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**Chapter XI**

**Administration and Enforcement**

**Revised Draft – October 2007**

**Based on**  
**Planning and Zoning Commission Review**

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**CHAPTER XI  
ADMINISTRATION AND ENFORCEMENT**

**11.00.00 GENERAL PROVISIONS**

**11.00.01 PURPOSE AND STRUCTURE OF THIS CHAPTER**

This Chapter includes the procedures for review of applications for development permit in the County. Common procedures, which are applicable to all or most types of applications, are set forth in Section 11.01.00. Procedures for public hearings are set forth in Section 11.02.00. Section 11.03.00 contains additional provisions that are unique to each type of application for development permit, including staff and review board assignments, review standards, and other information. This Chapter also includes provisions pertaining to development agreements (Section 11.04.00), the procedures for the enforcement of this Code (Section 11.05.00), and provisions pertaining to guarantees and sureties (Section 11.06.00).

**11.00.02 SUMMARY TABLE OF ALL PROCEDURES**

Table 11-1 summarizes the development review procedures for all types of applications for development approvals in this Chapter.

<b>TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY</b>										
<u>BCC = Board of County Commissioners</u> <u>PZC = Planning and Zoning Commission</u> <u>BOA = Board of Adjustment</u> <u>County Administrator = County Administrator or designee</u> <u>Director = Growth Management Director or designee</u> <u>Public Works Director = Public Works Director or designee</u> <u>County Engineer = County Engineer or designee</u> <u>DRC = Development Review Committee</u> <u>HO = Hearing Officer</u> <u>ECB = Environmental Control Board</u>					<u>R = Review Body (Responsible for Review and Recommendation)</u> <u>DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)</u> <u>A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action</u> <u>&lt;&gt; =Public Hearing Required</u> <u>S = Staff Review</u>					
Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
<b>Zoning (11.03.01)</b>										
<b>Code Text Amendments and General Amendments to the Official Zoning Atlas (11.03.01(A))</b>	<DM>	<R>			<u>S</u> <sup>1</sup>					
<b>Site-Specific Amendments to the Official Zoning Atlas (11.03.01(B))</b>	<DM>	<R>			<u>S</u>					

<sup>1</sup> NOTE: In the original draft, the symbol "S" was not used to identify when and who is responsible for conducting staff review of applications. This draft includes that identification.

**TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY**

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
BCC = Board of County Commissioners PZC = Planning and Zoning Commission BOA = Board of Adjustment County Administrator = County Administrator or designee Director = Growth Management Director or designee Public Works Director = Public Works Director or designee County Engineer = County Engineer or designee DRC = Development Review Committee HO = Hearing Officer ECB = Environmental Control Board					R = Review Body (Responsible for Review and Recommendation) DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny) A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action <> =Public Hearing Required S = Staff Review					
Planned Unit Development Districts (including Master Development Plan and PUD Agreement) (11.03.01(C))	<DM>	<R>			<u>S</u>					
Conditional Use Permit (11.03.01(D))	<DM>	<R>			<u>S</u>					
Class A Mobile Home Permit (11.03.01(E))	<DM>					<u>S</u>				
Temporary Use Permit (11.03.01(F))			A			DM <sup>2</sup>				
Certificate of Zoning Compliance (11.03.01(G))			A			DM <sup>3</sup>				
<b>Development Review (11.03.02)</b>										
Minor Site Plan (11.03.02(B)(1))			A		<u>DM</u>			R		
Major Site Plan (11.03.02(B)(2))	<DM>				<u>S</u>			R		
<b>Plats (Subdivision) (11.03.03)</b>										
Subdivision Sketch Plan (11.03.03(E))					<u>S</u>			R		
Subdivision Master Plan (11.03.03(F))	<DM>	R			<u>S</u>			R		

<sup>2</sup> NOTE: The initial draft indicated the Growth Management Director is responsible for making decisions on Temporary Use Permits. This has been corrected, and the draft now identifies the Public Works Director as the person responsible for making the decision.

<sup>3</sup> NOTE: The initial draft indicated the Growth Management Director is responsible for making decisions on Certificates of Zoning Compliance. This has been corrected, and the draft now identifies the Public Works Director as the person responsible for making the decision.

**TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY**

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
BCC = Board of County Commissioners PZC = Planning and Zoning Commission BOA = Board of Adjustment County Administrator = County Administrator or designee Director = Growth Management Director or designee Public Works Director = Public Works Director or designee County Engineer = County Engineer or designee DRC = Development Review Committee HO = Hearing Officer ECB = Environmental Control Board					R = Review Body (Responsible for Review and Recommendation) DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny) A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action <> =Public Hearing Required S = Staff Review					
Preliminary Plat (and Construction Plans) (11.03.03(G))					S (construction plans only)	S (construction plans only)		DM		
Final Plat (11.03.03(H))	DM				S		R (County Surveyor)			
Lot Splits (11.03.03(I))						DM				
ROW Abandonment and Plat Vacation (11.03.03(J))	<DM>						S			
<b>Other Types of Development Permits (11.03.04)</b>										
Building Permit (11.03.04(A))			A			DM				
Sign Permit (11.03.04(B))			A			DM				
Driveway Permit (11.03.04(C))	A						DM			
Vegetation Removal Permit (11.03.04(D))				A	DM (Env Resources Director) <sup>4</sup>					
Stormwater Management Permit (11.03.04(E))			A				DM			
Airport Zone Permit (11.03.04(F))			A		DM					

<sup>4</sup> NOTE: Based on the recommendation of the Environmental Resources Director, the Environmental Resources Director is identified as responsible for making decisions on Vegetation Removal Permits (instead of the Growth Management Director).

**TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY**

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
	BCC = Board of County Commissioners PZC = Planning and Zoning Commission BOA = Board of Adjustment County Administrator = County Administrator or designee Director = Growth Management Director or designee Public Works Director = Public Works Director or designee County Engineer = County Engineer or designee DRC = Development Review Committee HO = Hearing Officer ECB = Environmental Control Board					R = Review Body (Responsible for Review and Recommendation) DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny) A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action <> = Public Hearing Required S = Staff Review				
Wetlands Permit (11.03.04(G))					DM (Env Resources Dir) <sup>5</sup>					A
Mining Permit (11.03.04(H))	<DM>	<R>					R			
Wastewater and Sewage Disposal Compliance Permit (11.03.04(I))					DM					A
<b>Appeals (11.03.05)</b>										
Appeals to County Administrator (11.03.05))										
Adequate Public Facilities (Chap V)	A <sup>6</sup>			A	DM					
Required Vegetation Mitigation (Section 11.03.04(D) and 6.00.05)	A <sup>7</sup>			A		DM				
Appeals to Environmental Control Hearing Board (11.03.05))										
Sea Turtle Protection (Section 6.04.02)										A

<sup>5</sup> NOTE: Based on the recommendation of the Environmental Resources Director, the Environmental Resources Director is identified as responsible for making decisions on Wetlands Permits (instead of the Growth Management Director).

<sup>6</sup> NOTE: The initial draft did not identify that the Board of County Commissioners serve as an appellate board for adequate public facility decisions. This is corrected here.

<sup>7</sup> NOTE: The initial draft did not identify that the Board of County Commissioners sitting as the Environmental Control Board serve as an appellate board for required mitigation decisions. This is corrected here.

**TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY**

Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB
	BCC = Board of County Commissioners PZC = Planning and Zoning Commission BOA = Board of Adjustment County Administrator = County Administrator or designee Director = Growth Management Director or designee Public Works Director = Public Works Director or designee County Engineer = County Engineer or designee DRC = Development Review Committee HO = Hearing Officer ECB = Environmental Control Board					R = Review Body (Responsible for Review and Recommendation) DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny) A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action <> =Public Hearing Required S = Staff Review				
Coastal Area Protection (Section 6.02.01)										A
Wetlands Protection (Section 6.02.03)					DM					A
Native Upland Habitat Protection (Section 6.04.01)					DM (Environmental Resources Director) <sup>8</sup>					A
Appeals to Board of Adjustment (11.03.05)			<A>		DM	DM				
<b>Other Procedures</b>										
Interpretations (11.03.07)			A		DM					
Vested Rights Special Use Permit (11.03.08)	A			A	DM					
Developments of Regional Impact (11.03.09)	<DM>	<R>			S					
Development Agreements (11.04.00)	<DM>				S <sup>9</sup>					
Variances (10.01.00)			<DM>		S					
Administrative Variances (10.02.01.00)			A		DM					

<sup>8</sup> NOTE: Based on the recommendation of the Environmental Resources Director, the Environmental Resources Director is identified as responsible for making decisions on Native Upland habitat Protection permitting (instead of the Growth Management Director).

<sup>9</sup> NOTE: At the suggestion of County staff, the Growth Management Director is given staff review responsibility of Development Agreements. The existing LDC gives this responsibility to the County Administrator.

**TABLE 11-1: REVIEW AND DECISION-MAKING AUTHORITY**

<p><u>BCC = Board of County Commissioners</u>  <u>PZC = Planning and Zoning Commission</u>  <u>BOA = Board of Adjustment</u>  <u>County Administrator = County Administrator or designee</u>  <u>Director = Growth Management Director or designee</u>  <u>Public Works Director = Public Works Director or designee</u>  <u>County Engineer = County Engineer or designee</u>  <u>DRC = Development Review Committee</u>  <u>HO = Hearing Officer</u>  <u>ECB = Environmental Control Board</u></p>	<p><u>R = Review Body (Responsible for Review and Recommendation)</u>  <u>DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)</u>  <u>A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action</u>  <u>&lt;&gt; =Public Hearing Required</u>  <u>S = Staff Review</u></p>											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Procedures</th> <th style="width: 10%;">BCC</th> <th style="width: 10%;">PZC</th> <th style="width: 10%;">BOA</th> <th style="width: 10%;">County Administrator</th> <th style="width: 10%;">Director</th> <th style="width: 10%;">Public Works Director</th> <th style="width: 10%;">County Engineer</th> <th style="width: 10%;">DRC</th> <th style="width: 10%;">HO</th> <th style="width: 10%;">ECB</th> </tr> </table>	Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB	
Procedures	BCC	PZC	BOA	County Administrator	Director	Public Works Director	County Engineer	DRC	HO	ECB		
<p><del>BCC = Board of County Commissioners</del>  <del>PZC = Planning and Zoning Commission</del>  <del>BOA = Board of Adjustment</del>  <del>County Administrator = County Administrator or designee</del>  <del>Director = Growth Management Director or designee</del>  <del>Public Works Director = Public Works Director or designee</del>  <del>County Engineer = County Engineer or designee</del>  <del>DRC = Development Review Committee</del>  <del>HO = Hearing Officer</del>  <del>ECB = Environmental Control Board</del></p>	<p><del>R = Review Body (Responsible for Review and Recommendation)</del>  <del>DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny)</del>  <del>A = (Appellate) Authority to hear and decide appeals of Decision-Making Body's or Staff's action</del>  <del>&lt;&gt; = Hearing Required</del>  <del>S = Staff Review</del></p>											

- 1
- 2     **11.00.03        AUTHORIZATION REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT**
- 3                     **PERMIT**
- 4     A.        GENERALLY
- 5                No development within the unincorporated area of St. Lucie County is authorized without first
- 6                obtaining all necessary permits and approvals in accordance with the provisions of this Code.
- 7     B.        PREREQUISITES TO ISSUANCE OF DEVELOPMENT PERMIT<sup>10</sup>
- 8                Except as provided in subsection (1) below, a Development Permit shall not be issued unless
- 9                proposed development is authorized by a Final Development Order issued pursuant to this Code.
- 10            1.        Exceptions to Requirement of a Final Development Order
- 11                A Development Permit may be issued for the following development in the absence of a
- 12                Final Development Order issued pursuant to this Code.
- 13                a.        Development necessary to implement a valid site plan on which the start of
- 14                construction took place prior to August 1, 1990, and has lawfully continued in
- 15                good faith. Compliance with the development standards in this Code is not
- 16                required if they are in conflict with the previous lawfully approved plan.

<sup>10</sup> NOTE: The definitions for both "Development Permit" and "Final Development Order" in the Code should be edited to include cross-references to their respective definitions in state statutes.

- 1           b.       The construction or alteration of a one- or two-family dwelling on a conforming lot  
2           of record lawfully approved prior to August 1, 1990. Compliance with the  
3           development standards in this Code is not required if they are in conflict with the  
4           previously approved plat. Construction of one- or two-family dwellings on  
5           nonconforming lots of record shall not be approved except in compliance with the  
6           provisions in this Code regarding nonconforming lots.
- 7           c.       The alteration of an existing building or structure so long as no change is made  
8           to its gross floor area, its use, or the amount of impervious surface on the site,  
9           and the alteration is otherwise in compliance with the applicable provisions of this  
10          Code.
- 11          d.       The erection of a sign or the removal of protected trees on a previously  
12          developed site independent of any other development activity on the site.
- 13          e.       The re-surfacing of a vehicle use area that conforms to all requirements of this  
14          Code.
- 15          2.       Post-Development Order Changes
- 16               a.       After a Preliminary or Final Development Order or Permit has been issued, it  
17               shall be unlawful to change, modify, alter, or otherwise deviate from the terms or  
18               conditions of the Preliminary or Final Development Order or Permit without first  
19               obtaining a modification of the Preliminary or Final Development Order or Permit  
20               as applicable. A modification may be applied for in the same manner as the  
21               original Preliminary or Final Development Order or Permit.
- 22               b.       A written record of the modification to a Preliminary or Final Development Order  
23               for a Building Permit, Class A Mobile Home Permit, Mining Permit, or a Mobile  
24               Home (Tie Down) Permit shall be entered upon the original Preliminary or Final  
25               Development Order and maintained in the files of the Public Works Director. A  
26               written record of the modification to any other type of Preliminary or Final  
27               Development Order or Permit shall be entered upon the original Preliminary or  
28               Final Development Order or Permit and maintained in the files of the Director.
- 29          C.       LOCAL PERMIT NOT EXCLUSIVE
- 30               It is the intent of this Section that permits or approvals required under this Section shall be in  
31               addition to and not in lieu of any federal, state, regional, or other local approvals that may be  
32               required for the same or similar activities. In the event this Code conflicts with any other  
33               regulations on this subject matter, the more restrictive shall apply. Compliance with provisions of  
34               this Code does not excuse any person for noncompliance with other applicable federal, state,  
35               regional or local laws.

