

Village of Palmetto Bay

Shed – Amnesty Program Checklist

If a shed setback is at least three feet from the side or rear property line and is **less than 150-square-feet in size**, then residents may apply for an administrative shed variance and building permit approval under this amnesty program. Only sheds constructed prior to February 3, 2009, may seek amnesty. Failure to apply for amnesty within 18 months following February 3, 2009, (Aug.3, 2010), will not cure the violation and each property owner may be liable for civil citations.

Residents are advised to provide the following to the Village's Building department:

- Provide two copies of As-Build plans
- Site plan
- Floor plan
- Also sufficient detail, where applicable, of structural, electrical, mechanical, plumbing and roofing components.
- Provide evidence to when construction was performed.
- Aerial photographs, tax records and/ or surveys
- Receipt indicating the date the shed was purchased
- As-Built Certificate



SHED AMNESTY PROGRAM OVERVIEW

In the 1970's, at the beginning of the first modern construction boom within the state, the State Legislature initiated a state-wide building code. The first state-wide building code required all municipalities and counties to adopt and enforce one of the four state-recognized model codes known as the "state minimum building codes." During the early 1990s a series of natural disasters, together with the increasing complexity of building construction regulation in vastly changed markets, led to a comprehensive review of the state building code system. The study revealed that building code adoption and enforcement was inconsistent throughout the state and those local codes thought to be the strongest proved inadequate when tested by major hurricane events. As a result of the lack of uniformity and enforcement, Florida residents have encountered devastation of structures, economic hardship, and a statewide property insurance crisis. In response to these issues, the State reformed building construction regulatory system and placed an emphasis on uniformity and accountability. Based upon the foregoing, the 1998 Florida Legislature amended Chapter 553, Florida Statutes, entitled "Building Construction Standards," to create a single state building code that is enforced by local governments. As of March 1, 2002, the Florida Building Code superseded all local building codes, including the South Florida Building Code. The uniform state code is updated every three (3) years, and may be amended annually to incorporate interpretations and clarifications.

On February 2, 2009, the Village of Palmetto Bay has adopted an ordinance entitled "Shed Relief – Amnesty Program." The program provides an 18 month amnesty period to residents. It provides residents with the ability to seek permits for un-permitted sheds in their rear yards, without having to face double permit fees or code violations for the work done without a permit. It appears that over the years, certain shed installation companies may have failed to seek a permit for the installation of the shed on a resident's property. Other residents installed the sheds after serious hurricane events, including Hurricane Andrew. Other residents inherited the problem when they purchased a home with an un-permitted shed on site.

Ordinarily, prior to the enactment of the Village's "Shed Relief – Amnesty Program," the resident, would be required to seek legalization of the un-permitted shed, through a public hearing, variance process (as the shed is often within the required set backs for the specific zoning district, and the shed may violate lot coverage and other zoning requirements. The process would require the payment of a double permit fee, and if discovered, prior to filing for an after the fact permit, could result in the issues of a notice of civil infraction (code compliance ticket). The costs associated with the normal process ran in excess of \$2,000.

The Shed Relief – Amnesty Program has simplified the process and minimized the costs to help homeowners close out and legalize the sheds, provided they meet certain specific minimum

criteria. Failure to seek and obtain an after-the-fact permit within the 18 month amnesty period (which started February 2, 2009) may result in future code compliance notices of civil infraction, and double permit fee costs. Each application would require an (1) Owner Builder Affidavit/or pre-fabrication Notice of Acceptance; (2) Permit Application; and (3) site plan. The Cost for a shed administrative variance, as provided below, is \$85.00 for the permit, and the actual hard costs incurred by the Village for mailing and advertising the intent to issue a permit.

