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ORDINANCE NO. 06-013

AN ORDINANCE AMENDING THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE BY AMENDING SECTION 10.01.14 TO PROVIDE FOR AN ADMINISTRATIVE VARIANCE PROCEDURE FOR MINIMUM YARD SETBACK IN ANY EXISTING MOBILE HOME PARK; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, PROVIDING FOR ADOPTION AND CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. This Board is authorized by Section 125.01(1)(h), Florida Statutes (2005), to establish, coordinate and enforce zoning and such business regulations as are necessary for the protection of the public; and,
2. This Board is authorized by Section 125.01(1)(t) to adopt ordinances and resolutions necessary for the exercise of its powers and to prescribe fines and penalties for the violations of ordinances in accordance with law;
3. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.
4. The Board of County Commissioners has adopted certain amendments to the St. Lucie County Land Development Code, through the following Ordinances:

91-03 -	March 14, 1991	91-09 -	May 14, 1991
91-21 -	November 7, 1991	92-17 -	June 2, 1992
93-01 -	February 16, 1993	93-03 -	February 16, 1993
93-05 -	May 25, 1993	93-06 -	May 25, 1993
93-07 -	May 25, 1993	94-07 -	June 22, 1994
94-18 -	August 16, 1994	94-21 -	August 16, 1994
95-01 -	January 10, 1995	96-10 -	August 6, 1996
97-01 -	March 4, 1997	97-09 -	October 7, 1997
97-03 -	September 2, 1997	99-01 -	February 2, 1999
99-02 -	April 6, 1999	99-03 -	August 17, 1999

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99-04 -	August 17, 1999	99-05 -	July 20, 1999
99-15 -	July 20, 1999	99-16 -	July 02, 1999
99-17 -	September 7, 1999	99-18 -	November 2, 1999
00-10 -	June 13, 2000	00-11 -	June 13, 2000
00-12 -	June 13, 2000	00-13 -	June 13, 2000
01-03 -	December 18, 2001	02-05 -	June 24, 2002
02-09 -	March 5, 2002	02-20 -	October 15, 2002
02-29 -	October 15, 2002	03-05 -	October 7, 2003
04-02-	January 20, 2004	04-07-	April 20, 2004
04-33-	December 7, 2005	05-01-	March 15, 2005
05-03-	August 2, 2005	05-04-	August 2, 2005
05-07-	January 18, 2005	05-16-	August 16, 2005
05-23-	September 20, 2005		

5. On April 20, 2006, the Local Planning Agency/Planning and Zoning Commission held a public hearing on the proposed ordinance after publishing notice in the Port St. Lucie News and the Tribune at least 10 days prior to the hearing and recommended that the proposed ordinance be approved.

6. On May 16, 2006, this Board held its first public hearing on the proposed ordinance, after publishing a notice of such hearing in the Port St. Lucie News and the Tribune on May 5, 2006.

7. On June 6, 2006, this Board held its second public hearing on the proposed ordinance, after publishing a notice of such hearing in the Port St. Lucie News and the Tribune on May 24, 2006.

8. The proposed amendments to the St. Lucie County Land Development Code are consistent with the general purpose, goals, objectives and standards of the St. Lucie County Comprehensive Plan and are in the best interest of the health, safety and public welfare of the citizens of St. Lucie County, Florida.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. The specific amendments to the St. Lucie County Land Development Code to read as follows, include:

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CHAPTER X
VARIANCES

10.00.00 NONCONFORMITIES

10.01.14 ADMINISTRATIVE VARIANCES FOR THE REQUIRED MINIMUM YARD
SETBACK STANDARDS FOR ~~RECREATIONAL VEHICLE PARKS~~

A. FOR RECREATIONAL VEHICLE PARKS

A 1. APPLICATION PROCEDURES

~~1 a.~~ 1 a. A person desiring to decrease any required minimum yard setback in any existing Recreational Vehicle Park on the effective date of this Ordinance (Ordinance 94-007) by no more than fifty (50) percent of the minimum standard shall apply for a variance on a form provided by the ~~Public Works Director~~ Building Code Administrator or his designee.

