



REQUEST FOR PREPARATION OF POLICY, LEGISLATION OR ACTION

To: Village Manager and Village Attorney

Date: December 20, 2012

From: Vice Mayor John DuBois

Re: Inclusion under "Other Business"
Council Meeting of 1/7/2013

PURPOSE:

To facilitate residents and business owners who seek a variance within the Village of Palmetto Bay, by using the same standards applied by Miami-Dade County.

MAJOR POINTS TO BE COVERED:

Differences between Palmetto Bay's current variance ordinance and Miami-Dade County's variance ordinance. Additionally, the issue with establishing precedence for appeals under Palmetto Bay's current variance ordinance, given recent variance approvals.

REASON:

To avoid litigation and provide the Council with guidelines consistent with the County in order to apply reasonable judgment that is to the benefit of the community as a whole when granting or denying variances.

DESIRED ACTION:

Directing the Village Attorney and staff to draft such legislation.



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PURPOSE:

To ease the process for building new Tiki Huts and provide amnesty for those built without proper approval. The ordinance is designed to minimize contractor misrepresentation and homeowner misunderstanding of the requirements for construction of new Tiki Huts and alleviate problems for homeowners associated with Tiki Huts that were installed without prior zoning/planning review.

MAJOR POINTS TO BE COVERED:

Tiki Huts built in Florida by the Seminole or Miccosukki Indians are currently exempt under Florida State law from permitting requirements as long as they don't have electrical/mechanical/plumbing improvements. For new Tiki Huts exempt from permitting, contractors would submit an affidavit of compliance to PBV Planning/Zoning dept. stating adjacent property setbacks along with a drawing showing location(s) at least ten (10) business days prior to construction. PBV Planning/Zoning would have 7 business days to respond with written questions or conduct a site visit to insure location compliance with neighboring setbacks. In the event there is no notification from VPB within 7 days, the contractor could begin construction on or after the 10th business day. At that point, the Tiki Hut would be considered legal as long as it meets the covenants of the affidavit and is consistent with the diagram submitted.

For Tiki Huts already built by the Indian tribes referenced above, homeowners could submit an affidavit from either the original contractor or the homeowner himself/herself (standard form available from the village) along with the diagram subject. VPB would have the right to verify compliance with the affidavit and diagram any time thereafter.

REASON:

Due to South Florida Building Code not requiring permits, most homeowners are not made aware and their contractors do not submit proper documentation for planning and zoning approval because of the cost of expensive site plans and time burden associated with process. This will encourage contractors to build new Tiki Huts in compliance with the law and help avoid unethical and deceptive conduct by the contractors that will later become the homeowner's problem.

DESIRED ACTION:

Directing the Village Attorney and staff to draft new Tiki Hut legislation that would include new construction requirements and amnesty for those who already installed Tiki Huts that did not receive approvals from planning and zoning.