



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager

Village Council
Robert Oldakowski, *Mayor*
Robert L. Vernon, *Vice Mayor*
Enrique Garcia
Steve Liedman
Jorge E. Mendia
Thomas Thornton
Patricia Weinman

Village Manager
Jacqueline R. Menendez

DT: November 7, 2006

TO: Honorable Mayor and Members of the Village Council

FR: Jacqueline R. Menendez, Village Manager

RE: Vacant Lot Ordinance

RECOMMENDATION

It is recommended that the attached ordinance be approved that establishes maintenance standards for vacant lots which formerly had buildings.

EXPLANATION

During the past few months, several Councilmembers discussed methods to improve the condition of vacant lots which are either subject to construction or the owner has not decided to sell the property or build a new home. On numerous sites, the lots are not being maintained and have a negative impact on surrounding properties. On a few locations, rocks and construction debris are present which presents an unsafe condition. On several lots, owners have erected fences with mesh to conceal the appearance of these lots. As of today, there are 22 vacant lots in the Village.

Staff is recommending approval of the attached ordinance which is requires owners of vacant lots to comply with the following regulations:

1. The application for a demolition permit shall include a Revegetation and Regrading Plan drawn by a Registered Landscape Architect.
2. Within 30 days of the date the building is demolished, the lot shall be seeded or sodded and an irrigation system installed with a water vapor device which activates the system.

ORDINANCE NO. _____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE FLORIDA, AMENDING THE CODE OF ORDINANCES BY ESTABLISHING SECTION 6-4, "DEMOLITION OF STRUCTURES", OF CHAPTER 6 "BUILDINGS AND BUILDING REGULATIONS"; PROVIDING FOR RULES AND PROCEDURES REGULATING THE DEMOLITION OF BUILDINGS AND STRUCTURES WITHIN THE VILLAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council finds that there is a need to regulate and establish specific procedures regarding the demolition of structures within the Village; and

WHEREAS, the Village Council finds that such regulations and procedures governing the demolition of structures will serve to promote the health, safety and welfare of the citizens of the Village of Key Biscayne.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Creation of Section 6-4 "Demolition of Structures". That Section 6-4 "Demolition of Structures" of Chapter 6 "Buildings and Building Regulations" of the Village Code of Ordinances, is hereby created to read, as follows:

Sec. 6-4. Demolition of Structures.

(a) *Demolition Permit Required.* It shall be unlawful to remove or demolish any building or structure, or any part thereof without first applying for and receiving a demolition permit from the Village. Any person requiring a demolition permit, in addition to filing an application therefore, shall pay all fees as required in this Article.

(b) *Submission of Plans, Bond.* Prior to the issuance of any demolition permit the applicant shall submit to the Village for review and approval two copies of a demolition plan, a regrading and revegetation plan, ~~and a cash performance bond in the amount of 150 percent of the estimated cost of implementing the regrading and revegetation plan.~~

(c) *Demolition Plan.* The demolition plan shall include:

- (1) A written description and/or graphic display of the buildings and/or portions of buildings to be demolished.
- (2) A description of the means of demolition to be utilized.
- (3) The expected date for demolition to begin.
- (4) The estimated number of days necessary to complete the demolition and remove the resulting debris.
- (5) Any additional documentation that may be required by the Building Department.

(d) *Regrading and Revegetation Plan.* The regrading and revegetation plan shall be prepared by a registered landscape architect and shall include:

- (1) A regrading plan providing for the regrading of the site so that it will be generally smooth and level so that there are no drop-offs, holes or other features which might pose a safety hazard or threaten to damage adjacent property or any areas likely to hold standing water that might pose a potential health or safety hazard.
- (2) A revegetation plan providing that the site shall be revegetated by being properly treated with topsoil, sprigged or sodded with a lawn grass commonly used in Miami-Dade County, and maintained until growth is self-sustaining. If the demolition site is beachfront property and the landscape architect determines that portions of the site are not suitable for revegetation with any of the lawn grasses commonly used in Miami-Dade County, then the Village Building Official may approve revegetation of those portions of the demolition site with plants from the following list:
 - (3) Within 30 days of the date the principal structure is demolished, the entire site shall be sodded and an irrigation system installed with a water vapor device.

(e) Compliance with Regulations: Failure to comply with these regulations shall be deemed a violation of the Village Code and subject to prosecution pursuant to the procedueres set forth in Section .

Section 3. Severability. That 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 held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining

sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in Code. That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this ____ day of _____, 2006.

PASSED AND ADOPTED on second reading this ____ day of _____, 2006.

Robert Vernon, Mayor

Attest:

Conchita H. Alvarez, CMC
Village Clerk

Approved As To Form And Legal Sufficiency:

By: _____
Village Attorney