



Log Cabin - 640 NE 114th Street, Biscayne Park, FL 33161

**AGENDA  
REGULAR COMMISSION MEETING  
TUESDAY, SEPTEMBER 13, 2022 – 7:00 PM**

Tuesday, September 13, 2022 at 7:00 pm Log Cabin, 640 NE 114th Street, Biscayne Park  
FL 33161 <https://us06web.zoom.us/j/86072041562> Zoom Meeting ID: 860 7204 1562

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **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.*
5. **Presentations**
  - 5.a [Hispanic Heritage Month Proclamation Hispanic Heritage Month 2022.pdf](#)
  - 5.b [Childhood Cancer Proclamation Childhood Cancer Awareness Month.pdf](#)
6. **Public Comments**
7. **Commission Reply to Comments**
8. **Reports**
  - 8.a [Managers Report August 2022 Manager Report.pdf](#)  
[Freebee-Biscayne Park August Ridership Report](#)
9. **Consent Agenda**
  - 9.a [Resolution 2022-41- Village Manager Employment Agreement - Third Amendment](#)  
**This Third Amendment to the Agreement between the VILLAGE OF BISCAYNE PARK (“Village”) and MARIO DIAZ (“Village Manager”)**  
[RESO 2022 41- Approving Third Amendment to Village Manager Employment Agreement.pdf](#)  
[Village Manager Employment Agreement - Third Amendment.pdf](#)

- 9.b [Board Minutes](#)  
**Arts and Culture Advisory Board**  
**Biscayne Park Foundation**  
**Code Compliance Board**  
**Planning Board**  
**Sustainability and Resilience Advisory Board**  
[Minutes Sustainability and Resilience Advisory Board 7-2022.pdf](#)  
[Minutes Sustainability and Resilience Advisory Board 6-2022.pdf](#)  
[AC Revised Emergency Meeting Minutes Jazz May 2022 \(002\).pdf](#)  
[07-25-22\\_Signed & Approved Planning Board Minutes.pdf](#)  
[Scanned Documents.pdf](#)
- 9.c [Commission Meeting Minutes](#)  
**August 16, 2022- Regular Commission Meeting Minutes**  
[RCM Minutes 08.16.2022 SB.pdf](#)

## 10. Ordinances

- 10.a [Ordinance No. 2022-07 Amending Section 11.6 "Fences, Walls and Hedges" \(Second Reading\)](#)  
**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 11.6. "FENCES, WALLS AND HEDGES." OF CHAPTER 11 "ACCESSORY STRUCTURES" OF THE BISCAYNE PARK LAND DEVELOPMENT CODE TO AMEND SUBSECTION (E) OF SECTION 11.6.3 PROHIBITING THE USE OF SECONDARY FENCE OR DECORATIVE FENCING MATERIALS ON CHAIN LINK FENCES; REQUIRING LANDSCAPE MATERIALS WHERE AN EXISTING CHAIN LINK FENCE IS FACING THE FRONT RIGHT OF WAY; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**  
[Ordinance 2022-07 for Secondary and Decorative Fencing Material - second reading.pdf](#)  
[Village of Biscayne Park.pdf](#)
- 10.b [Ordinance 2022-10 - Amending Great Waste Franchise Agreement\(First Reading\)](#)  
**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, APPROVING A FIRST AMENDMENT TO THE FRANCHISE AGREEMENT WITH GREAT WASTE AND RECYCLING SERVICES, LLC, FOR SOLID WASTE COLLECTION SERVICES; PROVIDING THE VILLAGE MANAGER THE AUTHORITY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE ORDINANCE; PROVIDING THAT FUTURE AMENDMENTS TO THE FRANCHISE AGREEMENT MAY BE BY RESOLUTION; REPEALING ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**  
[Ordinance 2022-10 - Amending Great Waste Franchise Agreement.pdf](#)

[Great Waste - First Amendment.pdf](#)

- 10.c [ORDINANCE 2022-11- AMENDING SECTION 13.2 RENAMING THE VILLAGE'S PLANNING BOARD\(First Reading\)](#)

**AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING SECTION 13.2 "PLANNING BOARD" OF CHAPTER 13 "PLANNING BOARD AND LOCAL PLANNING AGENCY" OF THE VILLAGE'S LAND DEVELOPMENT CODE TO CO-DESIGNATE THE PLANNING BOARD AS THE DESIGN REVIEW BOARD, AND TO INCLUDE DESIGN REVIEW RESPONSIBILITIES; PROVIDING FOR INCLUSION IN THE CODE AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

[Ordinance 2022-11 - Amending Planning Board Name.pdf](#)

## 11. Resolutions

- 11.a [Resolution 2022-42 - Appointment to the Board of Parks and Parkways](#)

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA APPROVING THE SELECTION AND APPOINTMENT OF MEMBERS TO THE PARKS & PARKWAY ADVISORY BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

[RESO 2022-42 Parks Parkway Advisory Board Member Selections- SB.pdf](#)  
[Dr. Martin Zaiac](#)  
[HANNAH\\_BADWAN\\_Board\\_Member\\_Application.pdf](#)

## 12. Discussion- Old Business

- 12.a [Commission Discussion Amending Village Land Development Code to Address Single-Family Residential Building Form](#)  
[CGA Memo LDC Discussion 091322.pdf](#)  
[CH02 Definitions DRAFT Commission 091322.pdf](#)  
[CH10 Design and Improv Standards Commission DRAFT 091322.pdf](#)  
[CH17 Planning and Zoning Fee Schedule DRAFT 091322.pdf](#)
- 12.b [Swale Ordinance Discussion](#)  
[Ordinance Amending Ch. 5 - Swales \(revised as of 8-18-22\).pdf](#)
- 12.c [Village Traffic and Road Safety](#)  
[Kennedy - Village Traffic and Road Safety](#)
- 12.d [Discussion of code regarding living/dwelling units a la Miami-Dade County code that applies only to unincorporated MDC, and the tax implications of that section of the code.](#)

**Using this background, I would like the commission to discuss with staff**

the impact of additional dwelling units, which are not allowed per our code. The number of dwelling units impacts many issues in BP, including taxes, solid waste fees (charged per property), traffic, density, neighbors, noise, and more—particularly as more properties are being offered as short-term rentals. Are we effectively counting dwelling units during pre-sale re-occupancy inspections, and do we have the applicable codes to authorize that? At that point in the process, we have an opportunity to require compliance before authorizing the sale. The discussion could also include allowing additional living units, if that’s the will of the village and commission.

A quick comparison of properties for sale in BP will undercover dwelling units and bedrooms/bathrooms that are not allowed, may have been unpermitted, and that are not being included in the county tax rolls. One such example (not the only example) is 11520 Griffing, presently listed for sale as a main house with 4 bedrooms/3 bathrooms plus a separate 1/1 guest house. The MDC property appraiser describes 11520 as one living unit with 4 bedrooms and 3 bathrooms.

**\*Per BP Attorney Valerie Vincent in an email exchange on this topic: “If the Village would like to utilize those factors in establishing a presumption that a single family home is actually multi-family or illegally subdivided, then the Village would need to enact its own ordinance.”**

[Aug16 agenda re dwelling units.pdf](#)

12.e [BP Landscaping Requirements](#)

I am asking the commission to discuss with Mario how the village will meet its obligations in regard to landscaping at new construction and during major renovations, which will require inclusion in Opengov, our new planning software. Our Planning Board has the authority to approve all aspects of those projects. (MDC code specifies that authority and requirement in its code Chapter 18A-7. And, MDC code includes all the charts and lists necessary for plant selections and criteria.) Our outside building vendor then has the responsibility to ensure the plans are followed as with all other aspects of projects using its professional inspectors. Certificates of Occupancy should not be issued until all parts of those projects are complete, including landscaping.

Because we will be changing building vendors in the coming months, this matter is quite timely. We need to ensure that the selected vendor has the ability to inspect for landscaping and that costs are included in their proposal.

[Aug16 agenda re landscaping requirements.pdf](#)

- 13. Discussion- New Business**
- 14. Request for Placement of Items on next meeting agenda**
- 15. Announcements**
- 16. Adjournment**