

ORDINANCE 2014-08

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2
3 **AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE**
4 **OF BISCAYNE PARK, FLORIDA, AMENDING THE VILLAGE’S CODE**
5 **OF ORDINANCES AND THE VILLAGE’S LAND DEVELOPMENT**
6 **CODE TO CREATE CONSISTENCY THROUGHOUT THE CODES**
7 **CONCERNING ADMINISTRATIVE AND USER FEES; AMENDING**
8 **CHAPTER 11, ARTICLE III – GARAGE SALES, SECTION 11-45,**
9 **ENTITLED “PERMIT ISSUANCE, FEE” OF THE VILLAGE’S CODE OF**
10 **ORDINANCES; AMENDING CHAPTER 17 – TRAFFIC AND VEHICLES,**
11 **SECTION 17-1, ENTITLED “IMPOUNDMENT OF MOTOR VEHICLES**
12 **USED DURING THE COMMISSION OF A CRIME” OF THE VILLAGE’S**
13 **CODE OF ORDINANCES; AMENDING PART II, CHAPTER 16 –**
14 **PERMITS AND CERTIFICATES, SECTION 16.15, ENTITLED**
15 **“LANDLORD PERMITS” OF THE VILLAGE’S LAND DEVELOPMENT**
16 **CODE; AMENDING PART II, CHAPTER 16 – PERMITS AND**
17 **CERTIFICATES, SECTION 16.16., ENTITLED “CERTIFICATE OF RE-**
18 **OCCUPANCY”; AMENDING PART II, CHAPTER 16 – PERMITS AND**
19 **CERTIFICATES, SECTION 16.18, ENTITLED HOME-BASED**
20 **OCCUPATIONS” OF THE VILLAGE’S LAND DEVELOPMENT CODE;**
21 **AMENDING PART II, CHAPTER 16 - PERMITS AND CERTIFICATES,**
22 **SECTION 16.19, ENTITLED “CONTRACTOR REGISTRATION” OF**
23 **THE VILLAGE’S LAND DEVELOPMENT CODE; AMENDING PART II,**
24 **CHPATER 17 – FEES, BONDS AND CHARGES, SECTION 17.1,**
25 **ENTITLED “GENERALLY” OF THE VILLAGE’S LAND**
26 **DEVELOPMENT CODE; AMENDING PART II, CHAPTER 17 – FEES,**
27 **BONDS AND CHARGES, SECTION 17.3, ENTITLED “CAMPAIGN SIGN**
28 **BOND” OF THE VILLAGE’S LAND DEVELOPMENT CODE;**
29 **AMENDING PART II, CHAPTER 17 – FEES, BONDS AND CHARGES,**
30 **SECTION 17.6, ENTITLED “PLANNING AND ZONING FEE**
31 **SCHEDULE” OF THE VILLAGE’S LAND DEVELOPMENT CODE;**
32 **REPEALING ORDINANCE 2006-14 ADDRESSING THE BUILDING**
33 **PERMIT FEE SCHEDULE IN ITS ENTIRETY; PROVIDING THAT**
34 **VILLAGE FEES BE ADDRESSED BY RESOLUTION; PROVIDING FOR**
35 **SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR**
36 **CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE**

37
38 **WHEREAS,** the Village’s Charter specifies that the Village Commission will set service
39 or user charges for municipal services or grant administrative authority to set such charges; and

40 **WHEREAS,** The Village’s Code of Ordinances and the Village’s Land Development
41 Code currently provide the various administrative and user fees authorized by the Village
42 Commission; and

1 **WHEREAS**, in order to provide clarity and create consistency for all users, the Village
2 staff has recommended that all administrative and user fees be kept by the Village Clerk in one
3 central location; and

4 **WHEREAS**, the Village Commission accepts the recommendation of the Village's
5 professional staff and finds that the revisions to the Code of Ordinances and Land Development
6 Code are in the best interests of all;

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

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

12 **Section 2.** Chapter 11 – Offenses and Miscellaneous Provisions, Article III – Garage
13 Sales, Section 11-45 – Permit Issuance, Fee, of the Code of Ordinances of the Village of
14 Biscayne Park shall be amended to read as follows:

