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**ORDINANCE NO. 07-044
FILE NO. ORD 520071138**

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING THE TEXT OF THE ADOPTED COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT BY ADDING A NEW POLICY 1.1.4.5 THAT PROHIBITS TRANSFERRING DENSITY TO A PARCEL OF LAND FROM WHICH DENSITY HAS BEEN PREVIOUSLY TRANSFERRED; PROVIDING FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has determined that once density allowed by the Future Land Use Map is transferred from one parcel of land to increase density on another parcel of land, further density increases on the parcel of land from which density is transferred promotes overcrowding of land and is inconsistent with the policy of the Board; and

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has determined that its present policies regarding Planned Unit Development permitted in the Agriculture 5 and Agriculture 2.5 Future Land Use Categories are in need of clarification with regard to the definition of open space and clustering requirements; and

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

Section One. A new Future Land Use Element Policy 1.1.4.5 is created by adding the words shown in underlined type, as follows:

Policy 1.1.4.5. In any instance where either this Comprehensive Plan or the Land Development Code permits the transfer of density from a portion of a parcel of land to another portion of the same or adjacent parcel of land, the density transferred away shall not be replaced by transferring density from the same or adjacent parcel of land.

Section Two. 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Lucie County, County Ordinances and County Resolutions, or parts thereof, in conflict with this Ordinance are hereby superseded by this Ordinance to the extent of such conflict.

1 **Section Three. SEVERABILITY**

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

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9 **Section Four. APPLICABILITY OF ORDINANCE**

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11 This ordinance shall be applicable as stated in Paragraphs A, B and C.

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13 **Section Five. FILING WITH THE DEPARTMENT OF STATE**

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15 The Clerk is hereby directed forthwith to send a certified copy of this Ordinance
16 to the Bureau of Laws, Department of State, The Capitol, Tallahassee, Florida,
17 32304.

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19 **Section Six. FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS**

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21 The Growth Management Director shall send a certified copy of this Ordinance to
22 the Department of Community Affairs, 2555 Shumard Oak Boulevard,
23 Tallahassee, Florida 32399-2100.

24
25 **Section Seven. EFFECTIVE DATE**

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27 This Ordinance shall take effect upon the issuance by the State Land Planning
28 Agency of a Notice of Intent to find the adopted amendment in compliance in
29 accordance with Section 163.3184(9), or Section 125.66(4)(a), Florida Statutes,
30 or upon the Administration Commission issuing a final order finding the adopted
31 amendment in compliance in accordance with Section 163.3184(10).
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1 **Section Eight. ADOPTION**

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

4
5 Chairman Joseph E. Smith AYE

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7 Vice-Chairman Paula A. Lewis AYE

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9 Commissioner Doug Coward AYE

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11 Commissioner Charles Grande AYE

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13 Commissioner Chris Craft AYE

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16 **PASSED AND DULY ADOPTED** This 18th Day of December, 2007.

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19 BOARD OF COUNTY COMMISSIONERS
20 ST. LUCIE COUNTY, FLORIDA

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22
23 BY

24 
Chairman

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27 ATTEST:

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31 Deputy Clerk



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34 APPROVED AS TO FORM
35 AND CORRECTNESS:

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39 County Attorney

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