1 **11.01.00 COMMON PROCEDURES**

2 **11.01.01 AUTHORITY TO FILE APPLICATIONS**

3 A. GENERALLY

4 Applications under this Code shall be submitted to the appropriate County official, as specified in  
5 this Code, by the owner, or any other person having a recognized interest in the land for which  
6 the development is proposed, or their authorized agent. If any applicant or owner is not identified  
7 as an individual person, every owner of five (5) percent of the entity making the application must  
8 be disclosed.<sup>11</sup>

9 B. APPLICANT IS NOT THE OWNER OR SOLE OWNER

10 If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant  
11 shall submit a ~~sworn notarized~~ affidavit completed on a standard form prepared by the Director,  
12 <sup>12</sup>signed by the owner and consenting to the submission of the application. If the applicant is not  
13 the sole owner of the land, the applicant shall submit a ~~sworn notarized~~ affidavit completed on a  
14 standard form prepared by the Director, signed by the other owners or an association  
15 representing the owners, consenting to or joining in the application for development approval. In  
16 lieu of a ~~sworn notarized~~ affidavit from the owner or owners of the property, a letter from an  
17 attorney licensed in the State of Florida representing that all of the owners have consented to the  
18 application may be accepted as proof of all of the owners' consent. If an owner is not identified  
19 as an individual person, every owner of five (5) percent of the entity making the application must  
20 be disclosed.<sup>13</sup>

21 **11.01.02 APPLICATION CONTENTS AND SUBMISSION<sup>14</sup>**

22 A. The Director shall compile the requirements for application contents, forms, fees, and the  
23 submission and review schedule in an ~~Administrative Manual~~ LDC Manual, which shall be made  
24 available to the public. The initial version of the Manual shall be submitted to the Planning and  
25 Zoning Commission for review and comment and to the Board of County Commissioners for  
26 adoption. Following initial adoption, the County Administrator may update the ~~The Administrative~~  
27 ~~Manual~~ LDC Manual may be updated from time to time, after review and approval of the Board of  
28 County Commissioners. The LDC Manual is located in the office of the Growth Management  
29 Director.

30 B. An application required under this Code shall be submitted in a form and in such number as  
31 required by the County official responsible for accepting the application. The application shall be

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<sup>11</sup> NOTE: This is an amendment that one of the elected official suggested should be added, to ensure the County knows who is developing property.

<sup>12</sup> NOTE: Add provision to Definitions stating that all references to "Director" refer to the Growth Management Director or his or her designee unless otherwise specified.

<sup>13</sup> This is an amendment that one of the elected official suggested should be added, to ensure the County knows who is developing property.

<sup>14</sup> NOTE: The existing code includes content requirements for most types of applications. The revised Administration chapter removes those requirements and replaces them with this general authorization for the Director to establish submittal requirements in an ~~Administrative Manual~~ LDC Manual outside the Code. Removing the submittal requirements will shorten this Chapter and also allow updates to the list of submittal requirements without amending the text of the Code.

1 submitted to the appropriate County official specified in this Chapter, pursuant to the application  
2 submission schedule (Section 11.01.03), along with the applicable fee (Section 11.01.04), and  
3 shall contain all applicable supporting materials specified in the Administrative Manual LDC  
4 Manual.

5 **11.01.03 SUBMISSION SCHEDULE**

6 The schedule for the submission of applications shall be established by the Director for applications  
7 submitted to or through the Department of Growth Management, or by the County official responsible for  
8 accepting the application for applications submitted to other departments. The schedule shall be made  
9 available to the public and be included in the LDC Manual.

10 **11.01.04 APPLICATION FILING FEES**

11 A schedule of fees may be established by resolution of the Board of County Commissioners in order to  
12 cover the costs of the review of applications required under this Code. Unless specifically exempted by  
13 the provisions of this Code, an applicant for any application that is subject to review under this Code shall  
14 pay the appropriate fees.

15 **11.01.05 PRE-APPLICATION CONFERENCE**

16 A. PURPOSE

17 The purpose of a pre-application conference is to familiarize the County staff with the proposed  
18 development and the applicant with the applicable provisions of this Code relevant to the review of the  
19 proposed development.

20 B. APPLICABILITY

21 A pre-application conference is mandatory prior to the submittal of the following types of  
22 applications:

- 23 1. Site-Specific Amendments to the Official Zoning Atlas (Section 11.03.01(B));
- 24 2. Planned Unit Development Districts (Section 11.03.01(C));
- 25 3. Conditional Use Permits (Section 11.03.01(D));
- 26 4. Minor Site Plans (Section 11.03.02(B)(1); and
- 27 5. Major Site Plans (Section 11.03.02(B)(2)-~~2~~);

28 A pre-application conference is optional prior to submission of any other application under this  
29 Code.

1 C. INITIATION; CONFERENCE

2 Any potential applicant may request a pre-application conference, in writing, from the Director.<sup>15</sup>  
3 Those applicants for whom a pre-application conference is required in accordance with Section  
4 11.01.05(B), *Applicability*, shall request a pre-application conference in writing from the Director.  
5 The Director shall schedule a pre-application conference within thirty (30) calendar days after  
6 receipt of the written request for a conference and the appropriate submission materials. At the  
7 pre-application conference, the applicant, the Director, and any other persons the Director deems  
8 is appropriate to attend shall discuss the proposed development. Based upon the information  
9 provided by the applicant and the provisions of this Code, the parties should discuss in general  
10 the proposed development and the applicable requirements and standards of this Code. Staff  
11 opinions presented during a pre-application conference are informational only and do not  
12 represent a commitment on behalf of the County regarding the merits of the development  
13 proposal.

14 D. SUBMISSION MATERIALS

15 ~~4.~~ Along with the request for the pre-application conference, all applicants requesting or subject to  
16 a pre-application conference shall provide to the Director a general description of the character,  
17 location, and magnitude of the proposed development and the type of application for  
18 development permit sought, and may provide any other supporting documents such as maps,  
19 drawings, or models. The following materials shall be provided at a minimum:

20 1. Written Description of Proposed Plan for Development

21 ~~In addition, the applicant for a site-specific amendment to the Official Zoning Atlas, a~~  
22 ~~Planned Development District, a Conditional Use Permit, or a Major Site Plan or a~~  
23 ~~Minor Site Plan shall provide a written description of the proposed plan for development~~  
24 ~~that identifies the proposed land uses and their densities and intensities; on-site traffic~~  
25 ~~circulation and other infrastructure provision; how off-site public facilities (potable water,~~  
26 ~~wastewater, roads, solid wastes, schools, fire protection/EMS and police) are proposed to~~  
27 ~~be provided; the natural features on the site and how they are proposed to be considered~~  
28 ~~in the development; surrounding land uses and how the proposed development will be~~  
29 ~~designed to ensure compatibility with these uses; and any other information that is~~  
30 ~~necessary to explain the proposed development.~~

31 2. Sketch Plan

32 a. The applicant for a Planned Development District or a Major Site Plan shall also  
33 provide a sketch plan of the proposed development that identifies in a general  
34 way the location of proposed land uses, proposed roads, natural features, and  
35 any other feature necessary to gain an understanding of the proposed  
36 development.

37 ~~\_\_\_\_\_The applicant for a site-specific amendment to the Official Zoning Atlas shall~~  
38 ~~provide a sketch plan of the applicable site that identifies major roadways and the~~  
39 ~~location and zoning of all adjacent properties. ; and~~

<sup>15</sup> NOTE: Throughout this Chapter, the term "Director" refers to the Growth Management Director. The definitions Chapter should be amended to include this term. Where applicable, we have kept the full term of other departmental directors (e.g., "Public Works Director") to distinguish those officials from the "Director."

~~b. \_\_\_\_\_ A written description of the proposed plan for development that identifies the proposed land uses and their densities and intensities; on-site traffic circulation and other infrastructure provision; how off-site public facilities (potable water, wastewater, roads, solid wastes, schools, fire protection/EMS and police) are proposed to be provided; the natural features on the site and how they are proposed to be considered in the development; surrounding land uses and how the proposed development will be designed to ensure compatibility with these uses; and any other information that is necessary to explain the proposed development.~~

**11.01.06 NEIGHBORHOOD MEETINGS**

**A. PURPOSE**

The purpose of a neighborhood meeting is to inform neighboring property owners of the details of a proposed ~~activity or use~~development, how the ~~applicant/property owner developer~~ intends to meet the standards contained in this Code, and to receive public comments on the development proposal at an early time in the review process.

**B. APPLICABILITY<sup>16</sup>**

A neighborhood meeting ~~shall be presumed to be~~is required in conjunction with the submittal of any of the following applications; ~~unless the Director determines it is unnecessary because of the nature of the proposal and its potential impacts on surrounding lands (Section 11.01.06(D)).~~

1. Site-Specific Amendment to the Official Zoning Atlas (Section 11.03.01(B));
2. Planned Development Districts (Section 11.03.01(C));
3. ~~The following types of~~ Conditional Use Permits: (Section 11.03.01(D));
  - ~~a. Nonresidential development proposed on a site located within or adjacent to existing residential development; or~~
  - ~~b. Residential development proposed on a site five acres or larger that proposes greater density than any adjacent existing residential development; or~~
  - ~~c. Any townhouse, duplex, multifamily, patio home, zero lot line, or similar residential development that is proposed adjacent to a dissimilar type of residential development, regardless of the difference in density; or~~
  - ~~d. Any proposed conditional use that is determined by the Director to potentially create nuisances to properties in the vicinity of the proposed conditional use.~~
4. Major Site Plans (Section 11.03.02(B)(2)); and
4. \_\_\_\_\_
5. Developments of Regional Impact (Section 11.03.09).

<sup>16</sup> NOTE: This section has been added to propose that certain applications for development approval require neighborhood meetings.

1           5. \_\_\_\_\_

2           ~~6. Other.~~ A neighborhood meeting is ~~also not~~ required for any other applications for development  
3           approval ~~that unless~~ the Director determines may have significant neighborhood impacts,  
4           including without limitation: impacts related to traffic; provision of public services such as  
5           safety, schools, or park facilities, compatibility of building scale or design; or operational  
6           compatibility such as hours of operation, noise, litter, or glare. ~~one is required because of~~  
7           ~~the proposed development's potential impact on surrounding lands (Section~~  
8           ~~11.01.06(D)).~~<sup>17</sup>

9           6. \_\_\_\_\_

10       C.       DETERMINATION

11       The Director shall make a determination of the applicability of this subsection to a development  
12       proposal at the pre-application conference, and a tentative schedule for completion of the  
13       neighborhood meeting shall be determined with the applicant at the pre-application conference.  
14       For applications for which pre-application conferences are ~~presumed not to be~~ required, the  
15       Director shall make a determination of applicability of this subsection at the same time the  
16       application is reviewed for completeness (Section 11.01.07) ~~in accordance with Section~~  
17       ~~11.01.06(D), Criteria for Neighborhood Meeting in accordance with the standards in Section~~  
18       11.01.06 B.<sup>18</sup>

19       D. CRITERIA FOR NEIGHBORHOOD MEETING

20       ~~A neighborhood meeting shall be required if the Director determines the proposed development~~  
21       ~~may have significant neighborhood impacts, including without limitation, impacts related to traffic;~~  
22       ~~provision of public services such as safety, schools, or park facilities, compatibility of building~~  
23       ~~scale or design; or operational compatibility such as hours of operation, noise, litter, or glare.~~<sup>19</sup>

24       D.       TIMING AND NUMBER OF NEIGHBORHOOD MEETINGS

25       1.       If ~~it is presumed~~ a neighborhood meeting is required, one (1) neighborhood meeting shall  
26       be conducted after the pre-application conference but prior to completion of a Staff  
27       Report on the application. The neighborhood meeting shall be held a minimum of sixty  
28       (60) days and a maximum of one hundred eighty (180) days prior to the first public  
29       hearing or DRC meeting on the application, whichever comes first.<sup>20</sup>

30       ~~1. before submittal of a formal application, unless the Director allows it to occur at a later time.~~<sup>21</sup>

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<sup>17</sup> NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the Administration module and clarify procedures.

<sup>18</sup> NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the Administration module.

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<sup>21</sup> NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the Administration module.

~~2. If there is no presumption that a neighborhood meeting is required, but the Director determines that a neighborhood meeting should be conducted, one (1) neighborhood meeting shall be held prior to completion of a Staff Report on the application, and a minimum of seven (7) twenty-one (21) days prior to the first public hearing or DRC meeting on the application, whichever comes first.<sup>22</sup>~~

2. The Director may also require that additional neighborhood meetings be conducted based on consideration of the proposed development's mix of uses, density, complexity, potential for adverse impacts to neighboring lands, or the need for off-site public improvements created by the development.

4.3. If, after the second mandatory neighborhood meeting is conducted, the applicant believes further neighborhood meetings would be futile in addressing the purposes for the neighborhood meetings, the applicant may petition the Director stating why additional neighborhood meetings are not necessary. Within a reasonable time thirty (30) days after receipt of the petition, the Director shall consider whether additional neighborhood meetings are necessary to carry out the purposes of this Section, and based on these considerations approve or deny the petition.

F.E. PROCEDURE<sup>23</sup>

All neighborhood meetings shall comply with the following procedure:

1. Whenever practical, the neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application.

2. The applicant should provide notification of the neighborhood meeting a minimum of ten (10) calendar days in advance of the meeting, by mail, to all landowners ~~within~~within five hundred one thousand (10500) feet of the land subject to the application, and to any neighborhood or community association that represents citizens within that area that has registered with the County pursuant to Section 11.01.10(F), including neighborhood and community associations that are not subject to regulation pursuant to the Florida Land Sales and Condominium Act, as amended.

3. At the neighborhood meeting, the applicant or the applicant's representative should explain the development proposal and application, answer any questions, and respond to ~~questions concerns~~ neighbors have about the application.<sup>24</sup>

4. At Within ten (10) days of the conclusion of the neighborhood meeting(s), the applicant shall submit to the Director, in writing, a summary of the neighborhood meeting, including but not limited to the issues and concerns raised by the participants in attendance at the meeting(s) and the applicant response. The applicant also shall submit a list of meeting attendees, a copy of the materials presented at the meeting, and a sworn affidavit

<sup>22</sup> NOTE: These are changes suggested by County staff and the Consultant to better organize the working of the Administration module.

<sup>23</sup> NOTE: As drafted, the neighborhood meeting provisions do not require a member of the Community Development staff to attend the neighborhood meeting, minimizing the administrative burden of the provisions on staff. It should be noted, however, that some communities require attendance at a neighborhood meeting by a staff planner to ensure applicable Code requirements are properly explained.

<sup>24</sup> NOTE: These are changes suggested by County staff and the Consultant.

1 affirming the truth of all materials submitted. The meeting summary submitted by the  
2 applicant shall be included in the application support materials and shall become part of  
3 the record.

- 4 5. Any participant in the neighborhood meeting may also submit written comments about  
5 the neighborhood meeting to the Director, which shall become part of the record on the  
6 application.