~~2 b.~~ 2 b. An application fee in accordance with Section 11.12.00.

~~3 c.~~ 3 c. The application shall be in such a form and contain such information and documentation as shall be prescribed from time to time by the ~~Public Works Director~~ Building Code Administrator or his designee, but shall contain at least the following:

~~a 1.~~ a 1. Name and address of applicant.

~~b 2.~~ b 2. Legal description of the property which is subject of the application.

~~e 3.~~ e 3. Size of the subject property.

~~d 4.~~ d 4. A certified boundary survey for the subject property showing the location of the proposed RV, Mobile Home, or Single Family Residence, along with all setback and distance measurements to all adjacent structures, site improvements and utility services.

~~e 5.~~ e 5. In those cases where the application submitted is for a variance from the requirements of Section 7.10.16(Q)(2), proof that the existing structure(s) on the

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adjacent property(ies) is the cause for this application. The applicant must show that the adjacent structure(s) were constructed without the proper Local Government permits or in violation of those permits and as a result of the provisions of Section 7.10.16(Q)(2) has subsequently been granted existing nonconforming status.

4 d. Within a reasonable period of time, not to exceed thirty (30) days after receipt of an application or receipt of additional information pursuant to this Section, the ~~Public Works Director~~ Building Code Administrator or his designee shall examine the application or information submitted and notify the applicant of apparent errors or omissions, and request such additional information as may be necessary for the processing of the application.

5 e. Within thirty (30) working days after an application has been determined to be complete, the ~~Public Works Director~~ Building Code Administrator or his designee, shall either grant the variance, grant the variance with conditions or deny the variance with reasons clearly stated.

6 f. Any person aggrieved by a decision of the ~~Public Works Director~~ Building Code Administrator or his designee, may appeal the decision within thirty (30) days after the rendition of such decision to the Board of Adjustment pursuant to procedures set forth in Section 11.11.00 of this Code.

B 2. GENERAL STANDARDS FOR ISSUANCE

The ~~Public Works Director~~ Building Code Administrator or his designee, shall grant the requested variance if all of the applicable following standards are satisfied:

1 a. Demonstration that the Recreational Vehicle Park was in legal existence upon the effective date of this Ordinance (Ordinance No. 94-007).

2 b. Demonstration that the existing structure(s) on the adjacent properties have been constructed without, or in violation or, prior permit approvals and that these violations have been granted conforming status consistent with Section 7.10.16(Q)(2) of this Code.

3 c. Demonstration that the placement of the proposed structure will meet the intent of all separation standards as required for all Recreational Vehicle Parks, Mobile Home parks, any other applicable provision of this Code, or the ~~Standard Building Code~~ Florida

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Building Code, fire code(s) and that the requested variance is the minimum necessary to locate the proposed dwelling unit of the property.

4 d. The literal application of the provisions of Section 7.10.16(Q) will result in an undo hardship on the property owners and would otherwise prohibit the use of the petitioned property as others are used in the surrounding neighborhood.

5 e. The variance requested will not result in any encroachment into any access/utility easement or other common area.

6 f. The variance requested does not result in an encroachment of any more than fifty (50) percent into any required yard setback area.

7 g. The variance requested will not conflict with any other provision of this Code.

€ 3. CONDITIONS ON VARIANCES

The ~~Public Works Director~~ Building Code Administrator or his designee, shall attach such conditions, limitations and requirements to the variance as are necessary to effectuate the purpose of this section.

