

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUILDING PERMITS; AMENDING CHAPTER 5 BUILDING AND BUILDING REGULATIONS ARTICLE I; CREATING SECTION 5-1 BUILDING PERMIT EXEMPTIONS; CREATING SECTION 5-2 ZONING PERMITS; AUTHORIZING THE VILLAGE MANAGER TO IMPLEMENT BUILDING PERMIT EXEMPTIONS CONSISTENT WITH THE FLORIDA BUILDING CODE; AUTHORIZING THE VILLAGE MANAGER TO CREATE A ZONING PERMIT PROCEDURE FOR CERTAIN ITEMS THAT DO NOT REQUIRE A BUILDING PERMIT; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Councilmember Patrick Fiore)*

WHEREAS, the Village Council has identified “accessible, efficient and transparent government energized by engaged and informed residents” as a focus area; and

WHEREAS, the Village Council continuously reviews it’s services to residents and business owners; and

WHEREAS, the Village Council desires to identify certain activities that are exempt from building permits per the Florida Building Code; and

WHEREAS, the Village Council desires to create to a Zoning Permit process for certain activities that require zoning review but do not require a building permit; and

WHEREAS, it is the intent of these actions to reduce costs and time for residents and business owners.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:

Section 1. The above recitals are true, correct and incorporated herein by this reference.

Section 2. Amending Chapter 5 “Building and Building Regulations” Article I “In General” is hereby amended to read as follows:

(Additional text is shown as underlined; deleted text is shown as ~~strikethrough~~)

Sec. 5-1. - Building Permit Exemptions.

The Village shall implement building permit exemptions at the discretion of the Building Official consistent with the Florida Building Code.

Sec. 5-2. – Zoning Permits.

The Village shall require Zoning Permits for certain improvements that do not require a building permit. The list of items requiring a Zoning Permit shall be maintained by the Planning and Zoning Division.

Section 3. Severability. The provisions of this Ordinance are declared to be severable, and if any sentence, section, 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 sentences, sections, clauses, or phrases of the 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. Codification. It is the intent of the Village Council and is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be numbered or re-lettered to accomplish such intentions, and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 5. Conflicting Provisions. The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

PASSED ON FIRST READING this 5th day of June, 2023.

PASSED AND ADOPTED ON SECOND READING this 17th day of July, 2023.

Attest: _____

Missy Arocha
Village Clerk

Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John C. Dellagloria
Village Attorney

VOTE ON FIRST READING:

Mayor Karyn Cunningham YES

Council Member Steven Cody YES

Council Member Marsha Matson YES

Vice-Mayor Leanne Tellam ABSENT

Council Member Patrick Fiore YES

FINAL VOTE AT ADOPTION ON SECOND READING:

Mayor Karyn Cunningham YES

Council Member Steven Cody YES

Council Member Marsha Matson YES

Vice-Mayor Leanne Tellam YES

Council Member Patrick Fiore YES