#### 7 **11.01.07 DETERMINATION OF COMPLETENESS<sup>25</sup>**

8 An application ~~will~~<sup>shall</sup><sup>26</sup> be considered complete if it is submitted in the required form, includes all  
9 mandatory information specified in the ~~Administrative Manual~~LDC Manual, and is accompanied by the  
10 applicable fee. The County official responsible for accepting the application shall make a determination of  
11 application completeness within ~~twenty (20) ten (10)~~ working days of receipt of the application, except for  
12 applications for Developments of Regional Impact, which shall be received and reviewed in accordance  
13 with the requirements of state law. Complete applications shall be reviewed pursuant to the procedures  
14 and standards of this Chapter. If an application is determined to be incomplete, a written notice shall be  
15 mailed to the applicant specifying the application's deficiencies. No further action shall be taken on the  
16 application until the deficiencies are remedied. The applicant shall notify the Director within thirty (30)  
17 working days of the mailing of the notice of deficiency of his intent to address the cited deficiencies. If the  
18 applicant fails to correct the deficiencies within one hundred-twenty (120) 45 calendar days, the  
19 application shall be considered withdrawn.

#### 20 **11.01.08 PREPARATION OF STAFF REPORT**

##### 21 A. GENERAL

22 The County official responsible for accepting the application or a designee shall refer complete  
23 applications to the appropriate County staff and to any other review agencies for comment, and  
24 shall review the application and prepare a Staff Report. The Staff Report shall indicate whether  
25 the application complies with all applicable standards and requirements of this Code. Conditions  
26 for approval may be recommended, consistent with Section 11.01.14, Conditions of  
27 Approval~~where appropriate, to eliminate any areas of noncompliance or mitigate any adverse~~  
28 ~~effects of the proposed development.~~ The Staff Report shall be mailed to the applicant and made  
29 available to the public a minimum of seven (7) calendar days before the first scheduled public  
30 hearing on the application (if the application is subject to a public hearing).<sup>27</sup>

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<sup>25</sup> NOTE: This new proposed section suggests a standard procedure for completeness determinations for all types of applications. The existing Code has varying numbers of days allowed for this determination. ~~If necessary, the proposed time could be extended to longer than five days—or, the draft could include separate times for different types of approvals.~~

<sup>26</sup> NOTE: These are changes suggested by County staff and the Consultant.

<sup>27</sup> NOTE: County staff and Consultant suggest a provision on Computation of Time should be added." It is suggested it state..."The time in which an act is to be done shall be computed by excluding the first and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the County, or day of declared emergency by the County or state, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the County, or day of declared emergency.

1 B. DETERMINATION

2 If the County official reviewing the application determines during review of the application and  
3 preparation of the Staff Report that the information received is incorrect, incomplete, or in error,  
4 the County official responsible for accepting the application or his/her designee shall request the  
5 necessary information be provided by ~~from~~ the applicant or the applicant's designated  
6 representative(s). At that point, tThe required time for completion of the review of the application  
7 shall be ~~t~~olled-suspended until the requested information is provided by the applicant or the  
8 applicant's representative(s) received. Only one applicant response to such information requests  
9 shall be processed as part of the initial application-free of charge; the second and subsequent  
10 responses for requests related to the initial information request shall be subject to an escalating  
11 additional review fee, which shall be established by resolution of the Board of County  
12 Commissioners. If the applicant or the applicant's representatives fail to satisfactorily respond to  
13 information requests three (3) times, the application shall be deemed expired, and a new  
14 application with a new application fee, a new initial date for the start of review, and a new place in  
15 the sequence of applications under review shall be required. An applicant whose application  
16 expires in this manner may appeal the staff's determination to the Development Review  
17 Committee. The decision of the Development Review Committee may be appealed to the  
18 County's Special Master.<sup>28</sup>

19 **11.01.09 SCHEDULING PUBLIC HEARING(S)**

20 A. GENERAL

- 21 1. When an application is subject to a public hearing (see Section 11.01.10(A), *Required*  
22 *Notice and Timing*, for a summary of when a public hearing is required), the County  
23 official responsible for accepting the application shall ensure the public hearing(s) on the  
24 application is scheduled for a regularly scheduled meeting or a meeting specially called  
25 for that purpose by the decision-making or advisory body reviewing the application. The  
26 public hearing (s) shall be scheduled so there is sufficient time for a Staff Report to be  
27 prepared and for the public notification requirements to be satisfied.
- 28 2. No application revisions shall be submitted at the public hearings, or to any member of  
29 any advisory or decision-making body prior to the public hearing(s) after the Staff Report  
30 is distributed. If the applicant makes any revisions to the application following the  
31 distribution of the Staff Report, the Director shall determine whether a revised Staff  
32 Report and/or staff recommendation is necessary, and whether the public hearing shall  
33 be postponed. Revisions submitted after the publication of the date of a public hearing  
34 shall result in either a continuance or a new public hearing at a later date. However,  
35 revisions may be made at the direction of the advisory or decision-making body, and  
36 presented to staff in time to produce a revised Staff Report for presentation at a  
37 continued hearing or at a rehearing of the application. In no case shall the staff bring  
38 such an item to a public hearing unless the item was received in complete, reviewable  
39 form at least three (3) weeks in advance of the hearing date.<sup>29</sup>

40 **B. NUMBER OF PUBLIC HEARING(S) REQUIRED**

- 41 1. The County shall conduct one (1) public hearing for all applications for development  
42 approval subject to a public hearing, except for those listed in subsection (2) below.

<sup>28</sup> NOTE: These are changes suggested by County staff and the Consultant to clarify language.

<sup>29</sup> NOTE: These are changes suggested by County staff and the Consultant to clarify language.

1        2. Two (2) public hearings shall be conducted for the following applications for development  
2 approval. One (1) shall be before the Board of County Commissioners and one (1) shall  
3 be before the Planning and Zoning Commission. At least one (1) of the two (2) public  
4 hearings shall be held after 5:00 pm on a weekday, unless the Board of County  
5 Commissioners, by a majority vote plus one, elects to conduct the public hearing at  
6 another time of day. The second public hearing shall be held at least ten (10) days after  
7 the first public hearing, as specified below.

8        a. County-Initiated Code Text Amendments that change the actual list of permitted,  
9 conditional, or prohibited uses within a zone district.

10        ~~b. General Amendments to the Official Zoning Atlas.~~

11        b. County-Initiated Site Specific Amendments to the Official Zoning Atlas affecting  
12 ten (10) contiguous acres of land or more.

13        c. County-Initiated or Privately-Initiated General Amendments to the Official Zoning  
14 Atlas or Site-Specific Amendments to the Official Zoning Atlas that affect five (5)  
15 percent or more of the total land area in the county.

16        ~~d. and County-Initiated or Privately-Initiated Amendments to the Official Zoning~~  
17 ~~Atlas for Planned Unit Development districts that affect five (5) percent or more~~  
18 ~~of the total land area in the county.<sup>30</sup>~~

19        ~~e.s affecting 10 contiguous acres of land or more.~~

20        **11.01.10 PUBLIC NOTIFICATION**

21 All applications for development approval requiring a public hearing(s) shall comply with the Florida  
22 Statutes, the table in Section 11.01.10(A), *Required Notice and Timing*, and the other provisions of this  
23 section with regard to public notification.

24        A. **REQUIRED NOTICE AND TIMING**

25        Unless otherwise expressly provided in state statutes or this Code, notice shall be provided as  
26 follows.

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<sup>30</sup> NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the notification provisions are consistent with state law.

<b>TABLE 11-2: REQUIRED NOTICE AND TIMING</b>			
<b>Notice Required (days before hearing/action)<sup>31</sup></b>			
<b>Application for Development Permit or Other Action</b>	<b>Written (Mailed) Section 11.01.10(C)</b>	<b>Published Section 11.01.10(D)</b>	<b>Posted Section 11.01.10(E)</b>
<p><b>County-Initiated Code Text Amendments that change list of permitted, conditional, or prohibited uses in zone district</b></p> <p><b>General Amendments to the Official Zoning Atlas</b></p> <p><b>County-Initiated Site-Specific or General Amendments to the Official Zoning Atlas Affecting Ten (10) Contiguous Acres of Land or More</b></p>		<p>Two (2) public hearings by BCC</p> <p>One (1) hearing held after 5:00 pm on weekday, unless BCC votes by majority plus one (1) to conduct at different time. First hearing held at least seven (7) days after day first notice published. Second hearing held at least ten (10)-days after first hearing and notice provided at least five (5) days prior to public hearing</p> <p>Notice at least seven (7) days prior to first hearing and at least five (5) days before second hearing</p>	
<p><b>County-Initiated Site-Specific Amendments to the Official Zoning Atlas Affecting Less Than Ten (10) Contiguous Acres of Land or More</b></p>	<p>One (1) public hearing by BCC</p> <p>Written notice mailed at least thirty (30) days prior to public hearing</p>	<p>One (1) <del>Two</del> public hearings by BCC</p> <p>Notice at least ten (10) days prior to public hearing One hearing held after 5 pm on weekday, unless BCC votes by majority plus 1 to conduct at different time. First hearing held at least 7 days after day first notice published. Second hearing held at least 10 days after first hearing and notice provided at least 5 days prior to public hearing</p> <p>Notice at least 7 days prior to first hearing and at least 5 days before second hearing</p>	<p>One (1) public hearing by BCC</p> <p>Posted notice approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing</p>

<sup>31</sup> NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the provisions are consistent with state law.

<b>TABLE 11-2: REQUIRED NOTICE AND TIMING</b>			
<b>Notice Required (days before hearing/action)<sup>31</sup></b>			
<b>Application for Development Permit or Other Action</b>	<b>Written (Mailed) Section 11.01.10(C)</b>	<b>Published Section 11.01.10(D)</b>	<b>Posted Section 11.01.10(E)</b>
<p><b>County or Privately-Initiated General or Site-Specific Amendments to the Official Zoning Atlas Affecting Five (5) Percent of Total Land Area of County or More 10-Contiguous Acres of Land or More</b></p> <p><b>Planned Development Districts Affecting 10-Contiguous Acres of Land or More</b></p>	<p>Two public hearings by BCC</p> <p>Written notice approximately 7 days prior to first public hearing</p>	<p>Two (2) public hearings by BCC</p> <p>One (1) hearing held after 5:00 pm on weekday, unless BCC votes by majority plus one (1) to conduct at different time. First hearing held at least seven (7) days after day first notice published. Second hearing held approximately two (2) weeks at least 10 days after first hearing and notice provided at least five (5) days prior to second public hearing</p> <p>Notice at least 7 days prior to first hearing and at least 5 days before second hearing</p>	<p>Two public hearings by BCC</p> <p>Posted notice approximately 7 days prior to first public hearing; posted notice maintained until completion of second public hearing</p>
<p><b>Privately-Initiated Code Text Amendments</b></p> <p><b>Privately-Initiated General and Site-Specific Amendments to the Official Zoning Atlas of Less Than 10-Contiguous Acres (Except Amendments Affecting More Than 5 Percent of Total Land Area in County)</b></p> <p><b>Privately-Initiated Planned Development Districts of Less Than 10-Contiguous Acres (Except Amendments Affecting More Than Five (5) Percent of Total Land Area in County)</b></p>	<p>One (1) public hearing by BCC</p> <p>Written notice mailed approximately but at least ten (10) 1030 days prior to public hearing</p>	<p>One (1) public hearing by BCC</p> <p>Notice approximately but at least ten (10) days prior to public hearing</p>	<p>One (1) public hearing by BCC</p> <p>Posted notice at approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing</p>
<p><b>Conditional Use Permit</b></p> <p><b>Class A Mobile Home Permit</b></p> <p><b>Mining Permit</b></p>	<p>One (1) public hearing by BCC</p> <p>Written notice mailed approximately but at least ten (10) 30 days prior to public hearing</p>	<p>One (1) public hearing by BCC</p> <p>Notice approximately but at least ten (10) days prior to public hearing</p>	<p>One (1) public hearing by BCC</p> <p>Posted notice approximately but at least ten (10) days prior to public hearing; posted notice maintained until completion of public hearing</p>

<b>TABLE 11-2: REQUIRED NOTICE AND TIMING</b>			
<b>Notice Required (days before hearing/action)<sup>31</sup></b>			
<b>Application for Development Permit or Other Action</b>	<b>Written (Mailed) Section 11.01.10(C)</b>	<b>Published Section 11.01.10(D)</b>	<b>Posted Section 11.01.10(E)</b>
<b>Subdivision Master Plan</b>	One (1) public hearing by BCC Written notice mailed <u>approximately but at least ten (10) days</u> prior to public hearing	One (1) public hearing by BCC Notice <u>approximately but at least ten (10) days</u> prior to public hearing	
<b>ROW Abandonment and Plat Vacation (Only for Abandonment that affects County ROW and public easements for drainage that service County ROW)</b>	One (1) public hearing by BCC Written notice mailed consistent with Florida Statutes Section 336.09-10	One (1) public hearing by BCC Notice consistent with Florida Statutes Section 336.09-10	
<b>Appeals to Board of Adjustment</b>	One (1) public hearing by BOA Written notice mailed <u>approximately but at least ten (10) days</u> prior to public hearing	One (1) public hearing by BOA Notice <u>approximately but at least ten (10) days</u> prior to public hearing	
<b>Variance Permit</b>	One (1) public hearing by BOA Written notice mailed <u>approximately but at least ten (10) days</u> prior to public hearing	One (1) public hearing by BOA Notice <u>approximately but at least ten (10) days</u> prior to public hearing	One (1) public hearing by BCC Posted notice <u>approximately but at least ten (10) days</u> prior to public hearing; posted notice maintained until completion of public hearing

- 1
- 2 B. CONTENT <sup>32</sup>
- 3 All notices required under this Code for a public hearing(s), whether done by mail (written notice),
- 4 publication, or posting, shall:
- 5 1. Identify the application, appeal number, ordinance, or resolution title to be considered,
- 6 ~~the date of filing, and~~ the name, address, and telephone number of the
- 7 applicant/appellant or their agent.
- 8 2. Describe the land involved by street address (if a street address is available), and
- 9 nearest cross street, and if there is no street address by another appropriate means so
- 10 the public can easily locate the property, and area (size). A legal description shall also be
- 11 provided in written (mailed) and published notices.

<sup>32</sup> NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the provisions are consistent with state law.

- 1 3. Identify the current zoning district designation of the land subject to the application or  
2 appeal.<sup>57</sup>
- 3 ~~\_\_\_\_\_ and all permitted and conditional uses.~~
- 4 4. ~~Describe~~ Describe the substance of the subject matter that will be discussed at the  
5 hearing.
- 6 5. Identify the body conducting the public hearing along with a brief statement of what action  
7 the body conducting the hearing is authorized to take.
- 8 6. Indicate the date, time, and place of the public hearing.
- 9 7. For Code Text Amendments, General and Site Specific Amendments to the Official  
10 Zoning Atlas, and Amendments to Planned Development Districts, state a copy of the  
11 notice shall be available for public inspection during the regular business hours in the  
12 office of the clerk of the Board of County Commissioners.
- 13 7.8. Describe in which County department the application, ordinance, resolution, appeal, the  
14 Staff Report (if one is prepared), or other related materials may be inspected by the  
15 public, and state that these materials are available for public inspection during normal  
16 business hours.
- 17 8.9. Include a statement describing where interested parties may submit written comments or  
18 evidence prior to the public hearing, and to whom.
- 19 9.10. Include a statement stating that interested parties may appear at the public hearing, be  
20 heard and submit evidence and written comments with respect to the application or  
21 appeal.
- 22 10.11. Include a statement that the hearing may be continued from time to time as may be  
23 necessary.

24 C. WRITTEN (MAILED) NOTICE<sup>33,34</sup>

25 When the provisions of this Code require that written or mailed notice be provided, the County  
26 official responsible for preparing the Staff Report shall be responsible for preparing and mailing  
27 the written notice for applications initiated by the County. For applications not initiated by the  
28 County, the applicant or the applicant's representative shall be responsible for preparing and  
29 mailing the notice. Notice shall be mailed to:

- 30 1. All property owners of the land subject to the application for development approval whose  
31 address is known by reference to the latest information available from the Property  
32 Appraiser's website on the date the address list is prepared, but no earlier than ~~ten~~  
33 fourteen (14) days in advance of the mailing, and no later than the date of the mailing;

<sup>33</sup> NOTE: Written notice in this section has been expanded to require mailing to registrants and property owners within 500 feet of the property subject to the application.

<sup>34</sup> NOTE: These are changes suggested by County staff and the Consultant to clarify language and ensure the provisions are consistent with state law.

1 | 2. All property owners within one thousand (1000) 500-feet of the property subject to the  
2 | application, who are directly affected by the proposed action and whose address is  
3 | known by reference to the latest information available from the Property Appraiser's  
4 | website on the date the address list is prepared, but no earlier than ten (10) days in  
5 | advance of the mailing, and no later than the date of the mailing; whose address is  
6 | known by reference to the latest ad valorem tax roll;

7 | ~~3. All property owners who own property within 500 feet of the property directly affected by the~~  
8 | ~~proposed action whose address is known by reference to the latest ad valorem tax roll;~~

9 | 4.3. Persons or organizations who have registered to receive notice (Section 11.01.10(F),  
10 | *Registration to Receive Notice by Mail*).

11 | 5.4. Notice shall be deemed mailed by its deposit in the United States mail, first class,  
12 | properly addressed, postage paid. Notices mailed by private-party applicants shall be  
13 | certified with return receipt. The County official responsible for reviewing and preparing a  
14 | Staff Report on the application (for County-initiated applications) or the applicant (for  
15 | other applications) shall sign an sworn affidavit with a ~~certified~~ list of property owners  
16 | certified by the Property Appraiser<sup>35</sup> to whom notice was mailed based upon the ad  
17 | valorem tax rolls, and the registrants that received mailed notice, affirming that notice  
18 | meeting the content requirements of Section 11.01.10(B), *Content*, was mailed. The  
19 | affidavit, along with copies of the certified mail receipts (if applicable), shall be conclusive  
20 | that notice has been given pursuant to the terms of this subsection. A copy of the mailed  
21 | notice, the affidavit, and the original certified mail receipts (if applicable) shall be  
22 | maintained in the office of the Director for public inspection during normal business  
23 | hours. The original certified mail receipts and affidavit shall be supplied to the office of  
24 | the Director at least one (1) week in advance of the public hearing.

25 | D. PUBLISHED NOTICE

26 | When the provisions of this Code require that notice be published, the County official responsible  
27 | for preparing the Staff Report shall be responsible for preparing the content of the notice and  
28 | publishing the notice in the newspaper of general circulation that has been selected by the  
29 | County. The content and form of the published notice shall be consistent with the requirements  
30 | of Florida law (Sec. 125.66, Florida Statutes, as amended). The legal descriptions, addresses,  
31 | and requests of the applicant shall be published exactly as they are submitted by the applicant  
32 | with the application, and the applicant is solely responsible for any deficiencies in such  
33 | information when it has been properly submitted by the County official responsible for publishing  
34 | notice to the newspaper. The applicant shall be charged the cost of advertising for the initial  
35 | publication and for any subsequent notices that are required as a result of deficiencies in any  
36 | information supplied by the applicant.

37 | E. POSTED NOTICE

38 | 1. When the provisions of this Code require that notice be posted on the land subject to the  
39 | application and the application is initiated by the County, the County official responsible  
40 | for preparing the Staff Report shall:

41 | a. Cause a notice to be posted on weatherproof signs in a form established by the  
42 | Director; and

<sup>35</sup> NOTE: Staff will work with the Property Appraiser to fine-tune this certification language as necessary.

- 1           b.       Cause the signs to be placed on the property that is the subject of the  
2                   application, along each public street which is adjacent to or runs through the  
3                   subject property in a manner that makes them clearly visible to neighboring  
4                   residents and passers-by.
- 5           2.       When the provisions of this Code require that notice be posted on the land subject to the  
6                   application and the application is not initiated by the County, the applicant or the  
7                   applicant's authorized agent shall follow the rules for posting of signs established in the  
8                   ~~Administrative Manual~~ DC Manual, which at a minimum shall require the following:
- 9           a.       Applicant's placement of an order for the number of signs necessary to properly  
10                   post the property on the date the application is submitted with the County official  
11                   responsible for preparing the Staff Report, and payment of the required fee for  
12                   preparation of the signs, which fee shall be adopted by resolution of the Board of  
13                   County Commissioners.
- 14           b.       Inclusion in the application for development of a plan showing the location of the  
15                   proposed signs around the perimeter of the land subject to the application, which  
16                   plan shall be modified by the County official responsible for preparing the Staff  
17                   Report or a designee to ensure compliance with the requirements of this section.
- 18           c.       Posting of the signs on the land subject to the application in accordance with the  
19                   approved posting plan a minimum of one day before the latest date for posting of  
20                   the sign. -
- 21           d.       Provision of a ~~sworn notarized~~ affidavit signed by the person supervising the  
22                   posting that the property was posted pursuant to the approved posting plan on  
23                   the required date. The affidavit shall be supported with photographs.
- 24           3.       All posting of signs required under this section shall comply with the following standards:
- 25           a.       The sign(s) shall be no less than ten (10) square feet in size.
- 26           b.       The sign(s) shall be set back no more than twenty-five (25) feet from the public  
27                   street(s) so that the lettering is visible from the street. Where the land does not  
28                   have frontage on a public street, signs shall be erected on the nearest public  
29                   street with an attached notation indicating generally the direction and distance to  
30                   the land subject to the application.
- 31           c.       The timing of posting shall comply with Section 11.01.10(A), *Required Notice and*  
32                   *Timing*.
- 33           d.       Where the County is required to post notice, the County official responsible for  
34                   posting notice shall sign a sworn affidavit stating that posted notice has been  
35                   provided pursuant to the requirements of this subsection, and that the contents of  
36                   the posted notice comply with the content requirements of Section 11.01.10(B),  
37                   *Content*. The affidavit shall be conclusive that notice has been given pursuant to  
38                   the terms of this subsection.
- 39           4.       For private-party applications, the applicant shall be responsible for ensuring that the  
40                   posted notice is maintained on the land subject to the application until the completion of  
41                   the final public hearing on the application. The signs shall be inspected by the County  
42                   official responsible for preparing the Staff Report subsequent to posting. If the inspection

1 reveals that the signs are not properly maintained, the County shall require the signs be  
2 re-posted. Failure to maintain posted notice shall not affect the review board's  
3 consideration of the application for development approval.

4 5. Vandalism or removal of required posted notice is hereby declared a third-degree  
5 criminal misdemeanor, whether the signs are removed by others or by the applicant. In  
6 the event signs are removed by the applicant, the application shall be deemed  
7 abandoned with prejudice, and no substantially similar application shall be accepted for  
8 one (1) calendar year. If signs are removed, it is the applicant's responsibility to report  
9 the removal of signs to the County official responsible for preparing the Staff Report, and  
10 to the Sheriff's Department.

11 6. The applicant shall remove the posted notice no later than five (5) days following the last  
12 public hearing on the application, or request the Director to remove the sign for a fee to  
13 be established by the Director for the cost of the removal, and shall return Tthe sign(s)  
14 shall be returned to the designated County office for proper disposal. Failure to remove  
15 the sign(s) as required shall be a violation of this Code, with each sign being a separate  
16 violation, and each day being a new violation, punishable by a fine and the withholding of  
17 further project approvals until the signs are removed and the fines paid. Signs not  
18 removed by the applicant may be removed by the County at the applicant's expense.

19  
20 F. REGISTRATION TO RECEIVE NOTICE BY MAIL

21 Any neighborhood organization or other organization in the County may register with the Director  
22 to receive written notice of all applications pursuant to Section 11.01.10(C), *Written (Mailed)*  
23 *Notice*. To be eligible for registration, the applicant shall provide the Director information in a  
24 form required by the Director to ensure notification can be made to the organization. ~~To continue~~  
25 ~~to receive such notice, an organization shall re-register every two (2) years.~~

26 **11.01.11 CONTINUANCE DEFERRAL OF APPLICATIONS**

27 An applicant may request that an advisory or decision-making body's consideration of an application for  
28 development approval at public hearing be ~~deferred-continued~~ by submitting a written request for ~~deferral~~  
29 ~~continuance~~ to the County official responsible for preparing the Staff Report a minimum of seven (7) days  
30 prior to the public hearing on the application.

31 A. LESS THAN THIRTY (30) DAYS: DECISION BY DIRECTOR

32 The County official shall consider ~~deferral-continuance~~ requests of less than thirty (30) days and  
33 shall grant such requests for good cause. The date of the public hearing at which the application  
34 will be heard shall be set at the time the ~~deferral-continuance~~ is granted.

35 B. THIRTY (30) DAYS OR MORE: DECISION BY BOARD

36 The advisory or decision-making body reviewing the application shall consider ~~continuance~~  
37 ~~deferral~~ requests of thirty (30) days or more and shall grant such requests for good cause. The  
38 date of the public hearing at which the application will be heard shall be set at the time the  
39 ~~deferral-continuance~~ is granted.

1 C. SUBSEQUENT CONTINUANCE DEFERRAL REQUESTS

2 Only one (1) deferral continuance request shall be granted without prejudice. Additional requests  
3 for deferral continuance by the applicant shall be considered abandonment of the application, and  
4 subsequent application submittals shall be processed as a new application for development  
5 approval.

6 **11.01.12 WITHDRAWAL OF APPLICATIONS**

7 Any request for withdrawal of an application shall be submitted in writing to the County official responsible  
8 for preparing the Staff Report. The County official shall approve a request for withdrawal of an application  
9 if it has been submitted prior to notification of a public hearing on the application. Once notice of a public  
10 hearing has occurred, the request for withdrawal of the application shall be placed on the public hearing  
11 agenda and shall be acted upon by the appropriate advisory or decision-making body. Any future action  
12 on a withdrawn application shall be treated as a new application and subject to a new filing fee.

13 **11.01.13 EXAMINATION AND COPYING OF APPLICATIONS, APPEALS, OR OTHER**  
14 **DOCUMENTS**

15 Any time after the provision of public notice (Section 11.01.10), any person may examine the application  
16 or appeal in question, and the material submitted in support or opposition to the application or appeal,  
17 during normal business hours, in the office of the County official responsible for conducting the staff  
18 review on the application. Any person shall be entitled to obtain copies of the application or appeal and  
19 other materials upon reasonable request and payment of a fee to cover the actual costs of providing such  
20 copies.

21 **11.01.14 CONDITIONS OF APPROVAL**

22 A. GENERALLY

23 Where a decision-making body or County official may, according to the express terms of this  
24 Code, approve an application with conditions, such decision-making body or County official may  
25 impose restrictions and conditions on the approval, the proposed use, and the premises to be  
26 developed or used pursuant to such approval, as may be required to ensure compliance with the  
27 general goals and policies of this Code or with the particular standards of this Code for the  
28 application, to prevent or minimize adverse effects from the proposed development, surrounding  
29 lands, or on the public health, safety or welfare.

30 B. LIMITATIONS

- 31 1. The restrictions and conditions imposed must be related in both type and amount to the  
32 impact that the proposed development would have on the public and surrounding  
33 development.
- 34 2. The restrictions and conditions imposed may provide administrative procedures to be  
35 used in subsequent processing of the application, as necessary, or to supplement or  
36 clarify the requirements of this Code.
- 37 3. All restrictions or conditions imposed shall be expressly set forth in the approval.

1    **11.01.15       NOTIFICATION OF DECISION**

2    Notification of the final decision on an application shall be mailed to the applicant or the applicant's agent  
3    ~~all parties~~ by the County official responsible for preparing the Staff Report within ten (10) working days of  
4    the date of the final decision.<sup>36</sup> A copy of the final decision shall be filed in the Department of Growth  
5    Management.

6    **11.01.16       RECONSIDERATION OF ACTION**

7    A.    BOARD OF COUNTY COMMISSIONERS

8           An action may be reconsidered by the Board of County Commissioners under the following  
9           circumstances:

10          1.    On a decision when four (4) members voted, and the vote was two (2)-to-two (2), a  
11                motion to reconsider may be made by any member of the Commission at the first  
12                meeting thereafter when all five (5) Commissioners are present. A motion to reconsider  
13                shall be approved by an affirmative vote of a majority of the five (5) Commissioners.

14          2.    On any decision other than that described in subsection (1) above, a motion to reconsider  
15                may be made at the first meeting thereafter at which a quorum is in attendance, only by a  
16                member of the Commission voting on the prevailing side. A motion to reconsider may be  
17                seconded by any other member and shall be approved by an affirmative vote of the  
18                majority of the quorum in attendance. For purposes of this subsection, an absent  
19                member shall be presumed to have voted on the prevailing side.

20    B.    PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

21          1.    An action may be reconsidered by the Planning and Zoning Commission or the Board of  
22                Adjustment only upon motion of a member of the decision-making body voting with the  
23                prevailing side on the original vote. The motion shall be made at the same or the  
24                immediately subsequent regular meeting of the body. A motion to reconsider may be  
25                seconded by any member and shall be approved by an affirmative vote of the majority of  
26                the quorum in attendance. For purposes of this subsection, an absent member shall be  
27                presumed to have voted on the prevailing side.

28          2.    The Planning and Zoning Commission shall not reconsider an item that has already been  
29                the subject of at least one (1) public hearing held by the Board of County Commissioners,  
30                unless requested to do so by a majority vote of the Board of County Commissioners.

31    C.    NOTICE

32           Action taken on a request for reconsideration shall require public notification in the same manner  
33           required for the original application.

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<sup>36</sup> NOTE: These are changes suggested by County staff and the Consultant to ensure an applicant receives notification of a decision within a reasonable period of time.

1    **11.01.17        SUCCESSIVE APPLICATIONS/WAIVER OF TIME LIMITS**

2    A.    GENERALLY

3        Whenever any application for development approval subject to a public hearing is denied, the  
4        same application shall not be considered for a period of two one (21) years after the date of  
5        denial unless a Waiver of Time Limit is approved by the decision-making body pursuant to the  
6        requirements of subsection (B) below, *Waiver of Time Limit*. Only one (1) request for Waiver of  
7        Time Limit may be submitted by the applicant during the one two (24) year period.

8    B.    WAIVER OF TIME LIMIT

9        1.    A request for a Waiver of Time Limit may be initiated by the owner or the owner's  
10        authorized agent by submitting a request to the County official responsible for preparing  
11        the Staff Report using the form specified in the Administrative Manual DC Manual.

12       2.    After receipt of a request for Waiver of Time Limit, the County official shall prepare a Staff  
13       Report on the request containing copies of the minutes and the vote on the application,  
14       and shall schedule the matter for a regularly scheduled meeting of the decision-making  
15       body.

16       3.    At the meeting for which the request for Waiver of Time Limit is scheduled, the decision-  
17       making body shall consider the request, the Staff Report, other relevant support  
18       materials, statements made by the applicant or the applicant's representative and the  
19       public, and approve or deny the request based on the standards in subsection (4) below.

20       4.    The Waiver of Time Limit shall be approved only upon a finding by two-thirds (2/3) of the  
21       membership of the decision-making body that competent substantial evidence is  
22       presented that demonstrates:

23       a.    There is a substantial change in circumstances relevant to the issues and/or  
24       facts considered during review of the application that might reasonably affect the  
25       decision-making body's application of the relevant review standards to the  
26       development proposed in the application; or

27       b.    New or additional information is available that was not available at the time of the  
28       review that might reasonably affect the decision-making body's application of the  
29       relevant review standards to the development proposed; or

30       c.    A new application is proposed to be submitted that is materially different from the  
31       prior application; or

32       d.    The final decision on the application was based on a material mistake of fact.

33    **11.01.18        LAPSE OF APPROVAL**

34       This Chapter establishes lapse-of-approval timeframes for most types of applications for development  
35       approval. The lapse-of-approval timeframes established in this Chapter may be extended only when all  
36       of the following conditions exist:

37    A.    The provisions of this Chapter expressly allow the extension;

38    B.    An extension request is filed prior to the applicable lapse-of-approval deadline;

- 1 C. The extension request is in writing and includes justification; and
- 2 D. Unless otherwise noted, authority to grant the extension of time rests with the decision-making
- 3 body that granted the original approval the applicant seeks to extend.

4 **11.01.19 SIMULTANEOUS SUBMISSION OF APPLICATIONS**

5 Whenever two (2) or more forms of review and approval are required under this Code (e.g., a Conditional

6 Use Permit and a Variance Permit), those applications may, at the option of the Director, be processed

7 simultaneously, so long as all applicable state and local requirements are satisfied for both applications.

8 **11.02.00 PUBLIC HEARING PROCEDURES<sup>37</sup>**

9 **11.02.01 QUASI-JUDICIAL HEARINGS<sup>38</sup>**

10 All quasi-judicial hearings on applications for development approvals held pursuant to this Code shall

11 comply with the procedures set forth in this section.

12 A. GENERALLY

- 13 1. Any member of the advisory or decision-making body may request information, ~~call~~
- 14 ~~witnesses, submit evidence,~~ or ask questions of any person that testifies during the
- 15 hearing.<sup>39</sup>
- 16 2. Any aggrieved or affected person<sup>40</sup> shall be afforded a reasonable opportunity to present
- 17 testimony and evidence in support of or in opposition to the application, and to ask
- 18 questions of the applicant and the applicant's representatives and County staff and
- 19 County staff's representatives. At the discretion of the Chairperson of the advisory or
- 20 decision-making body, an aggrieved or affected person may be granted an opportunity to
- 21 ask questions of any other member of the public who has testified in the hearing.
- 22 3. The decision-making body is not bound by the rules of evidence, or limited to
- 23 consideration of evidence that is admissible in a court of law in a quasi-judicial hearing.
- 24 The body may consider all testimony and evidence it deems relevant, material and
- 25 competent to the application under consideration. The Chairperson of the body may
- 26 exclude testimony or evidence that is determined irrelevant, immaterial, incompetent, or
- 27 unduly repetitious.

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<sup>37</sup> NOTE: This is a new section that builds on the provisions of the existing Section 11.00.04.

<sup>38</sup> NOTE: Suggested new definition of "quasi-judicial hearing": "A public hearing in which public officers or bodies are required to exercise discretion of a judicial nature as a basis for official action, including weighing evidence and drawing conclusions from facts."

<sup>39</sup> NOTE: This change is suggested by County staff and the Consultant to ensure compliance with the law.

<sup>40</sup> NOTE: Suggested definition of "aggrieved or affected person" "Any person or local government that will suffer an adverse effect to an interest protected or furthered by this Code and the County's decision on the application for development approval being considered, including interests related to health and safety; law enforcement and fire protection service systems; densities or intensities of development; transportation facilities; health care facilities, equipment or services; and environmental or natural resources. The alleged adverse impact may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order."

1 B. BURDEN OF PROOF

2 The burden of demonstrating that an application complies with applicable review and approval  
3 standards is on the applicant. The burden is not on the County or other parties to show that the  
4 standards have not been met by the applicant.

5 C. RECORD

6 1. The record shall consist of:

7 a. The application for development approval under consideration;

8 b. The Staff Report;

9 c. All other written Department or other County staff materials prepared on the  
10 application;

11 d. All other written materials provided to the Department by affected parties or the  
12 public, that are related to the application;

13 e. The advisory board recommendation, where relevant, and the record from the  
14 advisory board proceedings on the application;

15 f. This Code;

16 g. The Comprehensive Plan;

17 h. All written communications received by members of the advisory or decision-  
18 making body and County staff about the application;

19 i. Curriculum vitae of all County staff and County representatives who testify at the  
20 hearing;

21 j. All documents entered into the record at the hearing; and

22 k. The testimony and other statements and opinions offered at the public hearing,  
23 which shall be recorded.

24 2. The Director shall keep and maintain the record of all quasi-judicial hearings.

25 D. ORDER OF PROCEEDINGS

26 The order of the quasi-judicial hearing shall be as follows:

27 1. All aggrieved or affected parties shall identify themselves and provide evidence they are  
28 affected parties for the purposes of the hearing.<sup>41</sup>

29 2. At the request of any party, all persons who will testify at the hearing shall be sworn.

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<sup>41</sup> NOTE: It is suggested by the Consultant that this provision be added. The reason is that "affected parties" have the right to question all witnesses, and present a case in opposition or in favor of an application. They need to be identified at the start of the hearing process.

1 | 2.3. Disclosure of all *ex parte* communications by advisory or decision-making body  
2 | members.

3 | 6.4. Narrative and/or graphic description of the application by the Director ~~or a designee~~.

4 | 7.5. Director and County staff presentation of Staff Report.

5 | a. Director and County staff presentation of Staff Report, which includes a written  
6 | recommendation, and presentation of additional witnesses, including expert  
7 | witnesses, if appropriate. This recommendation shall address each standard  
8 | required to be considered by this Code prior to approval of the application.

9 | b. Questioning of Director, County staff, and witnesses by advisory or decision-  
10 | making body, as appropriate, or aggrieved or affected parties, as appropriate.

11 | 8.6. Applicant presentation (including applicant representatives), and questioning of Director,  
12 | County staff, and County witnesses. This shall include applicant's presentation of any  
13 | testimony and evidence, including testimony of witnesses and expert witnesses. Further  
14 | examination by members of the decision-making or advisory body shall be allowed after  
15 | each witness. Cross-examination by the County and affected parties is also allowed.

16 | 9.7. Aggrieved or aAffected parties' presentation. This shall include affected parties'  
17 | presentation of any testimony and evidence, including testimony of witnesses and expert  
18 | witnesses. Further examination by members of the advisory or decision-making body  
19 | shall be allowed after each witness. Cross-examination by the applicant and County is  
20 | allowed.

21 | 10.8. Public comment and testimony. Those in support of the application and those in  
22 | opposition to the application are allowed to speak and enter testimony and evidence into  
23 | the record.

24 | 11.9. Aggrieved or aAffected parties' rebuttal, if appropriate.

25 | 12.10. Applicant's rebuttal, if requested.

26 | 13.11. Director and County staff rebuttal, if requested.

27 | 14.12. Applicant conclusion.

28 | 15.13. Director conclusion.

29 | 16.14. Deliberation, continuance, or vote by advisory or decision-making body.

30 | E. INFORMATION AND EVIDENCE BY MEMBER

31 | Any member of the advisory or decision-making body may request information, ~~call witnesses,~~  
32 | ~~submit evidence,~~<sup>42</sup> or ask questions of any person that testifies during the hearing. All questions  
33 | shall be directed through the Chairperson.

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<sup>42</sup> NOTE: This change is suggested by County staff and the Consultant to ensure compliance with the law.

1 F. LENGTH OF PRESENTATION AND TESTIMONY

2 The length of presentations and testimony shall be established by the Chairperson of the advisory  
3 or decision-making body (whichever is appropriate). The advisory or decision making body may  
4 adopt bylaws that generally establish time limits for presentations, which time limits may be  
5 further restricted or relaxed at the discretion of the Chairperson, in accordance with Roberts Rules  
6 of Order.

7 G. CROSS-EXAMINATION

8 The inquiry under cross-examination shall be limited to matters raised in the direct examination of  
9 a witness.

10 H. RE-DIRECT AND RE-CROSS

11 No re-direct or re-cross shall be allowed unless it is requested by the applicant, an aggrieved or  
12 affected party, or the County, who shall state the desired area of inquiry, and the request is  
13 approved by the Chairperson of the advisory or decision-making body (whichever is appropriate).  
14 If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in  
15 the cross-examination.

16 I. OBJECTIONS

17 The applicant, the County, and any aggrieved or affected party, ~~or a member of the advisory or~~  
18 ~~decision-making body (whichever is appropriate)~~<sup>43</sup> may raise evidentiary objections, which shall  
19 be ruled upon by the Chairperson. In making these rulings, the Chairperson may seek the advice  
20 of the County Attorney or a designee regarding any legal or procedural requirements affecting  
21 evidentiary objections.

22 J. PUBLIC

23 Any person who is not an aggrieved or affected party may be permitted to speak for up to three  
24 five (~~35~~) minutes in support of or in opposition to the application. At the discretion of the  
25 Chairperson of the advisory or decision-making body (whichever is appropriate), a member of the  
26 public may be granted additional time to speak when it is justified. ~~The applicant, an affected~~  
27 ~~party, nor their witnesses or representatives shall be permitted to speak during the public~~  
28 ~~comment portion of the hearing. As appropriate, members of the advisory or decision-making~~  
29 ~~body may ask the applicant questions in response to this public comment.~~<sup>44</sup>

30 K. CONTINUANCE

31 1. The body conducting the public hearing may, on its own motion or at the request of any  
32 person, continue the public hearing to a fixed date, time and place without again  
33 complying with the notice requirements of this Code, as long as such action is consistent  
34 with state law.<sup>45</sup> An applicant shall have the right to request and be granted one (1)  
35 continuance; however, all subsequent continuances shall be granted at the discretion of  
36 the body conducting the public hearing only upon good cause shown.

<sup>43</sup> NOTE: This change is suggested by County staff and the Consultant to ensure compliance with the law.

<sup>44</sup> NOTE: This language is added by the Consultant to clarify the procedure.

<sup>45</sup> NOTE: This language is added by the Consultant to clarify the procedure.

- 1 | 2. It is required that the item be on the agenda and advertised for public hearing in order for  
2 | the hearing to be continued. It is not required that the hearing be opened, or that  
3 | testimony be taken.<sup>46</sup> The advisory or decision making body hearing an item has the  
4 | discretion to decide to open the item for hearing, or not to open the item for hearing, prior  
5 | to taking a vote to continue the item.

6 | L. ACTION BY ADVISORY OR DECISION-MAKING BODY

- 7 | 1. Upon receipt of all testimony and evidence pursuant to this section, the quasi-judicial  
8 | hearing shall be closed. No additional testimony, evidence, or public comments will be  
9 | heard or considered after the close of the public hearing.

- 10 | 2. ~~At the conclusion~~~~Upon the close~~<sup>47</sup> of the public hearing, the advisory or decision-making  
11 | body shall consider the application, the relevant support materials, the Staff Report, all  
12 | advisory board recommendations (if relevant), and the public testimony and other  
13 | evidence given at the public hearing and make a recommendation or decision on the  
14 | application (whichever is appropriate), based on the relevant review standards. The form  
15 | of the decision shall include at least the following elements:

- 16 | a. Findings of fact.
- 17 | b. A finding of compliance or non-compliance with the Comprehensive Plan.
- 18 | c. Application of the facts to the relevant review standards.
- 19 | d. The decision.
- 20 | e. The reasons for the decision.
- 21 | f. Any conditions of approval (if appropriate).

22 | **11.02.02 OTHER HEARINGS**

23 | All other public hearings on applications for development approval held in accordance with ~~pursuant to~~  
24 | this Code shall comply with the procedures set forth in this Section.

25 | A. BURDEN OF PROOF

26 | The burden of demonstrating that an application complies with applicable review and approval  
27 | standards is on the applicant. The burden is not on the County or other parties to show that the  
28 | standards have not been met by the applicant.

29 | B. CONDUCT OF THE HEARING

30 | 1. Rights of All Persons

31 | Any person may appear at a public hearing, or may be represented by counsel or agent,  
32 | and may submit documents, materials, and other written or oral testimony either

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<sup>46</sup> NOTE: This language is added by the Consultant to clarify the procedure.

<sup>47</sup> NOTE: This language is added by the Consultant to clarify the procedure.

1 individually or as a representative of an organization. Each person who appears at a  
2 public hearing shall be identified, state an address, and if appearing on behalf of a person  
3 or organization, state the name and mailing address of the person or organization being  
4 represented.

5 2. Presentation of Testimony and Submission of Documents and Materials

6 The body conducting the public hearing may place reasonable time restrictions on the  
7 presentation of testimony and the submission of documents and other materials.

8 3. Continuance of Hearing

9 a. The body conducting the hearing may, on its own motion or at the request of any  
10 person, continue the hearing to a fixed date, time, and place. An applicant shall  
11 have the right to request and be granted one (1) continuance. All subsequent  
12 continuances requested by an applicant shall be granted at the discretion of the  
13 body granting the public hearing only on good cause shown.

14 b. ~~It is required that T~~the item shall be on the agenda and advertised for hearing in  
15 order for the hearing to be continued. It is not required that the hearing be  
16 opened, or that testimony be taken. The advisory or decision making body  
17 hearing an item has the discretion to decide to open the item for hearing, or not  
18 to open the item for hearing, prior to taking a vote to continue the item.

19 4. Questions by Review Board Members

20 Review board members may ask questions of the applicant and any other parties that  
21 present information.

22 C. ORDER OF PROCEEDINGS

23 The order of proceedings at the public hearing shall be as follows:

24 1. The County official responsible for preparing the Staff Report on the application or a  
25 designee shall present a narrative or graphic description of the application.

26 2. The County official or a designee shall present the Staff Report, which includes a written  
27 recommendation. This recommendation shall address each standard required to be  
28 considered by this Code prior to approval of the application.

29 3. The applicant shall present any information the applicant deems appropriate.

30 4. Public testimony shall be heard.

31 5. Review board members may ask questions of the applicant and any other parties that  
32 present information.

33 ~~5.6.~~ The applicant may respond to any testimony or evidence presented by the public.

34 ~~6.7.~~ The County official or a designee may respond to any statement made by the applicant or  
35 public.

1 D. RECORD

2 1. The body conducting the hearing shall record the proceedings by any appropriate means.

3 2. The record shall consist of:

4 a. The application for development approval under consideration;

5 b. The Staff Report;

6 c. All other written Department or other County staff materials prepared on the  
7 application;

8 d. All other written materials provided to the Department by the public, that are  
9 related to the application;

10 e. The advisory board recommendation, where relevant, and the record from the  
11 advisory board proceedings on the application;

12 f. This Code;

13 g. The Comprehensive Plan;

14 h. All documents entered into the record at the hearing; and

15 i. The record of the hearing recorded by the advisory (if relevant) and review board.

16 3. If a sound recording is made, any person shall be entitled to listen to the recording at a  
17 reasonable time, or make copies at that person's own expense, at the offices of the  
18 County official responsible for preparing the Staff Report.

19 4. It is the responsibility of any person desiring a detailed record of a proceeding to prepare  
20 the detailed record at their own expense.

21 E. ACTION BY ADVISORY OR DECISION-MAKING BODY

22 1. The form of the decision shall include at least the following elements:

23 a. A clear statement of the factors considered in the decision, and a statement of  
24 the basis upon which such facts were applied to the relevant review standards.

25 b. A statement of a recommendation or decision of approval or denial (whichever is  
26 appropriate).

27 2. The advisory or decision-making body shall render its decision within fourteen (14) days  
28 after conclusion of the hearing ~~reasonable time~~, unless stated otherwise in this Code.

**11.03.00 STANDARDS AND REQUIREMENTS FOR APPLICATIONS FOR DEVELOPMENT APPROVAL**

**11.03.01 ZONING**

**A. CODE TEXT AMENDMENTS AND GENERAL AMENDMENTS TO THE OFFICIAL ZONING ATLAS<sup>48</sup>**

**1. Purpose**

The purpose of this section is to provide a means for amending the text of this Code or making a general amendment to the Official Zoning Atlas.

**2. Authority**

The Board of County Commissioners may adopt an ordinance amending the text of this Code or adopt a resolution making a general amendment to the Official Zoning Atlas upon making a determination that the application is in compliance with the provisions of this section.

**3. Initiation**

a. An amendment to the text of this Code may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, the Director, or any land owner or citizen of the unincorporated County.

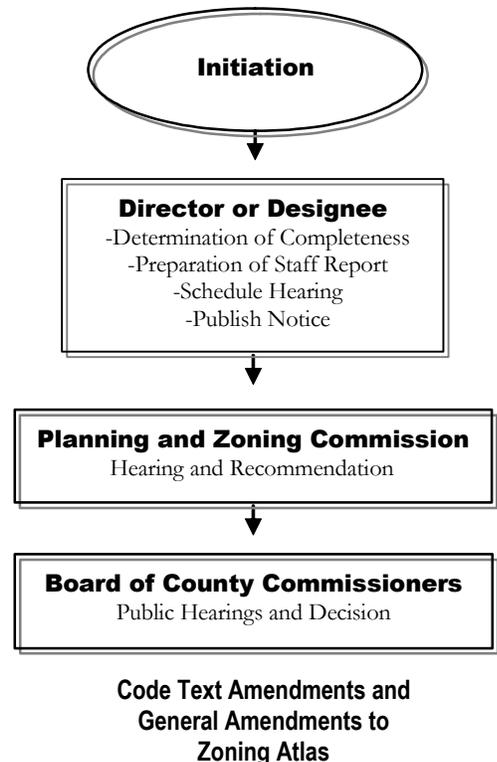
b. A general amendment to the Official Zoning Atlas may be proposed by the Board of County Commissioners, the Planning and Zoning Commission, the Director, or initiated pursuant to Section 11.01.01, *Authority to File Applications*.

**4. Procedures**

**a. Review and Recommendation by Development Review Committee**

**a-b. Planning and Zoning Commission Recommendation**

After submission of an application for a code text amendment or general amendment to the Official Zoning Atlas, determination of its completeness, preparation of the Staff Report, scheduling of the hearing, and publication of notice, the Planning and Zoning Commission shall conduct a hearing on the



<sup>48</sup> NOTE: This section updates the existing Section 11.06.00. The principal change is to separate out site-specific amendments to the Official Zoning Atlas in a separate section, which follows.

1 application pursuant to Section 11.02.02, *Other Hearings*. At the hearing, the  
2 Commission shall consider the application, the relevant support materials, the  
3 Staff Report, testimony, and other evidence given at the hearing. After the close  
4 of the hearing, the Planning and Zoning Commission shall recommend to the  
5 Board of County Commissioners either to adopt an ordinance or resolution  
6 (whichever is appropriate) approving the amendment or to deny the amendment,  
7 based on the standards in subsection (5) below, *Standards*.<sup>49</sup>

8 b.c. Board of County Commissioners Decision

9 After receipt of the recommendation from the Planning and Zoning Commission,  
10 the scheduling of the public hearings, and public notification, the Board of County  
11 Commissioners shall conduct ~~the two~~ public hearing(s) on the application  
12 pursuant to Section 11.02.02, *Other Hearings*. At the public hearing(s), the  
13 Board of County Commissioners shall consider the application, the relevant  
14 support materials, the Staff Report, the Planning and Zoning Commission  
15 recommendation, public testimony, and other evidence given. ~~At fter~~ the  
16 conclusion ~~lose~~ of the public hearing(s), the Board of County Commissioners  
17 shall either approve or deny the amendment based on the standards in  
18 subsection (5) below, *Standards*.<sup>50</sup>

19 5. Standards

20 The advisability of amending the text of this Code or making a general amendment to the  
21 Official Zoning Atlas is a matter committed to the legislative discretion of the Board of  
22 County Commissioners and is not controlled by any one (1) factor. In determining  
23 whether to approve or deny a proposed amendment to the text of this Code or a general  
24 amendment to the Official Zoning Atlas, the Board of County Commissioners shall  
25 consider the following factors:

- 26 a. Whether and the extent to which the proposed amendment is consistent with the  
27 St. Saint Lucie County Comprehensive Plan.
- 28 b. Whether and the extent to which the proposed amendment furthers the goals,  
29 objectives and policies of the SaintSt. Lucie County Comprehensive Plan.
- 30 c. Whether and the extent to which the proposed amendment is in conflict with any  
31 applicable provisions of this Code.
- 32 d. Whether and the extent to which there are changed conditions that require an  
33 amendment.
- 34 e. Whether and the extent to which the proposed amendment addresses a  
35 demonstrated community need.
- 36 f. Whether and the extent to which the proposed amendment is compatible with  
37 existing and proposed uses surrounding the subject land, and is the appropriate  
38 zone district for the land, or the proposed amendment to the text of this Code will

<sup>49</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>50</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 maintain or improve compatibility among uses and will ensure efficient  
 2 development within the County.

3 g. Whether and the extent to which the proposed amendment would result in a  
 4 logical and orderly development pattern.

5 h. Whether and the extent to which the proposed amendment would result in  
 6 significant adverse impacts on the natural environment, including but not limited to  
 7 water, air, noise, storm—water  
 8 management, wildlife, vegetation,  
 9 wetlands, and the natural functioning of  
 10 the environment.  
 11

12 i. Whether and the extent to which the  
 13 proposed amendment would result in  
 14 development that is adequately served  
 15 by public facilities (roads, potable water,  
 16 wastewater, solid waste, storm—water,  
 17 schools, parks, police, and—fire and  
 18 emergency medical facilities).

19 j. Whether and the extent to which the  
 20 proposed amendment would adversely  
 21 affect the property values in the area.

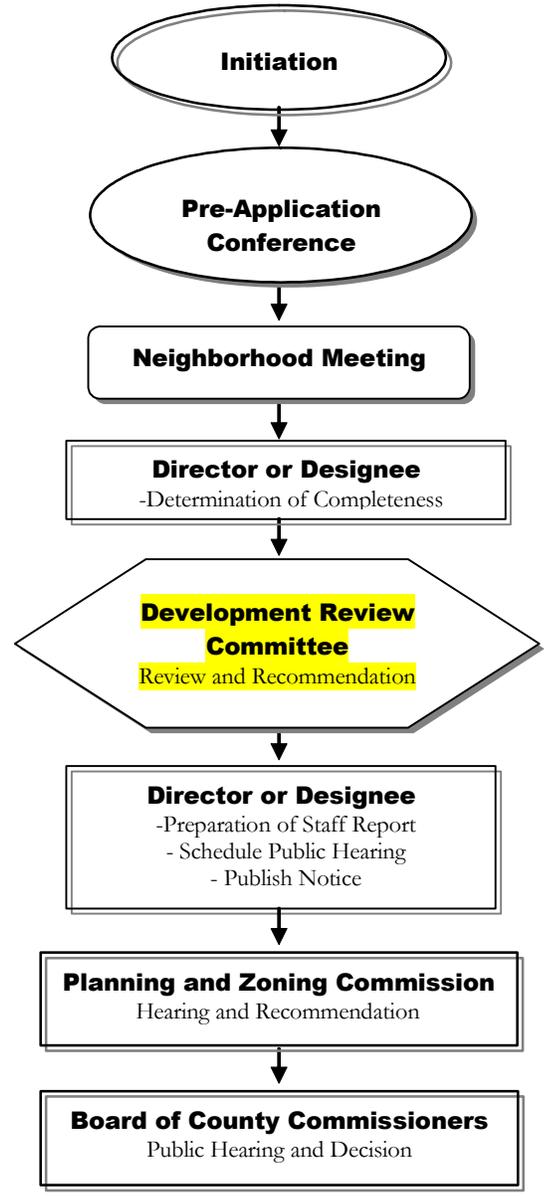
22 k. Whether the proposed amendment would  
 23 be in conflict with the public interest, and  
 24 is in harmony with the purposes and  
 25 intent of this Code.

26 B. SITE-SPECIFIC AMENDMENTS TO THE OFFICIAL  
 27 ZONING ATLAS

28 1. Purpose<sup>51</sup>  
 29 The purpose of this Section is to provide a means  
 30 for making site-specific amendments to the  
 31 Official Zoning Atlas.

32 2. Authority  
 33 The Board of County Commissioners may adopt  
 34 a resolution making a site-specific amendment to  
 35 the Official Zoning Atlas upon compliance with  
 36 the provisions of this section.

37 3. Initiation



**Site-Specific Amendments to Zoning Atlas**

<sup>51</sup> NOTE: Proposed definition for “Site-specific Amendment to Official Zoning Atlas”: “A rezoning of land that has an impact on a single or limited number of properties or applicants, where the decision is contingent on a fact or facts arrived at from distinct alternatives considered at the hearing on the application, and where the decision can be functionally viewed as policy application, rather than policy setting.”

1 A site-specific amendment to the Official Zoning Atlas may be proposed by the Board of  
2 County Commissioners, the Planning and Zoning Commission, the Director, or initiated  
3 pursuant to Section 11.01.01, *Authority to File Applications*.

4 4. Procedures

5 a. Pre-Application Conference and Neighborhood Meeting

6 Before filing an application, an applicant for a site-specific amendment to the  
7 Official Zoning Atlas ~~(except the Board of County Commissioners, the Planning~~  
8 ~~and Zoning Commission, or the Director)~~ shall request and participate in a pre-  
9 application conference ~~(except the Board of County Commissioners, the~~  
10 ~~Planning and Zoning Commission, or the Director)~~ on the proposed application  
11 (Section 11.01.05, *Pre-Application Conference*), and ~~then if the Director~~  
12 ~~determines it appropriate,~~ conduct a neighborhood meeting (Section 11.01.06,  
13 *Neighborhood Meetings*).<sup>52</sup>

14 b. Review and Recommendation by Development Review Committee

15 b-c. Planning and Zoning Commission Recommendation

16 After a pre-application conference, a neighborhood meeting, submission of an  
17 application for a site-specific amendment to the Official Zoning Atlas,  
18 determination of its completeness, preparation of the Staff Report, scheduling of  
19 the public hearing, and publication of notice, the Planning and Zoning  
20 Commission shall conduct a hearing on the application pursuant to Section  
21 11.02.01, *Quasi-Judicial Hearings*.<sup>53</sup> At the hearing, the Commission shall  
22 consider the application; the relevant support materials; the Staff Report; and any  
23 evidence and statements offered by the applicant, County staff, ~~adversely~~  
24 ~~affected parties,~~ and the public on the application.<sup>54</sup> After the close of the public  
25 hearing, the Planning and Zoning Commission shall recommend to the Board of  
26 County Commissioners either to adopt a resolution approving the amendment or  
27 to deny the amendment, based on the standards in subsection (5) below, Site  
28 Specific Amendment Standards.<sup>55</sup>

29 e-d. Board of County Commissioners Decision

30 After receipt of the recommendation on the site-specific amendment to the  
31 Official Zoning Atlas from the Planning and Zoning Commission, the scheduling  
32 of the public hearings and public notification, and any subsequent staff  
33 comments and recommendations prepared as a result of new factual information  
34 obtained at or following the Planning or Zoning Commission hearing, the Board  
35 of County Commissioners shall conduct ~~the two~~ public hearing(s) on the  
36 application pursuant to Section 11.02.01, *Quasi-Judicial Hearings*.<sup>56</sup> At the

<sup>52</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

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<sup>55</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>56</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 public hearing(s), the Board of County Commissioners shall consider the  
2 application, the relevant support materials, the Staff Report, the Planning and  
3 Zoning Commission recommendation, and any evidence and statements offered  
4 by the applicant, County staff, adversely affected parties, and the public on the  
5 application. After the close of the hearing(s), the Board of County  
6 Commissioners shall adopt a resolution approving the amendment or deny the  
7 site-specific amendment to the Official Zoning Atlas based on the standards in  
8 subsection (5) below, Site Specific Amendment Standards.<sup>57</sup>

9 5. Site Specific Amendment Standards<sup>58</sup>

10 The advisability of making a site-specific amendment to the Official Zoning Atlas is a  
11 matter subject to quasi-judicial review by the Board of County Commissioners and  
12 constitutes the implementation of the general land use policies established in this Code  
13 and the SaintSt. Lucie County Comprehensive Plan. In determining whether to approve  
14 a proposed site-specific amendment to the Official Zoning Atlas, the Board of County  
15 Commissioners shall find:

16 a. The applicant has provided competent substantial evidence that is made part of  
17 the record of the hearing that:

- 18 1. The proposed amendment is consistent with the SaintSt. Lucie County  
19 Comprehensive Plan.
- 20 2. The proposed amendment furthers the goals, objectives, and policies of  
21 the SaintSt. Lucie County Comprehensive Plan.
- 22 3. The proposed amendment is not in conflict with any portion of this Code.
- 23 4. The proposed amendment addresses a demonstrated community need.
- 24 5. The proposed amendment is compatible with existing and proposed uses  
25 surrounding the land subject to the application and is the appropriate  
26 zone district for the land.
- 27 6. The proposed amendment would result in a logical and orderly  
28 development pattern.
- 29 7. The proposed amendment does not adversely affect the property values  
30 in the area.
- 31 8. The proposed amendment would result in development that is  
32 adequately served by public facilities (roads, potable water, wastewater,  
33 solid waste, storm water, schools, parks, police, and fire and emergency  
34 medical facilities).
- 35 9. The proposed amendment would not result in significantly adverse  
36 impacts on the natural environment, including but not limited to water,

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<sup>57</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>58</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 air, noise, storm water management, wildlife, vegetation, wetlands, and  
2 the natural functioning of the environment.

3 b. And there is no competent substantial evidence demonstrating that maintaining  
4 the current zone district designation accomplishes a legitimate public purpose, as  
5 is defined by any one or a combination of the standards set out below:

6 1. The proposed amendment will create premature development in  
7 undeveloped or rural areas.

8 2. The proposed amendment will encourage urban sprawl, either by  
9 resulting in strip or ribbon commercial development, leapfrog  
10 development, or low-density single dimensional development, —and  
11 otherwise meets the standards for classifying a proposal as urban sprawl  
12 in the latest published edition of the Florida Administrative Code.

13 3. The proposed amendment will result in development in a location where  
14 there are no plans by the County or other governmental entities to  
15 provide public facilities to serve the development (roads, parks, schools,  
16 potable water, wastewater, solid wastes, storm water, and fire/EMS  
17 facilities), and there are no assurances by the private sector that public  
18 facilities are planned and will be available to adequately accommodate  
19 development.

20 4. The proposed amendment will result in the creation of an isolated zone  
21 district unrelated to adjacent and surrounding zone districts (spot  
22 zoning).

23 5. The uses permitted by the proposed amendment are incompatible with  
24 existing land uses of adjacent lands and/or the uses permitted by the  
25 zone district designations of adjacent lands.

26 6. The uses permitted by the proposed amendment will deviate from the  
27 logical development pattern (both established and as proposed by  
28 surrounding zone districts) of the area where the proposed amendment  
29 is located.

30 7. The proposed amendment will have a significant and adverse impact on  
31 the natural environment, including but not limited to water, air, noise,  
32 storm water management, wildlife, vegetation, wetlands, and the natural  
33 functioning of the environment.

34 8. The proposed amendment will result in significant adverse impacts on  
35 the property values of surrounding land uses.

36 9. The proposed amendment will adversely affect the character of the  
37 general area where it is proposed to be located by creating excessive  
38 traffic, density and/or intensities of use, building height and bulk, noise,  
39 lights, or other physical effects or nuisances.

1 C. PLANNED UNIT DEVELOPMENT DISTRICTS<sup>59</sup>

## 2 1. Purpose

3 This section establishes the procedures for review of the County's Planned Unit  
4 Development (PUD) zoning districts.

## 5 2. Applicability

6 Before any development is classified in a Planned Unit Development zoning district, it  
7 shall receive approval pursuant to the terms of this Section.

## 8 3. Location

9 A PUD zoning district classification may be established on any land located in the County  
10 that complies with all of the applicable requirements of this Section and the applicable  
11 standards of Sections 7.01.00, *Planned Unit Development*, 7.02.00, *Planned Non-*  
12 *Residential Development*, and 7.03.00, *Planned Mixed Use Development*.

## 13 4. Unified Ownership or Control

14 The title to all land that is part of a PUD zoning district classification shall be owned or  
15 controlled by one (1) person at the time of application and approval. A person shall be  
16 considered to control all lands either through ownership or by written consent of all  
17 owners, which consent shall be obtained in the form required by the Director, and which  
18 form shall require all signatures to be notarized.

## 19 5. Procedures

## 20 a. Overview

21 Approval of a Planned Unit Development district shall constitute a site-specific  
22 amendment to the Official Zoning Atlas. It shall be controlled by a Master  
23 Development Plan and Planned Unit Development Agreement that is approved  
24 as part of the Planned Unit Development zoning district classification.  
25 Subsequent to approval of a Planned Unit Development zoning district  
26 classification, Master Development Plan, and Planned Unit Development  
27 Agreement, a Planned Unit Development is required to obtain Development  
28 Review approval (Section 11.03.02). Approval of a Planned Unit Development is  
29 not a final development order or development permit that authorizes any land  
30 development activity. It creates specific zoning requirements and a general plan  
31 of development with which subsequent site plans, subdivisions, and construction  
32 shall be consistent. It is an interim development order or permit. No land  
33 clearing, tree removal, changes in grade, or other development activity is  
34 permitted by approval of a Planned Unit Development, and none shall be  
35 undertaken on the site of a Planned Unit Development until final site plan and/or  
36 subdivision construction plan approval and all required permits are obtained.

## 37 b. Pre-Application Conference and Neighborhood Meeting

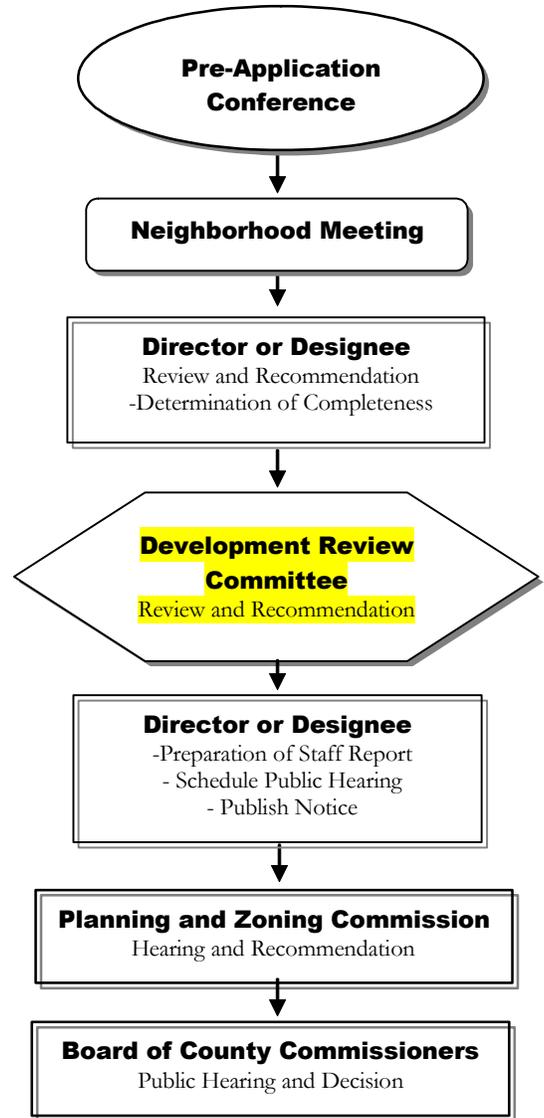
<sup>59</sup> NOTE: This is essentially a brand new procedure for planned developments. The existing code contains no procedures for such developments – just references to the standards in Chapter 7. As discussed with staff, the planned development procedure requires completion of a site plan. The existing “Planned Development Site Plan” has been deleted.

Before filing an application for Planned Unit Development, an applicant shall request and participate in a pre-application conference on the proposed application (Section 11.01.05, *Pre-Application Conference*), and ~~if the Director determines it appropriate, or if required by this Code, conduct~~ a neighborhood meeting (Section 11.01.06, *Neighborhood Meetings*).<sup>60</sup>

c. **Development Review Committee Review and Recommendation**

d. Planning and Zoning Commission Recommendation

After a pre-application conference, a neighborhood meeting, submission of an application for a Planned Unit Development zoning district classification and Master Development Plan, determination of the application's completeness, preparation of the Staff Report, scheduling of the public hearing, and publication of notice, the Planning and Zoning Commission shall conduct a hearing on the application pursuant to Section 11.02.01, *Quasi-Judicial Hearings*.<sup>61</sup> At the hearing, the Commission shall consider the application, the relevant support materials, the Staff Report, and any evidence and statements offered by the applicant, County staff, ~~adversely affected parties,~~<sup>62</sup> and the public on the application. After the close of the hearing, the Planning and Zoning Commission shall recommend to the Board of County Commissioners either to adopt a resolution approving the Planned Unit Development zoning district classification and Master Development Plan with or without such conditions as the majority of the Planning and Zoning Commission may approve, or recommend that the Board of County Commissioners deny the proposed application. The decision shall be based on the standards in subsection (6) below, *Planned Unit Development Standards*.<sup>63</sup>



**Planned Unit Development Districts**

<sup>60</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>61</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>62</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>63</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

d.e. Board of County Commissioners Decision

After receipt of the unamended Staff Report that was transmitted to the Planning and Zoning Commission and any subsequent staff comments and recommendations prepared as a result of new factual information obtained at or following the Planning and Zoning Commission hearing ~~that is permitted by this Code~~,<sup>64</sup> recommendation on the PUD zoning district classification and Master Development Plan from the Planning and Zoning Commission, scheduling of the public hearing(s) and public notification, the Board of County Commissioners shall conduct a public hearing(s) on the application pursuant to Section 11.02.01, *Quasi-Judicial Hearings*. At the public hearing(s), the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, the Planning and Zoning Commission recommendation, and any evidence and statements offered by the applicant, County staff, adversely affected parties, and the public on the application. After the close of the hearing(s), the Board of County Commissioners shall adopt a resolution approving, approving with conditions, or disapproving the Planned Unit Development zoning district classification and the Master Development Plan. The decision shall be based on the standards in subsection (6) below, Planned Unit Development Standards.<sup>65</sup>

6. Planned Unit Development Standards<sup>66</sup>

A Planned Unit Development zoning district classification and Master Development Plan shall comply with the standards in Section 7.01.00, *Planned Unit Development*, Section 7.02.00, *Planned Non-Residential Development*, and Section 7.03.00, *Planned Mixed Use Development*, whichever is appropriate, as they may be amended from time to time.<sup>67</sup>

7. Conditions

The Planning and Zoning Commission shall have the authority to recommend and the Board of County Commissioners shall have the authority to impose conditions on a Planned Unit Development zoning district classification and Master Development Plan that are necessary to accomplish the purposes of this Section and this Code, and to ensure compliance and consistency with the ~~Saint~~St. Lucie County Comprehensive Plan and other applicable plans, polices, or laws as they may be amended from time to time.

8. Planned Unit Development Agreement

Concurrent with the approval of the adopting resolution for the Planned Unit Development zoning district classification and the Master Development Plan, a Planned Unit Development Agreement shall be established binding the PUD and Master Development Plan to any conditions placed in the adopting resolution and Master Development Plan. The Planned Unit Development Agreement shall include, but not be limited to:

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<sup>64</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>65</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>66</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>67</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

- 1 a. The Master Development Plan, including any Planned Unit Development  
2 Standards and a list of permitted land uses, including any land uses permitted as  
3 conditional uses.
- 4 b. Conditions related to the approval of the Master Development Plan.
- 5 c. Conditions related to the form and design of development in the Planned Unit  
6 Development.
- 7 d. Provisions addressing how transportation, potable water, wastewater, stormwater  
8 management, park, fire/police/EMS, school, and other public facilities will be  
9 provided to accommodate the development proposed for the Master  
10 Development Plan in a manner that meets the requirements of state law, the  
11 adopted ~~Saint~~ St. Lucie County Comprehensive Plan, and the Land Development  
12 Code for demonstrated long and short-term financial feasibility and concurrency  
13 management.
- 14 e. Provisions related to environmental protection and monitoring.
- 15 f. Any other provisions the Board of County Commissioners determines ~~is~~ are ~~is~~  
16 relevant and appropriate to the implementation of the Planned Unit Development  
17 and Master Development Plan.

18 9. Placement Of Planned Unit Development Designation on Official Zoning Atlas

19 After final approval of the adopting resolution for the PUD zoning district classification,  
20 the Master Development Plan, and Planned Unit Development Agreement, the Director  
21 ~~or a designee~~ shall cause the Official Zoning Atlas to be amended to show a Planned  
22 Unit Development (PUD) zoning district classification on the site of the approved Planned  
23 Unit Development.