15 **Sec. 11-45. Permit issuance, fee.**

16
17 Upon verification of the right of applicant to conduct such sale in compliance with this
18 article, the village clerk shall issue a permit which shall designate the day(s) on which such
19 sale(s) shall be made, upon payment of a fee set by resolution and kept on file in the clerk's
20 office. ~~of five dollars (\$5.00).~~
21

22 **Section 3.** Chapter 17 – Traffic and Vehicles, Section 17-1 – Impoundment of Motor
23 Vehicles Used During the Commission of a Crime, of the Code of Ordinances of the Village of
24 Biscayne Park shall be amended to read as follows:

25 **Sec. 17-1. Impoundment of motor vehicles used during the commission of a crime.**

26
27 (A) *Impoundment of certain motor vehicles.* A motor vehicle shall be subject to
28 impoundment whenever a police officer has probable cause to believe that said vehicle was used
29 to facilitate the commission of a crime, or was used as an instrument to commit a crime, or was
30 driven by an operator who was driving while license was suspended and is a habitual traffic

1 offender, or was driven by an operator who was illegally under the influence of alcohol or a
2 controlled substance in violation of Florida or federal law. All vehicles towed will be subject to
3 review by the Chief of Police or his designee before charging the ~~five hundred dollar (\$500.00)~~
4 fee to ensure that said vehicle meets the criteria for this Ordinance.

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6 * * *

7
8 (C) *Impoundment fees.* Any person, whether an individual or a legal entity, who owns
9 or operates any motor vehicle located in the Village, which motor vehicle is impounded by the
10 Village under this ordinance, shall be liable for the ~~following~~ impoundment fees as set by
11 resolution and kept on file in the clerk's office prior to the release of such vehicle to such person:

12
13 (1) ~~impoundment fee\$500.00~~

14
15 (2) ~~Reasonable towing and storage charges pursuant to chapter 713, Florida~~
16 ~~statutes.~~

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18 * * *

19
20 **Section 4.** Part II, Chapter 16 – Permits and Certificates, Section 16.15 – Landlord

21 Permits, of the Land Development Code of the Village of Biscayne Park shall be amended to
22 read as follows:

23 **Sec. 16.15. Landlord Permits.**

24
25 * * *

26 16.15.5 *Fees.*

27 (a) Fees to be charged for the purpose of administering this ordinance shall be
28 established by separate resolution.

29 (b) The village manager shall collect all fees due and owing to the village.

30 (c) Inspections of the applicant's premise shall be scheduled at the convenience of
31 both the enforcement officer/inspector, landlord, and tenant(s). If the landlord and/or tenant fails
32 to be present at the time of the scheduled inspection or if the enforcement officer/inspector is
33 denied and/or unable to gain access to the dwelling or dwelling unit to conduct the requisite
34 inspection, the landlord may be subject to being charged a re-inspection fee of ~~twenty-five~~
35 ~~dollars (\$25.00)~~, for each re-inspection, at the discretion of the village. Additionally, after three
36 (3) such attempts and/or denials of access to the premises, the village may pursue the revocation
37 of any existing permit(s) of use issued to the subject premises.

38
39 * * *

1 **Section 5.** Part II, Chapter 16 – Permits and Certificates, Section 16.16 – Certificate

2 of Re-occupancy, of the Land Development Code of the Village of Biscayne Park shall be
3 amended to read as follows:

4 **Sec. 16.16. Certificate of re-occupancy.**

5
6 * * *

7 16.16.1 *[Requirements.]*

8 (a) It shall be unlawful for any person to buy, sell, convey or otherwise transfer title
9 to any residential dwelling without first obtaining a re-occupancy certificate issued by the
10 building official, code compliance director or designee. The certificate of re-occupancy, if
11 issued, shall state that the village has inspected the dwelling and determined that the dwelling
12 complies with the residential occupancy regulations of the zoning district on the property
13 wherein the dwelling unit is located. In all one-family dwelling residences zoning districts, a
14 certificate of re-occupancy shall not be issued for the presence or existence of more than one
15 (1) dwelling or residence. In all two-family dwelling residences zoning districts, a certificate of
16 re-occupancy will not be issued for the presence or existence of three (3) or more dwellings or
17 residences. The provisions of this section shall not apply to the sale, conveyance or transfer of
18 title of a new dwelling or residence that has never been occupied and that represents the first
19 transaction since the issuance of the original certificate of occupancy.