A. Sheds 150 square feet or less in size and setback a minimum of 3 feet from the rear and side property lines:

The following are the requirements for the shed amnesty program, for those sheds that are less than 150 square feet, and are located three (3) feet or more from a property line:

The shed must be located at least three (3) feet or more from the side and rear setbacks of the property. If this requirement is not met, the property owner may have to seek a variance from the Planning & Zoning Department. The applicant is to provide a site plan or survey indicating all setbacks for the existing shed and document all utility easements, if applicable. A utility easement release must be obtained and recorded, if the shed is encroaching onto the utility easement area.

“As Built Plans” are to be submitted by the applicant to the Building Department. The plans should include the following: a site plan; floor plan; and sufficient detail, where applicable, of structural, electrical, mechanical, plumbing and roofing components. For custom made sheds (“site built sheds”) the applicant is to provide proof of date of installation and certified affidavit from a registered architect or engineer that the installed shed complied with the Building Code in existence at the date of installation. If the applicant is unable to affirm the date of installation, the applicant shall provide an architect certification that the shed complies with the current Florida Building Code.

Certain applicants may have installed pre-manufactured sheds. Unaltered, pre-fabricated/pre-manufactured sheds are to provide the Building Department with a “Notice of Acceptance”, which is a product approval number associated with the pre-fabricated structure. No architectural affidavit is needed, provided the shed has not been altered. However, the Building Department shall conduct an inspection to ensure that the pre-fabricated shed was installed properly (tied down properly). Each applicant is to document on the site plan, and install adequate landscape buffer that would shield the shed view from neighbors.

Once the Building Department has reviewed all submitted documents the applicant will be contacted if any changes are needed or required. Once all comments and requirements are satisfied the Building Department will advise the applicant that it is read to issue/finalize the permit.

Prior to finalizing the permit, the Village shall place an ad in the newspaper and send out to the applicants adjacent neighbors a letter explaining that the applicant is legalizing an existing shed. The adjacent neighbors, as affected persons, will be provided with a 15 day period to appeal the issuance of the permit, and to request a public hearing. Should no objections be received within the 15 day period, the permit will be closed-out and the shed will be legalized. If an objection is received within the allocated time frame then we will inform you and submit the plans to the Planning Department for a non-use variance hearing, as outlined below. Please contact the Planning Department for further information with regards to this procedure, as the cost associated with the public hearing has been modified under the Shed Amnesty Program.

Those sheds that do not meet the requirements of this shed administrative variance process, will be required to either demolish the structure or seek a non-use variance from Planning and Zoning Department.

B. Sheds greater than 150 square feet in size, setback less than 3 feet from the rear or side property lines, or if an objection is received related to legalization of a shed under Section A, above:

In the event any of these conditions apply to your shed, you will be directed to the Planning & Zoning Department to proceed with an application for a shed variance that must be obtained prior to being able to legalize your shed under Section A. above.

A shed variance requires a public hearing at a zoning meeting. The outcome, whether approval or denial of your application, cannot be predicted before the hearing takes place. The Village holds zoning hearings on the second Monday of every month at the Deering Estate Visitor's Center at 7 pm. In the Village, the Mayor and Village Council serve as the Zoning Board.

The procedures to consider the size, location or objections of adjacent property owners at a zoning hearing have been modified to lessen the cost burden and spread the cost associated with the required mailing and advertising by scheduling a minimum of 10 property owners seeking a shed variance on one hearing. Only the direct costs of mailing a notice to property owners within a radius of 500 ft. surrounding your property and for placing an advertisement listing the properties for hearing shall be prorated among the applicants scheduled on the same date. There is no application fee. While the direct costs cannot be exactly determined, it is estimated to be approximately \$50.00 per applicant.

Once the Department receives at least 10 applications for a shed variance, you will be notified of the date of the zoning hearing. At this hearing, each application will be heard individually and a decision whether to approve or deny by the Zoning Board shall be based upon its own merits.

Following the zoning hearing, a resolution is passed that states whether the shed variance was approved. This resolution will be mailed to the applicant and provided to the Building Department. The property owner of an approved shed variance can then return to the Building Department and apply for the shed amnesty program outlined in Section A. above.

An application for a shed variance can be obtained from the Planning & Zoning Department.