakes were made." On second thought, let us be directly honest: the Village Manager, the Mayor, and the Commission, each to a different extent, dropped the ball and made mistakes. It unlikely that the Village will have two such large projects in the near future, and thus unlikely that any future lapses in oversight and accountability would result in a number so large as that of the still-unknown Annex/Log Cabin overage; nonetheless, it is our responsibility to

October 6, 2016

**Commission Agenda Report**

explore and at least put into effect measures that will eliminate or greatly decrease the possibility of such an overage happening again and, as well, amend the Village's policies and procedures so that there is greater oversight by the Commission and Residents over the Administration's spending, with greater accountability and transparency with respect to all transactions.

I suggest that we direct the Administration and Staff (and, possibly, our lawyer) to explore the policies and procedures of other municipalities. I further suggest that the Commission consider establishing an Oversight Board—if there are residents qualified and willing to serve. Furthermore, I wonder whether a change in policy for check signing may be put in place; perhaps the signature of a Commissioner as well as that of the Mayor and Village Manager be required for checks over a certain amount? Certainly, procedures should be changed for large projects (what is the Village received a substantive grant for road or storm water drainage repair?).

Even though a new Commission will be seated soon, it behooves this Commission to set the ball rolling to ensure that such a situation does not reoccur. It happened on our watch and we owe this to the residents of Biscayne Park.

**Fiscal / Budget Impact**

Staff and attorney time.

**Attachments**

None. This is a discussion item, with request for assistance from the Administration for research.



## **Village of Biscayne Park Commission Agenda Report**

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Discussion of a stone pedestal and  
plaque at the Log Cabin

**Prepared By:** Vice Mayor Roxanna Ross

**Sponsored By:** Commission

---

### **Background**

In January 2016 we rededicated our historic log cabin as a community meeting place. We owe a debt of gratitude to many for this milestone accomplishment in the Village. It is traditional and seems appropriate to recognize the partners and contributors to this important accomplishment for the Village. I suggest we leave it to Administration to include appropriate protocols, but offer that the commemorative place be situated on a stand-alone pedestal made of Florida oolitic limestone or coquina to reflect the base facia of the log cabin with a bronze or appropriate durable medal plaque surface.

### **Fiscal / Budget Impact**

To be determined, and may be offset by donations

### **Recommendation**

Erect an appropriate pedestal and plaque.

### **Attachments**

Sample pedestal/ plaque used in City of North Miami.

October 6, 2016  
Commission Agenda Report  
Stone Pedestal





# Village of Biscayne Park Commission Agenda Report

**Village Commission Meeting Date:** October 6, 2016

**Subject:** Discussion – Relay for Life

**Prepared By:** Shelecia Bartley, Parks & Recreation Manager

**Sponsored By:** Staff

---

## BACKGROUND

The American Cancer Society Relay for Life is requesting to hold their area-wide 2017 event in the Village. The Relay will be a 6-hour event starting at 4:00pm and ending at 10:00pm on April 8<sup>th</sup> 2017. This event will be a multi-municipality event that will seek participants, volunteers and resources from Miami Shores, Miami Beach, Surfside, North Miami, North Miami Beach, Bal Harbour, Bay Harbor and Biscayne Park. It is proposed that the Village will serve as the host city.

What is Relay for Life?

- Organized, community fundraising walk
- Teams of people camp out around a track (Sidewalk and/or Street)
- Members of each team take turns walking around the track (Sidewalk and/or Street)
- Food, games and activities provide entertainment and build camaraderie
- Family-friendly environment for the entire community

## FISCAL / BUDGET IMPACT

The Village will provide Staff and the field usage as in-kind contribution to the event. The event will bring positive awareness about the Village of Biscayne Park. This event will build community involvement and showcase the Village.

## STAFF RECOMMENDATION

Staff is requesting that the field rental fee be waived for the Relay for Life Event on April 8<sup>th</sup> 2017.

## REFERENCES:

[http://relay.acsevents.org/site/PageServer?pagename=relay\\_learn\\_whatisrelay](http://relay.acsevents.org/site/PageServer?pagename=relay_learn_whatisrelay)



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**#14.a**  
**1**

**REGULAR MEETING**

---

**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Sharon P. Ragoonan, Village Manager

**DATE:** October 6, 2016

**TITLE:** FEMA Public Assistance Grant Fund Audit

---

The Department of Homeland Security conducted an audit on FEMA (Federal Emergency Management Agency) to determine whether cities did received Public Assistance Grant Funds for damages that were covered by a private insurer specifically related to 2004 – 2005 hurricanes.

Staff completed its research and submitted documentation to the agency. FEMA confirmed they are not de-obligating the \$19,000.00 of public assistance funds and required a letter from the Village affirming there is continuing insurance coverage on our facilities. The letter, a FEMA requirement, is attached as Exhibit 1.

**Attachment**

Exhibit 1 – Quarterly Financial Report

---

Prepared by: Sharon P. Ragoonan, Village Manager



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

David Coviello  
Mayor

Commissioners  
Robert Anderson  
Fred Jonas  
Roxanna Ross  
Barbara Watts

Sharon P. Ragoonan  
Village Manager

John J. Hearn  
Village Attorney

Maria C. Camara  
Village Clerk

September 21, 2016

Ms. Gracia Szczech  
Regional Administrator, FEMA Region IV  
3003 Chamblee Tucker Road  
Atlanta, GA 30341

Re: Commitment to Obtain and Maintain Insurance  
FEMA Disaster numbers DR-1539, 1545, 1551, 1561, 1595, 1602 & 1609

Dear Ms. Szczech:

The Village of Biscayne Park, Florida received funding under FEMA's Public Assistance (PA) grant program for one or more facilities damaged by one or more of the federally declared disaster(s) listed above. This letter, submitted in relation to the U.S. Department of Homeland Security (DHS) Office of the Inspector General (OIG) Audit #OIG-15-19, documents our commitment to comply with FEMA's grant requirements for insuring our building, contents and/or other subject property.

We recognize that we must obtain and maintain insurance to protect against future loss to any damaged facility/facilities and its contents as a condition of receiving PA grant funding, as required by Section 311 of the Stafford Act as amended (42 U.S.C. Sec. 5154), 44 C.F.R. Sections 206.252-253, FEMA Recovery Policy FP 206-086-1. This condition also appears in the Disaster Funding Agreement(s) signed by us and on file with the State of Florida.

We have been provided a copy of Audit #OIG-15-19 by FEMA via email which states "If the State Insurance Commissioner certifies that the type and extent of insurance is not reasonably available, the Regional Director may waive the requirement in conformity with the certification." FEMA has notified us that the Regional Director has not received any requests for an insurance waiver for any of the Subgrantees designated in the 2004 and 2005 events in the State of Florida. For building, contents and/or other subject property that currently lack the required insurance coverage; we accordingly agree to procure insurance in an amount that is at least equal to the amount of damage that was eligible arising from these storm events.

We acknowledge that we have received the above-referenced Recovery Policies and we understand that we must maintain insurance for the anticipated life of the building, contents and/or other subject property. We acknowledge that a failure to provide evidence of insurance coverage on the subject insurable items may result in future de-obligations of previously awarded funding. As a result, we further acknowledge that a failure to adhere to the "obtain and maintain" grant condition will result in our insurable items being ineligible for FEMA PA funding in any future major disaster.

Sincerely,

Sharon P. Ragoonan  
Village Manager



**VILLAGE OF BISCAYNE PARK**  
**Village Commission Agenda Report**

**#14.a**  
**2**

**REGULAR MEETING**

---

**TO:** Honorable Mayor & Members of the  
Biscayne Park Village Commission

**FROM:** Sharon P. Ragoonan, Village Manager

**DATE:** October 6, 2016

**TITLE:** Police Monthly Publication

---

The Police Department is producing a monthly publication to inform our residents about law enforcement activities and offer crime prevention tips to keep our neighborhood safe. The newsletter will consist of crime statistics, trend analysis, community events, and personal safety education. It will be circulated electronically via email, distributed at public meetings and events, and mailed to households. The anticipated release date is November 1, 2016.

---

Prepared by: Cornelius McKenna, Police Chief