20 (b) It shall be unlawful for any person to sell, convey or transfer title to any
21 residential dwelling unit owned by such person without first disclosing by written notice to the
22 buyer, grantee or transferee the fact that a certificate of re-occupancy is required by this
23 section. It is required that a seller, grantor or transferor deliver to the buyer, grantee or
24 transferee a properly signed and approved village certificate of re-occupancy prior to the sale,
25 conveyance or transfer of title.

26 (c) A seller, property owner or designated agent shall request a certificate of re-
27 occupancy by submitting a completed application together with payment of an inspection fee
28 as set forth by resolution and kept on file in the clerk's office. ~~Upon payment of a fifty dollars~~
29 ~~(\$50.00) inspection fee, a village inspector shall inspect the dwelling within thirty (30) days~~
30 ~~and, if such dwelling is found to be in compliance with the residential occupancy regulations of~~
31 ~~the applicable zoning district, the village will issue a certificate of re-occupancy. Upon~~
32 ~~payment of a one hundred dollars (\$100.00) inspection fee, a village inspector shall inspect the~~
33 ~~dwelling within ten (10) days and, if such dwelling is found to be in compliance with the~~
34 ~~residential occupancy regulations of the applicable zoning district, the village will issue a~~
35 ~~certificate of re-occupancy. A re-inspection twenty five dollars (\$25.00) fee shall be paid for~~
36 ~~each re-inspection performed by the village. The re-occupancy certificate shall be effective for~~
37 ~~sixty (60) days and may be extended only one (1) time for additional sixty (60) days upon~~
38 ~~payment of a ten dollar (\$10.00) fee for the extension.~~ Upon a real estate closing or title
39 transfer the certificate of re-occupancy shall be recorded in the Miami-Dade County public
40 records with the deed or other conveyance of title.

41
42 * * *

1 **Section 6.** Part II, Chapter 16 – Permits and Certificates, Section 16.18 – Home-
2 based Occupations, of the Land Development Code of the Village of Biscayne Park shall be
3 amended to read as follows:

4 **Sec. 16.18. Home-based occupations.**

5 * * *

6
7 16.18.3 All home-based occupations shall be required to obtain and maintain an occupational
8 license from the village and pay an applicable fee as provided by resolution.

9
10 * * *

11 **Section 7.** Part II, Chapter 16 – Permits and Certificates, Section 16.19 – Contractor
12 Registration, of the Land Development Code of the Village of Biscayne Park shall be amended
13 to read as follows:

14 **Sec. 16.19. Contractor registration.**

15
16 * * *

17 16.19.2 *Registration.* All contractors performing work within the municipal boundaries of
18 the village, or who have made application for building permits from the village, shall be
19 required to register annually with the village. All such contractors shall register with the
20 building division prior to application for a building permit. Requirements for registration shall
21 be as follows:

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23 * * *

24
25 (4) The fee for this registration shall be set by resolution and kept on file in the
26 clerk's office, thirty-five dollars (\$35.00) per year, or as may be amended by resolution of the
27 village commission. The fee component of registration shall not be applicable in those
28 instances where preempted by F.S. § 205.065.

29
30 **Section 8.** Part II, Chapter 17 – Fees, Bonds and Charges, Section 17.1 – Generally,
31 of the Land Development Code of the Village of Biscayne Park shall be amended to read as
32 follows:

33 **Sec. 17.1. Generally.**

34
35 17.1.1 *Purpose.* ~~It is the purpose of this chapter to establish the fees and bonds required~~
36 ~~and charges that may be made by the village.~~ A listing of all fees and bonds required and
37 charges that may be made by the village are set by resolution and kept on file in the clerk's
38 office.

