



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** April 5, 2016

**Subject:** Ordinance 2016-05 First Reading  
Code Compliance Board Member

**Prepared By:** Maria C. Camara

**Sponsored By:** Staff

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### Background

On December 1, 2015, the Village Commission approved Ordinance 2015-09 which included the following change to the Code as it relates to the Planning & Zoning Board:

*13.2.2 Composition. The five-member board shall be appointed by the village commission. Members of the planning board shall be property owners and residents of the Village of Biscayne Park. Residents who are not property owners may be appointed by the Village Commission by at least a 4/5<sup>th</sup> super majority vote.*

At the March 1, 2016 meeting, there was consensus by the Commission to direct the Village Attorney to draft an ordinance to include the same provision for the Code Compliance Board that if a resident is not a property owner, they may be appointed by the Village Commission by at least a 4/5<sup>th</sup> super majority vote.

**Recommendation:** Approval at first reading.

### Attachments:

- Ordinance 2016-05

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**ORDINANCE NO. 2016-05**

**AN ORDINANCE OF THE VILLAGE  
COMMISSION OF THE VILLAGE OF BISCAYNE  
PARK, FLORIDA AMENDING CHAPTER 14 OF  
THE LAND DEVELOPMENT CODE ENTITLED  
“CODE COMPLIANCE BOARD”; PROVIDING  
FOR CONFLICTS; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR INCLUSION;  
PROVIDING FOR AN EFFECTIVE**

WHEREAS, at its meeting of May 5, 2015, the Village Commission adopted Ordinance 2015-03 which modified language pertaining to Village Boards and required code compliance board members to be property owners as well as residents of the Village; and

WHEREAS, the Village Commission finds that it is necessary to adopt a procedure for allowing non-resident and/or non-property owners in the Village should circumstances warrant such an appointment; and

WHEREAS, the Village Commission finds it in the best interests of the Village to approve this ordinance, authorizing the LDC to be revised to be consistent with the Village Commission’s recommendation;

**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 13, entitled “Planning Board and Local Planning Agency”, is hereby amended to read as follows:

14.1. - Code compliance board—Generally.

14.1.1 Purpose. This chapter sets forth the procedures of the code compliance board. When not expressly provided for in this chapter, article III, section 2-30 of the Biscayne Park Code shall apply.

14.1.2 Intent. It is the intent of the village to provide an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances in force in the village by granting to the code compliance board the authority to impose administrative fines and other non-criminal penalties for violation(s) of said codes and ordinances.

1 14.1.3 Composition. The five-member board shall be appointed by the village commission.  
2 Members of the code compliance board shall be property owners and residents of the  
3 Village of Biscayne Park. Residents who are not property owners may be appointed by the  
4 village commission by at least a four-fifths super majority vote. Appointments shall be made  
5 on the basis of experience or interest and, when possible, include the following individuals:  
6 an architect, an attorney a business person, an engineer, a general contractor, a subcontractor  
7 and a licensed real estate person.

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9 \* \* \* \*

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

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

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

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

26 The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its  
27 adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote,  
28 the vote was as follows:

1 PASSED AND ADOPTED upon first reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

2 PASSED AND ADOPTED upon second reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

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**The foregoing ordinance upon being put to a vote, the vote was as follows:**

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

Mayor Coviello: \_\_\_\_  
Vice Mayor Watts: \_\_\_\_  
Commissioner Anderson: \_\_\_\_  
Commissioner Jonas: \_\_\_\_  
Commissioner Ross: \_\_\_\_

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney