



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: May 5, 2015

Subject: Ordinance 2015-02 Amending Chapter 17 of the Code to Authorize the Imposition of a Storm Water Repair/Improvements Assessment Fee and a Road Repair/Improvements Assessment Fee

Prepared By: Heidi Shafran, AICP, Village Manager

Sponsored By: Staff

BACKGROUND

Ordinance 2015-02 amends the Code of Ordinances to allow the Village to assess two individual fees for each property in the Village. The fees are for a Storm Water Repair/Improvements Assessment Fee and a Road Repair/Improvements Assessment Fee. At its September 9, 2014 meeting, the Village Commission authorized Staff to follow the procedures set forth in Florida State Statutes 197.3632 regarding the method for the levy, collection and enforcement of non-ad valorem assessments for roadway and storm water improvements. The next and final step in this process will be the determination of the amount of the assessment which will be set by separate resolution at the May regular commission meeting.

FISCAL / BUDGET IMPACT

The creation of the Roads and Stormwater Drainage Assessment will assist the Village in providing funds for short term and long term infrastructure improvements.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2015-02 at second reading.

ATTACHMENTS

Ordinance 2015-02

ORDINANCE NO. 2015-02

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA AMENDING CHAPTER 17 OF THE CODE ENTITLED “FEES, BONDS AND CHARGES” TO AUTHORIZE THE IMPOSITION OF A STORM WATER REPAIR/IMPROVEMENTS ASSESSMENT FEE TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; FURTHER AUTHORIZING THE IMPOSITION OF A ROAD REPAIR/IMPROVEMENTS ASSESSMENT FEE TO BE LEVIED UPON RESIDENTIAL REAL PROPERTY LYING WITHIN THE MUNICIPAL BOUNDARIES OF THE VILLAGE OF BISCAYNE PARK; REVISING SECTION 17.4 OF THE CODE ENTITLED “IMPOSITION OF SOLID WASTE MANAGEMENT FEE ASSESSMENT”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE

WHEREAS, at its December 2, 2014 meeting, the Village Commission of the Village of Biscayne Park, Florida (hereinafter the “Village Commission”) approved Resolution 2014-88 which sets forth the Village’s intent to use the uniform method for the levy and collection of a non-ad valorem special assessment to be levied upon residential properties lying within the municipal boundaries of the Village of Biscayne Park for the imposition of a road repair/improvements assessment fee; and

WHEREAS, at its December 2, 2014 meeting, the Village Commission of the Village of Biscayne Park, Florida (hereinafter the “Village Commission”) approved Resolution 2014-89 which sets forth the Village’s intent to use the uniform method for the levy and collection of a non-ad valorem special assessment to be levied upon residential properties lying within the municipal boundaries of the Village of Biscayne Park for the imposition of a storm water repair/improvements assessment fee; and

WHEREAS, also at its December 2, 2014 meeting, the Village Commission approved Resolutions 2014-93 and 2014-94 which authorized Village officials to execute an Intergovernmental Cooperation Agreement with the Miami-Dade County Office of the Property Appraiser on behalf of the Miami-Dade County Tax Collector to facilitate the collection of non-ad valorem assessments for the provision of storm water repair/improvements and road repair/improvements; and

WHEREAS, in accordance with Section 197.3632, Florida Statutes, the Village advertised its intent to use the uniform method for the collection of non-ad valorem special assessments for storm water repair/improvements and road repair/improvements and held a duly advertised public hearing; and

WHEREAS, the Village Commission, consistent with its previous actions and consistent with the Village Charter, finds it in the best interests of the Village to approve this ordinance,

1 authorizing the imposition of storm water repair/improvements and road repair/improvements
2 assessment; and
3

4 WHEREAS, the Village Commission further finds it in the best interests of the
5 Village to revise Section 17.4 of the Code which addresses a solid waste management fee
6 assessment, to make it consistent with the newly adopted special assessments;
7

8 **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COMMISSION OF**
9 **THE VILLAGE OF BISCAWAYNE PARK, FLORIDA:**
10

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

14 **Section 2.** **Authority.** This Ordinance is adopted pursuant to the provisions of the
15 Village Charter and Chapter 166 of the Florida Statutes and other applicable provisions involved.

16 **Section 3.** Chapter 17, entitled “Fees, bonds and charges”, of the Village Code is
17 hereby amended to read as follows:

18 **CHAPTER 17. - FEES, BONDS AND CHARGES**
19

20 17.1. - Generally.

21 17.1.1 A listing of all fees and bonds required and charges that may be made by the village are
22 set by resolution and kept on file in the clerk’s office.