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2 **Section 9.** Part II, Chapter 17 – Fees, Bonds and Charges, Section 17.3 – Campaign

3 Sign Bond, of the Land Development Code of the Village of Biscayne Park shall be amended
4 to read as follows:

5 **Sec. 17.3 Campaign sign bond.**
6

7 17.3.1 *Cash bond required.* No political campaign signs shall be placed until the
8 candidate has posted a ~~one hundred dollar (\$100.00)~~ cash bond with the village clerk. The cash
9 bond amount shall be set forth in a separate resolution and kept on file in the clerk's office. The
10 bond shall be refunded after the election, provided a village inspection verified that all the
11 candidate's signs have been removed.

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13 * * *

14
15 **Section 10.** Part II, Chapter 17 – Fees, Bonds and Charges, Section 17.6 – Planning

16 and Zoning Fee Schedule, of the Land Development Code of the Village of Biscayne Park shall
17 be amended to read as follows:

18 **17.6. Planning and zoning fee schedule**
19

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

- 22
23 (a) The fee schedule for all planning, zoning and public hearing development order
24 applications pursuant to the Village's Land Development Code, and pursuant to
25 Section 163.3184, Florida Statutes and 166.041, Florida Statutes (comprehensive
26 plan amendment process) submitted directly to the Village of Biscayne Park shall
27 be in accordance with the fee schedule provided by separate resolution and kept
28 on file in the clerk's office herein.
29
30 (b) The fee schedule for all planning, zoning and public hearings shall be submitted
31 directly to the Village of Biscayne Park in accordance with the fee schedule
32 provided by separate resolution and kept on file in the clerk's office for herein.
33
34 (c) All checks shall be made payable to the "Village of Biscayne Park."
35
36 (d) All fee schedules established by the Village's building department and all other
37 fee other than those described in the resolution kept on file in the clerk's office
38 herein, shall remain in effect in the Village until specifically repealed.

39
40 I. ~~Comprehensive plan.~~

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A. ~~Written interpretation of comprehensive plan provisions relative to a specific location:~~

Size of Parcel of Proposed Development (gross acres)	Fee
Under 1.0 acre	\$114.00
1.0 acre — 5.0 acres	\$228.00
5.1 acres — 20.0 acres	\$342.00
20.1 acres and over	\$570.00

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B. ~~Written interpretation of adopted components' goals, objectives and other text not related to a specific location:~~

	Fee
Each issue/question not related to Level of Service (LOS) Standards	\$114.00
Each issue/question related to LOS Standards	\$171.00

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C. ~~Applications to amend the comprehensive plan:~~

~~1. Land use map (LUM):~~

Size of Area (gross acres)	Fee
Up to 5.0	\$11,400.00
5.1 — 10.0	\$21,660.00
10.1 — 20.0	\$42,750.00
20.1 — and up	\$64,410.00

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~~2. All elements fee.~~

	Fee

Each LOS standard addressing a goal, objective, policy, or a. map	\$51,300.00
Each non-LOS standard addressing a goal, objective b. or policy	\$17,100.00
Each monitoring measures items c.	\$10,260.00
Each capital improvement project line item d.	\$17,100.00
Each text or map change e.	\$17,100.00

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I.H. *Zoning applications.*

A. *Public hearings and administrative modifications.* ~~Except as otherwise provided in B. through D. below, for e~~Every application for a zoning change or other zoning application, where a public hearing is required to be held and for every application where notices and advertisement are required, there shall be paid a minimum fee as set forth in the resolution kept on file in the clerk's office of \$855.00 (\$1,710.00 if the application is the result of a violation). ~~The exact amount of each application fee is established by the addition of the following fees:~~

Application	Fee
Zone change or text amendment by applicant	\$1,710.00
Change in Use text amendment	\$1,710.00
Non use variance or site development agreement or site plan	\$1,710.00
Residential/one lot	\$400.00
Special exception	\$2,280.00
Modifications/deletions	\$1,140.00
Unusual use	\$2,280.00
If applicable, in addition for:	
Residential:	\$1,140.00
Size of property:	\$570.00 per 10 acres or portion thereof
Number of units:	\$285.00 per 15 units or portion thereof

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~~B. *Public Hearing for day cares, religious facilities, ACLF's, nursing homes and convalescent homes.* \$2,280.00 (\$2,850.00 if application is the result of a violation.)~~

~~C. *Public hearing for governmental facilities:* (If applicable) \$1,425.00~~

B.D. *Revisions to public hearing plans.* Submittal of the first revised plan will be processed at no additional cost to the applicant. Subsequent revisions will be processed at an additional charge as set forth by resolution kept on

file in the clerk's office of \$684.00 per revised plan and shall be paid in total at the time of submittal.