B. FOR MOBILE HOME PARKS

1. APPLICATION PROCEDURES

a. APPLICATION PROCEDURES

A person desiring to decrease any required minimum yard setback in any existing Mobile Home Park by replacing a pre-existing structure after the effective date of this Ordinance (Ordinance 06-013) by no more than two-thirds of the minimum standard shall apply for a variance on a form provided by the Building Code Administrator or his designee.

b. An application fee in accordance with Section 11.12.00, - Except as otherwise provided herein, the application fee shall be waived for completed applications received by the Building Official on or before December 31, 2006.

c. The application shall be in such a form and contain such information and

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documentation as shall be prescribed from time to time by the Building Code Administrator or his designee, but shall contain at least the following:

1. Name and address of applicant.
2. Legal description of the property which is subject of the application.
3. Size of the subject property.
4. A certified boundary survey or a scaled plot plan, as deemed necessary by the Building Code Administration or his designee for the subject property showing the location of the proposed Mobile Home and any accessory structure, or Single Family Residence and any accessory structure, along with all setback and distance measurements to all adjacent structures, site improvements and utility services.

d. Within a reasonable period of time, not to exceed thirty (30) days after receipt of an application or receipt of additional information pursuant to this Section, the Building Code Administrator or his designee, shall examine the application or information submitted and notify the applicant of apparent errors or omissions, and request such additional information as may be necessary for the processing of the application.

e. Within thirty (30) working days after an application has been determined to be complete, the Building Code Administrator or his designee shall either grant the variance, grant the variance with conditions or deny the variance with reasons clearly stated.

f. Any person aggrieved by a decision of the Building Code Administrator or his designee may appeal the decision within thirty (30) days after the rendition of such decision to the Board of Adjustment pursuant to procedures set forth in Section 11.11.00 of this Code.

2. GENERAL STANDARDS FOR ISSUANCE

The Building Code Administrator or his designee shall grant the requested variance if all of the applicable following standards are satisfied:

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a. Demonstration that the Mobile Home Park was in legal existence upon the effective date of this Ordinance (Ordinance No. 06-013).

b. Demonstration that the placement of the proposed structure will meet the intent of all separation standards as required for all Mobile Home parks, any other applicable provision of this Code, Florida Building Codes or the fire code(s) and that the requested variance is the minimum necessary to locate the proposed structure on the property.

c. Demonstrate that a similar structure existed on the subject property at the proposed location of the new structure on the effective date of this Ordinance (Ordinance No. 06-013.)

d. Demonstration that the placement of the proposed structure, if a mobile home, will not be located closer than 10 ft (3 m) side to side, 8 ft (2.4 m) end to side, or 6 ft (1.8 m) end to end horizontally from any other mobile home, manufactured home, single family detached dwelling or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a 1-hour fire rating or the structures are separated by a 1-hour fire-rated barrier.

e. Demonstration that the placement of the proposed structure, if an accessory structure, if located immediately adjacent to a site line is constructed entirely of materials that do not support combustion and provided that such buildings or structures are not less than 3 ft (0.9 m) from an accessory building or structure on an adjacent site. An accessory building or structure constructed of combustible materials shall be located no closer than 5 ft (1.5 m) from the site line of an adjoining site.

e.f. The literal application of the provisions of the Code for required minimum yard setback will result in an undo hardship on the property owners and would otherwise prohibit the use of the petitioned property as others are used in the surrounding neighborhood.

f.g. The variance requested will not result in any encroachment into any access/utility easement or other common area.

h. The variance requested will not conflict with any other provision of this Code.

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3. CONDITIONS ON VARIANCES

The Building Code Administrator or his designee shall attach such conditions, limitations and requirements to the variance as are necessary to effectuate the purpose of this section.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. APPLICABILITY OF ORDINANCE.

This ordinance shall be applicable in the unincorporated area of St. Lucie County.

PART E. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART F. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Department of State.

PART G. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

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Chairman Doug Coward	AYE
Vice Chairman Chris Craft	AYE
Commissioner Joseph E. Smith	AYE
Commissioner Paula A. Lewis	AYE
Commissioner Frannie Hutchinson	AYE

PART H. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through H shall not be codified.

PASSED AND DULY ADOPTED this 6th day of June, 2006.

ATTEST:

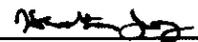

Deputy Clerk



BOARD OF COUNTY COMMISS
ST. LUCIE COUNTY, FLORIDA

BY: 
Chairman

APPROVED AS TO FORM AND
CORRECTNESS


Att. County Attorney