23 17.2. - Building permit fees.

24 17.2.1 *Permit fees established.* The village shall charge and collect permit fees for building,
25 plumbing, electrical, mechanical work and for work in the public rights-of-way at the rates
26 listed in the fee schedule on file in the village clerk's office and made a part hereof and no
27 work shall be commenced until the fees have been paid.

28 17.3. - Campaign sign bond.

29 17.3.1 *Cash bond required.* No political campaign signs shall be placed until the candidate has
30 posted a cash bond with the village clerk. The cash bond amount shall be set forth in a
31 separate resolution and kept on file in the clerk’s office. The bond shall be refunded after
32 the election, provided a village inspection verified that all the candidate’s signs have been
33 removed.

34 17.3.2 *Bond not required for certain signs.* The requirement of section 17.3.1 above does not
35 apply to signs as [on] car tops or bumper stickers affixed to or placed in licensed operable
36 motor vehicles.

37 17.4. - Imposition of solid waste management fee assessment.

38 (A) Residential units include all residential properties within the village except for buildings
39 containing six (6) or more contiguous dwelling units are to receive solid waste services from

1 the village. Six (6) or more contiguous dwelling units are to contract with a county approved
2 contractor.

3 (B) The assessed properties are hereby found to be specially benefitted by the provision of the
4 solid waste collection services ~~in the amount of the solid waste management fee assessment~~
5 ~~of five hundred seventy two dollars (\$572.00) per residential unit and are determined to be~~
6 ~~fairly and reasonably apportioned.~~

7 (C) ~~For the fiscal year beginning October 1, 2013, the total solid waste management fee~~
8 ~~assessment throughout the village is estimated to be seven hundred forty two thousand six~~
9 ~~hundred sixty four dollars (\$742,664.00). The amount of the assessment shall be~~
10 ~~determined annually consistent with the requirements of the Miami-Dade County Property~~
11 ~~Appraiser and Florida Law.~~

12 ~~(D) The solid waste management fee assessment for solid waste collection services is hereby~~
13 ~~approved and shall continue to be the current schedule for solid waste collection,~~
14 ~~transportation, separation and disposal service in subsequent years unless and until a new~~
15 ~~management fee assessment is established by separate ordinance.~~

16 ~~(E)~~ (D) The solid waste management fee assessment shall constitute a lien upon the real property,
17 so assessed equal in rank and dignity with the liens of all state, county, district and
18 municipal taxes and other non-ad valorem assessment.

19
20 17.5. – Imposition of storm water repairs/improvements; fee assessment.

21
22 (A) All residential units within the Village are subject to this special assessment.

23 (B) The assessed properties are hereby found to be specially benefitted by the provision of the
24 storm water repair/improvements assessment.

25 (C) The amount of the assessment shall be determined annually consistent with the requirements
26 of the Miami-Dade County Property Appraiser and Florida Law.

27 (D) The storm water repair/improvements assessment shall constitute a lien upon the real
28 property so assessed equal in rate and dignity with the liens of all state, county, district and
29 municipal taxes and other non-ad valorem assessments.

30
31 17.6. – Imposition of roadway repairs/improvements; fee assessment.

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33 (A) All residential units within the Village are subject to this special assessment.

34 (B) The assessed properties are hereby found to be specially benefitted by the provision of the
35 roadway repair/improvements assessment.

36 (C) The amount of the assessment shall be determined annually consistent with the requirements
37 of the Miami-Dade County Property Appraiser and Florida Law.

38 (D) The roadway repair/improvements assessment shall constitute a lien upon the real property
39 so assessed equal in rate and dignity with the liens of all state, county, district and municipal
40 taxes and other non-ad valorem assessments.

41 ~~17.5~~ 17.7. - Public right-of-way permit fees.

42 ~~17.5.1~~ 17.7.1 Fees. All standards and permit fees regarding public rights-of-way shall be on file
43 in the clerk's office.

44 ~~17.6~~ 17.8. - Planning and zoning fee schedule.

45 The fee schedule for all planning, zoning and public hearing applications of the Miami-Dade
46 County Code as adopted by the Village of Biscayne Park.

- 1 (a) The fee schedule for all planning, zoning and public hearing development order
2 applications pursuant to the village's Land Development Code, and pursuant to F.S. §
3 163.3184, and F.S. § 166.041, (comprehensive plan amendment process) submitted
4 directly to the Village of Biscayne Park shall be in accordance with the fee schedule
5 provided by separate resolution and kept on file in the clerk's office.
6 (b) The fee schedule for all planning, zoning and public hearings shall be submitted directly
7 to the Village of Biscayne Park in accordance with the fee schedule provided by
8 separate resolution and kept on file in the clerk's office.
9 (c) All checks shall be made payable to the "Village of Biscayne Park."
10 (d) All fee schedules established by the village's building department and all other fees
11 other than those described in the resolution kept on file in the clerk's office shall remain
12 in effect in the village until specifically repealed.

13 ~~17.6.1~~ 17.8.1 *Zoning applications.*

- 14 A. *Public hearings and administrative modifications.* Every application for a zoning
15 change or other zoning application, where a public hearing is required to be held and for
16 every application where notices and advertisement are required, there shall be paid a
17 minimum fee as set forth in the resolution kept on file in the clerk's office.
18 B. *Revisions to public hearing plans.* Submittal of the first revised plan will be processed
19 at no additional cost to the applicant. Subsequent revisions will be processed at an
20 additional charge as set forth by resolution kept on file in the clerk's office and shall be
21 paid in total at the time of submittal.

22
23 Onle one (1) fee shall be assessed; should an application involve two (2) or more
24 adjustments of a different category, the greater shall apply.

25 ~~17.6.2~~ 17.8.2 *General information.*

- 26 A. *Application fees.* All applications fees shall be paid in total, at the time of filing of an
27 application, and no fee shall be credited or refunded except when adjustment is
28 warranted or deemed necessary due to departmental error. A refund of fifty (50) percent
29 of an original application fee may be refunded upon the withdrawal of an application
30 when the written request for withdrawal is received within thirty (30) days of the date of
31 application.
32 B. *Mailing fees; notices.* In addition to the zoning fees set by separate resolution, items
33 requiring notice shall be assessed a fee for each notice required to be mailed in
34 accordance with the Village's Code. These fees shall be assessed for every occasion on
35 which notices are mailed.
36 C. Processing costs will be charged equal to actual staff time and related costs for matters
37 which involve research, including review of legal agreements. A minimum fee shall be
38 charged.
39 D. *Preparation of special studies or reports.* For special studies or reports that are not
40 prepared as part of the regular work program of the village and are found by the village
41 to be necessary to prepare recommendations related to planning and zoning
42 applications, the applicant shall pay the actual cost incurred for any such required
43 professional services. Specifically, the village shall charge the applicant the direct cost
44 of review by employed/hired consultants and professionals, engineers, planners, legal,
45 technical or environmental consultants deemed reasonably necessary by the village to
46 review any application. Charges shall be in accord with the hourly rate charges by such

employed professionals or consultants. The applicant shall reimburse the village for the cost of such upon submission of an invoice within thirty (30) days. Failure to make payment shall result in a discontinuance of review/processing of an application; or rescinding of the final development order for failure to comply with a material condition to the approval.

E. *Re-advertisement and re-notification for deferred or remanded hearing applications.* For each and every zoning hearing application that is deferred or remanded to a date not yet advertised, a fee shall be paid based on the actual cost of re-advertisement and re-notification.

F. *Late payment charges on unpaid amounts.* Billing covered by contracts, agreements or other formal arrangements for services rendered by the department are due within forty-five (45) days from the date of the invoice. Full payment of the account balance must be received by the past due date set forth on the invoice. A monthly late payment charge will be assessed on any outstanding balance at the rate of ten (10) percent thereafter, until payment is received in full.

TABLE A RESIDENTIAL SECTORS

Regulations	RESIDENTIAL SECTORS			
	A	B	C	D
Density (Dwelling units per gross acre ¹)	= <2.0	2.1—6.0	2.1—6.0	2.1—6.0
Minimum lot size (square feet ²)	8,500	8,500	6,000	8,500
Dwelling type allowed	Detached one-family	Detached one-family	Detached one-family two-family ⁴	Detached community res. home
Minimum dwelling size (gross horizontal floor area, square feet)	1,900	1,400	(a) 1,400 (b) 2,000	1,400
Maximum lot coverage (percent)	50	50	50	50
Maximum dwelling units per single lot	1	1	1	1
Maximum building height (stories)	2	2	2	2
Minimum setbacks (feet)				
Street property line	50	30 ³	30	30
Rear	10	10	10	10
Sides	10	10	10	10

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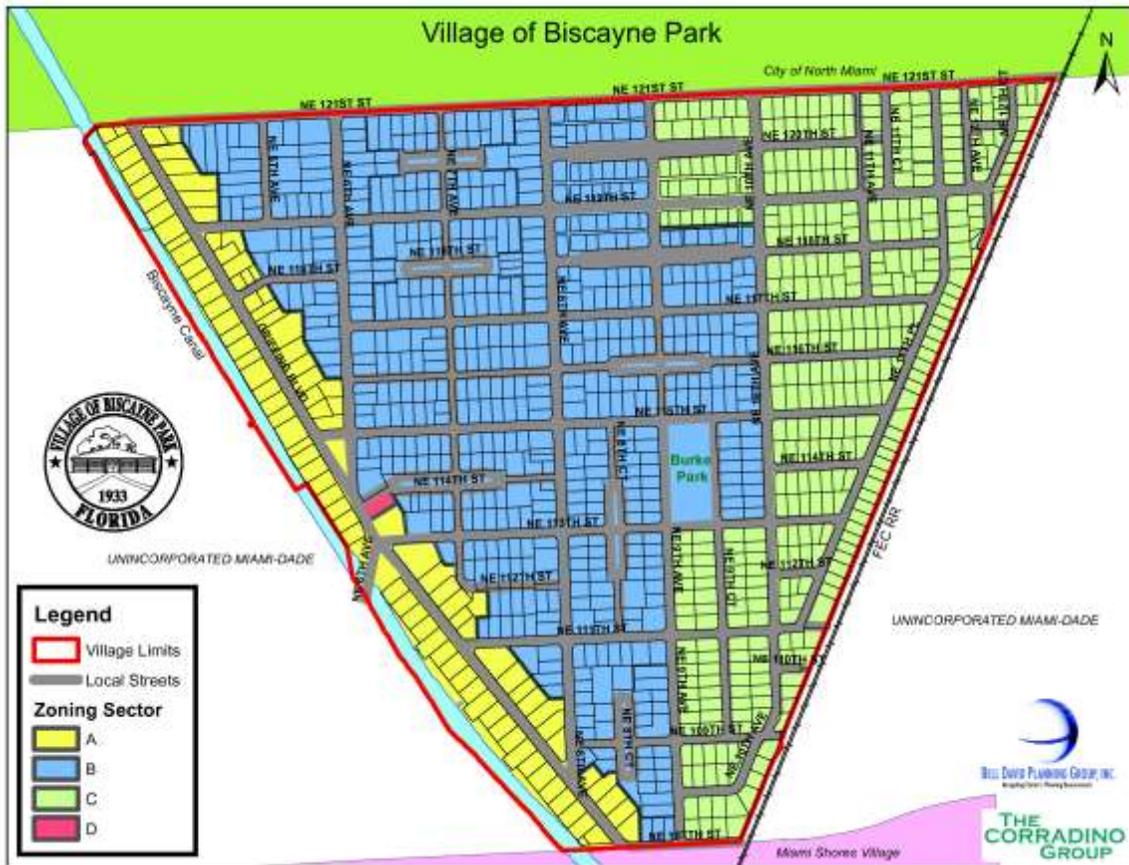
Notes:

¹ Gross acre is the lot area plus half the width of the adjacent road.

² And in any case not less than the area of any lot of record.

³ Except north side of 116th Street between 6th Avenue to 8th Avenue where the present setback shall be maintained; except on all 60-foot lots facing NE 9th Avenue between 118th Street and 120th Street where the setback shall be 20 feet from the NE 9th Avenue property line and said lots shall be subject to existing setback requirements of the streets on which they abut.

⁴ Two-family or duplex dwellings are prohibited on lots with a frontage of fifty (50) feet or less.



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Residential Sectors Illustration

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Section 4. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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Section 5. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be

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1 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining
2 sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it
3 being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any
4 part.

5 **Section 6.** Codification. It is the intention of the Village Commission of the Village of
6 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
7 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be
8 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
9 word or phrase in order to accomplish such intention.

10 **Section 7.** Effective Date. This Ordinance shall be effective upon adoption on
11 second reading.

12
13 The foregoing Ordinance was offered by Commissioner _____, who moved its
14 adoption. The motion was seconded by _____ and upon being put to a vote,
15 the vote was as follows:

16
17 PASSED AND ADOPTED upon first reading this 7th day of April, 2015.

18 PASSED AND ADOPTED upon second reading this ____ day of _____, 2015.

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23 _____
24 David Coviello, Mayor
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26 Attest:
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The foregoing ordinance upon being put to a
vote, the vote was as follows:
Mayor Coviello ____
Vice Mayor Jonas ____
Commissioner Anderson ____
Commissioner Ross ____
Commissioner Watts ____

1 _____
2 Maria C. Camara, Village Clerk
3
4 Approved as to form:
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6
7 _____
8 John J. Hearn, Village Attorney