III. ~~Administrative adjustment applications. Limited to new construction or an addition to an existing residence from setback, lot coverage, and building spacing requirement for single family residential, duplex, townhouse and accessory residential uses located in the Village's residential districts:~~

Application	Fee
Carport (maximum 200 sq.ft.)	\$313.50
Utility shed (maximum 100 sq.ft.)	\$313.50
Fence/wall	\$313.50
Interior/exterior integration area	\$313.50
Setback adjustments for attached/detached structure(s)	\$598.50
Any administrative adjustment involving tennis court, swimming pool or other recreational use	\$741.00
Any adjustment for the construction of a new residence	\$963.30
Other adjustments such as, but not limited to, lot area, lot frontage, lot coverage	\$741.00

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

IV. ~~Administrative site plan reviews (when no public hearing is required).~~
 A. ~~Individual single family, two family, or live/work unit\$50.00~~
 B. ~~All other uses:
 Minimum fee\$1,500.00 plus
 Per acre\$500.00 and
 Per 10 units or portion thereof\$200.00 or
 Per 5,000 sq. ft. or portion thereof\$200.00
 Submittal of the first revised plan will be assessed at no additional cost.
 Subsequent revisions will be processed at an additional charge of \$250.00 per revised plan.~~
 C. ~~Entrance feature applications\$570.00
 First plan revision will be processed at no charge. Subsequent revisions will be processed at \$250.00 each.~~

II.V. General information.
 A. Application fees. All applications fees shall be paid in total, at the time of filing of an application, and no fee shall be credited or refunded except when adjustment is warranted or deemed necessary due to departmental error. A refund of 50 percent of an original application fee may be refunded upon the withdrawal of an application when the written request for withdrawal is received within 30 days of the date of application.
 B. Mailing fees; notices. In addition to the zoning fees set forth by separate resolution herein, items requiring notice shall be assessed a fee of ~~\$0.57~~

1 ~~cents per notice~~ for each notice required to be mailed in accordance with
2 the Village's code. These fees shall be assessed for every occasion on
3 which notices are mailed.
4

5 C. Processing costs will be charged equal to actual staff time and related
6 costs for matters which involve research, including review of legal
7 agreements. A minimum fee of ~~\$85.00~~ shall be charged.
8

9 D. *Preparation of special studies or reports.* For special studies or reports
10 that are not prepared as part of the regular work program of the Village
11 and are found by the Village to be necessary to prepare recommendations
12 related to planning and zoning applications, the applicant shall pay the
13 actual cost incurred for any such required professional services.
14 Specifically, the Village shall charge the applicant the direct cost of
15 review by employed/hired consultants and professionals, engineers,
16 planners, legal, technical or environmental consultants deemed reasonably
17 necessary by the Village to review any application. Charges shall be in
18 accord with the hourly rate charges by such employed professionals or
19 consultants. The applicant shall reimburse the Village for the cost of such
20 upon submission of an invoice within 30 days. Failure to make payment
21 shall result in a discontinuance of review/processing of an application; or
22 rescinding of the final development order for failure to comply with a
23 material condition to the approval.
24

25 E. ~~Copies of records, verification of documents, and other processing.~~
26 ~~Plan reproduction from microfilm or document larger than 14 inches by~~
27 ~~8½ inches per sheet — \$5.70~~
28 ~~Reproduced records/per page \$0.15~~
29 ~~Doubled sided copy/per page \$0.20~~
30 ~~Certified copies not including photocopy charge/per page — \$1.00~~
31 ~~Official copy of Certificate of Use record — \$10.00~~
32 ~~Verification of legal description on documents prepared for recordation~~
33 ~~————— \$10.00~~
34 ~~Digital maps, scanned images/per map or image — \$5.70~~
35 ~~Special map requests — \$60.00~~
36 ~~Notary public service/per document — 10.00~~
37 ~~Ordering plans — \$5.70~~
38 ~~Hearing tapes/each — \$3.00~~
39

