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**ORDINANCE NO. 07-017**

**AN ORDINANCE AMENDING THE ST. LUCIE COUNTY LAND DEVELOPMENT CODE BY AMENDING SECTION 13.00.01 BY PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT PERSONS SEEKING TO MOVE A BUILDING OR STRUCTURE MUST PROVIDE A BOND TO THE COUNTY; 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. Section 1102.0 of the Florida Existing Building Code provides that residential buildings or structures moved into or within a county shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved provided the building meets certain criteria ; and,

2. Section 13.00.01(D) of the St. Lucie County Land Development Code currently requires persons seeking to move a building or structure to provide a bond to the County to ensure that the building or structure is brought into compliance with the building code in force at the time of the move; and,

3. In order to bring the Land Development Code into alignment with the Florida Existing Building Code, Section 13.00.01(D) needs to provide an exception to the bonding requirement for those buildings or structures that can meet the criteria in Section 1102.0 of the Florida Existing Building Code; and,

4. A number of buildings or structures which have been moved into or within the County have not been moved over a public right-of-way, but the County still desires that they be brought up to the current code if they do not meet the criteria in Section 1102.0 of the Florida Existing Building Code; and,

5. On August 1, 1990, the Board of County Commissioners of St. Lucie County, Florida, adopted the St. Lucie County Land Development Code.

6. 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 |

~~Struck through~~ passages are deleted.  
Underlined passages are added.

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
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	06-05 -	April 18, 2006
06-13 -	June 6, 2006	06-17 -	May 30, 2006
06-18 -	May 30, 2006	06-22 -	July 18, 2006
06-30 -	September 12, 2006		

7. On April 19, 2007, 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.

8. On May 15, 2007, 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 4, 2007.

9. On June 5, 2007, 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, 2007.

10. 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:**

**13.00.00 BUILDING CODE**

**13.00.01 BUILDING CODE**

- A. Unchanged
- B. Unchanged

**C. MOVING OF BUILDINGS, BOND REQUIRED**

The Building Official, as a condition precedent to the issuance of permit to move any building or structure over a public right-of-way, shall require a bond, ~~or other form of acceptable security to the St. Lucie County Attorney,~~ to be executed by person desiring such removal permit. Such bond shall be made payable to the Board of County Commissioners of St. Lucie County, Florida, and shall be in a manner and form acceptable to the St. Lucie County Attorney as listed in Section 11.04.01(C)(2). Such bond, shall, at a minimum, indemnify the County from any damage caused by the moving of such building to any street, road, highway, curb, sidewalk, tress, bridge, light pole, traffic signal, or other item or fixture as may be described by the County. The County shall, at its discretion, include any reasonable performance criteria within the bonding agreement intended to address the issue of damage to any street, road, highway or appurtenance thereto.

**D. MOVING OF BUILDINGS, IMPROVEMENTS BY OWNER**

The Building Official, as a condition precedent to the issuance of permit to move any building or structure ~~over a public right-of-way,~~ shall require a bond, ~~or other form of acceptable security to the St. Lucie County Attorney,~~ to be executed by person desiring such removal permit. Such bond shall be made payable to the Board of County Commissioners of St. Lucie County, Florida, and shall be in a manner and form acceptable to the St. Lucie County Attorney as listed in Section 11.04.01(C)(2). The value of such bond shall at a minimum ~~to be equal to the cost of demolition, removal or repair, in order to bring the building into compliance with the Florida Building Code, as amended and adopted by St. Lucie County of the structure.~~ The bond shall be conditioned on bringing the relocated building into compliance with the Florida Building Code within the ninety (90) days from the date of relocation; if the building does not comply with the Florida Building Code within the ninety-day period the County shall give ten days' written notice of noncompliance and of the County's intent to have the bond forfeited to cover the cost of demolition, removal or repair of such building. Following such notice, the bond shall be forfeited and the necessary demolition, removal or repair shall be done. The Building Official, may grant reasonable extensions to the ninety (90) day compliance period if it is demonstrated to the satisfaction of the Building Official that the delay in completing the required improvement has been caused by matters beyond the control of the owner or house mover. There shall be an

exception to this bond requirement for any structure that the County Building Official or his or her designee determines fulfills the requirements of Section 1102.0 and 1102.3 of the Florida Existing Building Code. No permit for the moving of any structure shall be issued by the County unless there is an accompanying building permit for the reconstruction of the structure being moved at its new location, within the jurisdiction of St. Lucie County. The building permit application must conform with all other applicable sections of the St. Lucie County Land Development Code for the proposed location. If the structure is being moved to a location outside of the jurisdiction of St. Lucie County, no such building permit from the County will be required.

**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. 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 E. EFFECTIVE DATE.**

This ordinance shall take effect on July 3, 2007.

**PART F. ADOPTION.**

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

Chairman Chris Craft	Aye
Vice Chairman Joseph E. Smith	Aye
Commissioner Paula A. Lewis	Aye
Commissioner Charles Grande	Aye
Commissioner Doug Coward	Aye

**PART G. 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 G shall not be codified.

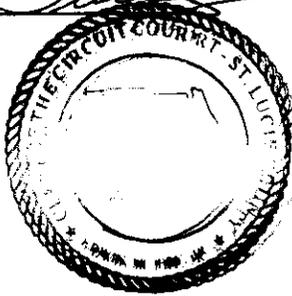
**PASSED AND DULY ADOPTED** this 5th day of June, 2007.

**BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA**

**ATTEST:**

*[Signature]*  
Deputy Clerk

BY: *[Signature]*  
Chairman



**APPROVED AS TO FORM AND  
CORRECTNESS**

*[Signature]*  
Asst County Attorney