40 E.F. *Re-advertisement and re-notification for deferred or remanded hearing*
41 *applications.* For each and every zoning hearing application that is
42 deferred or remanded to a date not yet advertised, a fee shall be paid based
43 on the actual cost of re-advertisement and re-notification.
44

45 E.G. *Late payment charges on unpaid amounts.* Billing covered by contracts,
46 agreements or other formal arrangements for services rendered by the
47 department are due within 45 days from the date of the invoice. Full

1 payment of the account balance must be received by the past due date set
2 forth on the invoice. A monthly late payment charge will be assessed on
3 any outstanding balance at the rate of ten percent thereafter, until payment
4 is received in full.

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6 H. ~~Substantial compliance determination.~~

7 ~~\$1,140.00 for residential.~~

8 ~~\$1,710.00 for commercial/nonresidential uses.~~

9 ~~First plan revision will be processed at no charge, subsequent plan~~
10 ~~revisions will be assessed a fee of \$684.00 each.~~

11
12 I. ~~Concurrency review. A fee of six percent of the total permit fee, CU or~~
13 ~~zoning application fee, will be added to original fees where a concurrency~~
14 ~~review was performed.~~

15 ~~Concurrency information letters:~~

16 ~~Minor letter \$100.00 (requiring routine to moderate research and analysis,~~
17 ~~standard preparation and processing time).~~

18 ~~Major letter \$200.00 (requiring extraordinary research and analysis, and/or~~
19 ~~special preparation and handling).~~

20
21 **Section 11.** Ordinance 2006-14 adopted by the Village Commission at its December 5,
22 2006 meeting that addressed the Building Permit Fee Schedule, is hereby repealed in its entirety.

23 **Section 12.** It is the intent of the Village that all Village fees be provided for by
24 resolution. To the extent that any Village fee is addressed in Resolution 2014-65, that fee
25 supercedes and revokes any ordinance addressing said fee.

26 **Section 13.** Severability. Should any section, provision, paragraph, sentence, clause of
27 word of this Ordinance or portion hereof be held or declared by any court of competent jurisdiction
28 to be unconstitutional or invalid, in part or application, it shall be considered as eliminated and shall
29 not affect the validity of the remaining portions or applications of this Ordinance.

30 **Section 14.** Codification. It is the intention of the Village Commission of the Village of
31 Biscayne Park, that the provisions of this Ordinance shall become and made a part of the Code of
32 Ordinances of the Village of Biscayne Park, Florida, and that the Sections of this Ordinance may be
33 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article" or other
34 word or phrase in order to accomplish such intention.

1 **Section 15.** **Conflicts.** That all Ordinances or parts of Ordinances, Resolutions or parts
2 thereof in conflict herewith, are and the same are hereby repealed to the extent of such conflict.

3 **Section 16.** **Effective Date.** This Ordinance shall become effective immediately upon its
4 passage and adoption.

5 The foregoing Ordinance was offered by Commissioner Jonas who moved its adoption. The
6 motion was seconded by Vice Mayor Ross and upon being put to a vote, the vote was as follows:

7
8 PASSED AND ADOPTED upon first reading this 9th day of September, 2014.

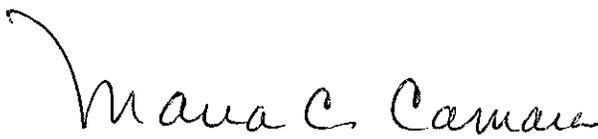
9 PASSED AND ADOPTED upon second reading this 7th day of October, 2014.

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

12
13 
14 _____
15 David Coviello, Mayor

Mayor Coviello: Yes
Vice Mayor Ross: Yes
Commissioner Anderson: Yes
Commissioner Jonas: Yes
Commissioner Watts: Absent

16
17 Attest:

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19 
20 _____
21 Maria C. Camara, Village Clerk

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25 Approved as to form:

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28 _____
29 John J. Hearn, Village Attorney