24 10. Recordation

25 The Director shall record the adopting resolution, the Master Development Plan, and the  
26 approved Planned Unit Development Agreement in the Public Records of St. Lucie  
27 County within thirty (30) days of the date of the adopting resolution. They shall be  
28 binding upon the landowners, their successors, and assigns, and shall constitute the  
29 development regulations for the land. Development of the land shall be limited to the  
30 uses, density, configuration, and all other elements and conditions set forth on the Master  
31 Development Plan and in the Planned Unit Development Agreement. ~~The applicant shall  
32 submit proof to the Director that the adopting resolution, Master Development Plan, and  
33 Planned Unit Development Agreement have been recorded in the Public Records of St.  
34 Lucie County within 120 calendar days of approval or the adopting ordinance, Master  
35 Development Plan, and Planned Unit Development Agreement shall automatically and  
36 immediately be rendered invalid and the land shall return to its prior zoning district  
37 classification. The proof submitted to the Director or a designee shall include, but not be  
38 limited to, at least six copies of the recorded documents certified by the Clerk of the  
39 Courts of St. Lucie County with the Book and Page Numbers stamped thereon.~~<sup>68</sup>

<sup>68</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1           11.    Expiration

2                   a.    General

3                           The approval of the adopting resolution ordinance<sup>69</sup> for a Planned Unit  
4                           Development zoning district classification, the Master Development Plan, and  
5                           Planned Unit Development Agreement shall expire unless a Site Plan (Section  
6                           11.03.02) is submitted for at least the initial phase of the Master Development  
7                           Plan for a Master Development Plan that is approved as a phased development,  
8                           otherwise for the entire Master Development Plan, within two (2) years after the  
9                           date of approval. Such time period shall not be extended with transfer of  
10                           ownership. Plans for parts of development approved with phasing shall be  
11                           submitted for whole phases, not parts thereof, and shall include sufficient detail  
12                           and provisions for construction beyond the phase lines to ensure that each phase  
13                           is compatible with the next, particularly with regard to site elevations and site  
14                           access. Temporary access or stormwater management systems, or access or  
15                           stormwater management systems at locations other than those approved on the  
16                           Master Development Plan, or contrary to provisions of the Planned Unit  
17                           Development Resolution Ordinance<sup>70</sup> or Planned Unit Development Agreement,  
18                           shall not be permitted. Plans for the development of phases or lots shall provide  
19                           for access and stormwater management systems as approved on or in the  
20                           Master Development Plan, Planned Unit Development Agreement, and Planned  
21                           Unit Development Resolution Ordinance.<sup>71</sup> A Planned Unit Development may not  
22                           be subdivided in a manner inconsistent with the approved Master Development  
23                           Plan without first receiving approval of applications for a new Planned Unit  
24                           Development that provides for unified development of the site.

25                   b.    One (1) Extension

26                           Upon written application submitted at least thirty (30) days prior to the expiration  
27                           of the permit period by the applicant, and upon a showing of good cause, the  
28                           Board of County Commissioners may grant an extension not to exceed one (1)  
29                           year. The approval shall be deemed extended until the Board of County  
30                           Commissioners has acted upon the request for extension. Failure to submit an  
31                           application for an extension within the time limits established by this Section shall  
32                           result in expiration of the Planned Unit Development zoning district classification,  
33                           the Master Development Plan, and the Planned Unit Development Agreement.  
34                           I, and the prior zoning district classification shall thereupon be re-established.

35           12.    Minor Deviations

36                           A minor deviation shall be limited to technical considerations that could not reasonably be  
37                           anticipated during the approval process or any other change that has no material effect  
38                           on the character, permitted land uses, or environmental protection standards of the  
39                           approved Planned Unit Development or any of the terms or conditions established in the  
40                           Planned Unit Development Agreement. The minor deviation shall comply with the  
41                           standards of this Code and shall be approved in writing. The ~~Director~~ Director or a

<sup>69</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>70</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>71</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

~~designee~~ may only approve minor deviations that change numerical or dimensional standards by not more than five (5) percent, but the Director ~~or a designee~~ shall not permit minor deviations that create noncompliance with the standards of this Code, or that would not be consistent with the adopted St. Lucie County Comprehensive Plan. If the Planned Unit Development was approved with development standards that are less restrictive than the standards in the Land Development Code, the Director ~~or a designee~~ shall not approve minor deviations that further relax those standards. ~~The Director may designate a senior member of the staff of the Department of Growth Management (Assistant Director, Planning Manager, or equivalent staff) to perform this function during the Director's absence.~~<sup>72</sup>

13. Site Plan and Subdivision Plat Review and Approval Required for Planned Unit Developments

Prior to development of a site or portion of a site for which a Planned Unit Development Master Development Plan has been approved, a site plan shall be reviewed pursuant to the procedures and standards of Section 11.03.02, *Development Review*. The site plan shall be in substantial conformance with the Master Development Plan and comply with the requirements of the Planned Unit Development Agreement and Planned Unit Development ~~R~~resolution. All Planned Unit Developments shall be required to be platted in accordance with the provisions of Section 11.03.03 in order to monument property and lot corners. Developers of all approved Planned Unit Developments shall submit to the Director as-built surveys of the locations of buildings and structures in relation to the subdivision property monuments, and such other survey data as may be required by the Director, or his/her designee, to demonstrate compliance with ~~this~~ Land Development ~~and Zoning Codes and all other County ordinances~~, and the requirements of the approved Planned Unit Development.<sup>73</sup>

14. Amendments

A Planned Unit Development zoning district classification, Master Development Plan and ~~or~~ Planned Unit Development Agreement may be amended, extended, or modified only in accordance with procedures and standards for its original approval.

D. CONDITIONAL USE PERMIT

1. Purpose

The purpose of this Section is to provide for uses that are generally compatible with the use characteristics of a zoning district, but that require individual review of their location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use on any particular site in the district and their compatibility with adjacent uses. Conditional uses may require the imposition of additional conditions to make the uses compatible in their specific context.

2. Authority

<sup>72</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>73</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

The Board of County Commissioners may, in accordance with the procedures, standards, and limitations of this Code, grant Conditional Use Permits for those uses enumerated in each of the zoning districts in Section 3.01.00.

3. Procedures

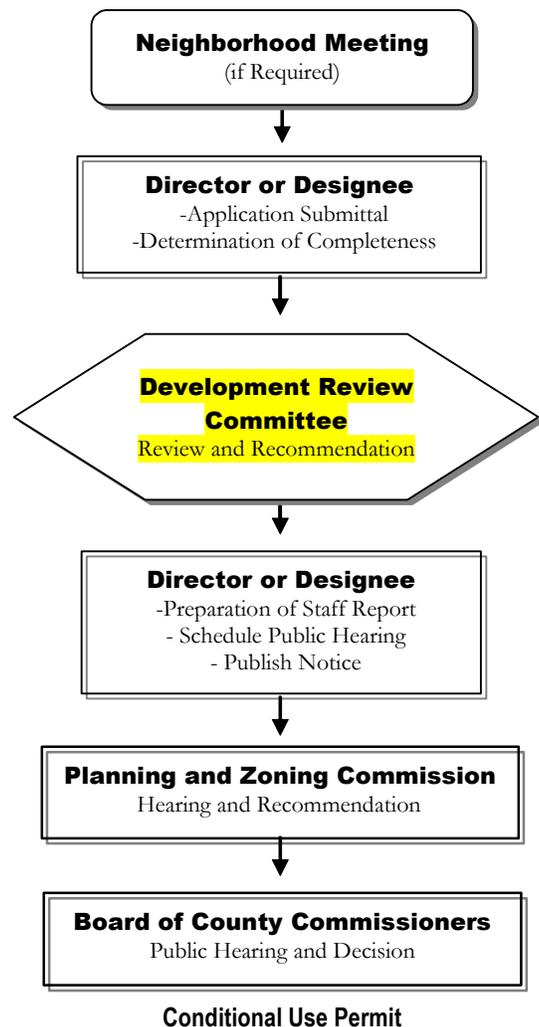
a. Pre-Application Conference and Neighborhood Meeting

Before filing an application for a Conditional Use Permit, an applicant shall request and participate in a pre-application conference on the proposed application (Section 11.01.05, *Pre-Application Conference*), and ~~if the Director determines it appropriate,~~ conduct a neighborhood meeting (Section 11.01.06, *Neighborhood Meetings*).

b. Development Review Committee Review and Recommendation

~~b-c.~~ Planning and Zoning Commission Recommendation

After submission of an application for a Conditional Use Permit, determination of completeness, preparation of the Staff Report, scheduling of the hearing, and publication of notice, the Planning and Zoning Commission shall conduct a hearing on the application pursuant to Section 11.02.01, *Quasi-Judicial Hearings*.<sup>74</sup> At the hearing, the Commission shall consider the application, the relevant support materials, the Staff Report, and any evidence and statements offered by the applicant, County staff, ~~adversely affected parties,~~<sup>75</sup> and the public on the application. Within a reasonable period of time after the close of the hearing, but not exceeding forty-five (45) days, the Planning and Zoning Commission shall recommend to the Board of County Commissioners to approve, approve with conditions, or deny the application based on the standards in subsection (4) below, Conditional Use Permit Standards.<sup>76</sup>



<sup>74</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>75</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>76</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 e.d. Board of County Commissioners Decision

2 After receipt of the recommendation from the Planning and Zoning Commission,  
3 the scheduling of the public hearing and public notification, the Board of County  
4 Commissioners shall conduct ~~a one~~ public hearing on the application pursuant to  
5 Section 11.02.01, *Quasi-Judicial Hearings*. At the public hearing, the Board of  
6 County Commissioners shall consider the application, the relevant support  
7 materials, the Staff Report, the Planning and Zoning Commission  
8 recommendation, and any evidence and statements offered by the applicant,  
9 County staff, adversely affected parties, and the public on the application. Within  
10 a reasonable period of time after the close of the hearing, the Board of County  
11 Commissioners, by a majority of a quorum present, shall approve, approve with  
12 conditions, or deny the application for the ~~Ce~~conditional ~~u~~Use ~~P~~Permit based on  
13 the standards in subsection (4) below, *Conditional Use Permit Standards*.<sup>77</sup> The  
14 decision shall be by resolution setting forth the findings of the Board of County  
15 Commissioners and any condition, limitation, or requirement of the decision.

16 d.e. Protest

17 If a written protest is signed by the owners of ~~fifty (50)~~ percent or more of the land  
18 area within ~~one thousand (1000) 500~~-feet of the land proposed for a ~~conditional~~  
19 ~~Conditional use-Use P~~Permit, approval of the ~~conditional-Conditional use-Use~~  
20 ~~p~~Permit shall require the affirmative vote of four-fifths ~~(4/5)~~ of the entire  
21 membership of the Board of County Commissioners. For the purposes of the  
22 written protest, publicly owned right-of-way shall be included in calculating the  
23 distance of ~~one thousand (1000) 500~~-feet from the land subject to the proposed  
24 conditional use. ~~County Publicly~~ owned ~~land and other~~ right-of-way shall not be  
25 included in determining the total of the area lying within ~~one thousand (1000) 500~~  
26 feet of the land subject to the conditional use. ~~In determining whether fifty (50)~~  
27 ~~percent of the owners have signed the petition, one (1) acre owned equals one~~  
28 ~~(1) vote for a particular property owner.~~<sup>78,79</sup>

*Commentary: The protest provision is carried forward from the existing Code; it is not required by Florida law. One other option the County might consider is to delete the Protest provision section, and instead require a supermajority vote four-fifths (4/5) to approve a Conditional Use Permit. Some communities do this to ensure that Conditional Use Permits are approved in appropriate locations where they will not have any adverse impacts on adjacent lands.*

29 4. Conditional Use Permit Standards<sup>80</sup>

30 A Conditional Use Permit shall be approved or approved with conditions only if the  
31 applicant demonstrates by competent substantial evidence the following:

<sup>77</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>78</sup> NOTE: This provision is carried forward from the existing Code. It is not required under Florida law.

<sup>79</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>80</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

- 1 a. The proposed conditional use is in compliance with all requirements, and is  
2 consistent with the general purpose, goals, objectives, and standards of this  
3 Code, the St. Lucie County Comprehensive Plan, and the Code of Ordinances of  
4 St. Lucie County; and is in compliance with all additional standards imposed on it  
5 by the particular provisions of this Code authorizing such use.
- 6 b. The proposed conditional use will not have an undue adverse effect upon  
7 surrounding lands.
- 8 c. The proposed conditional use is compatible with the existing or planned  
9 character of the neighborhood in which it would be located.
- 10 d. All reasonable steps have been taken to minimize any adverse effect of the  
11 proposed conditional use on the immediate vicinity through building design, site  
12 design, landscaping, and screening.
- 13 e. The proposed conditional use will be constructed, arranged, and operated so as  
14 not to interfere with the development and use of neighboring property, in  
15 accordance with applicable zoning district regulations.
- 16 f. The proposed conditional use is provided safe and adequate ingress and egress  
17 to the public road system, and where relevant and appropriate, adjacent lands.
- 18 g. The proposed conditional use will be served by adequate public facilities and  
19 services, including roads, police protection, fire protection, solid waste disposal,  
20 water, sewer, drainage structures, parks, and mass transit.
- 21 h. The applicant has obtained from the St. Lucie County--Fort Pierce Fire  
22 Prevention Bureau written confirmation, or has otherwise demonstrated that  
23 water supply, evacuation facilities, and emergency access are satisfactory to  
24 provide adequate fire protection.
- 25 i. All federal or state permit approvals required for a proposed conditional use have  
26 been issued by the appropriate regulatory agency, or an intent to issue the permit  
27 by the appropriate regulatory agency has been issued, or the development order  
28 approval conditions approval on the receipt of all relevant and appropriate state  
29 and federal permits for the development prior to when development will occur on  
30 the property.<sup>81</sup>
- 31 j. All federal or state permit approvals required for a proposed conditional use are  
32 issued, or intent to issue the required regulatory permit is received.
- 33 k. If required to provide an environmental impact report under the specifications of  
34 the Administrative ManualLDC Manual, the proposed conditional use will not  
35 contravene any applicable provision of the St. Lucie County Comprehensive  
36 Plan, or this Code, as it may be amended from time to time, or any other  
37 applicable environmental standards or polices as may be adopted by St. Lucie  
38 County from time to time.

<sup>81</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

- 1           5.       Conditions<sup>82</sup>
- 2                   The Planning and Zoning Commission may recommend and the Board of County  
3                   Commissioners shall attach such conditions, limitations, and requirements on a  
4                   Conditional Use Permit as are necessary to: carry out the purposes of this Section and  
5                   the purposes of this Code and the goals, objectives and policies of the St. Lucie County  
6                   Comprehensive Plan; and prevent or minimize adverse effects on other property in the  
7                   neighborhood, including but not limited to conditions to limit size, intensity of use, density  
8                   of use, bulk and location, landscaping, lighting, the provision of adequate ingress and  
9                   egress, duration of the permit, and hours of operation. Such conditions shall be set forth  
10                  expressly in the resolution granting the ~~conditional~~ Conditional use ~~Use p~~Permit,  
11                  consistent with the requirements of Section 11.01.14, *Conditions of Approval*.
- 12           6.       Effect of Issuance of Conditional Use Permit
- 13                   The issuance of a Conditional Use Permit shall only constitute approval of the proposed  
14                   use, and development of the use shall not be carried out until the applicant secures all  
15                   other permits and approvals required by this Code and all other appropriate federal and  
16                   state laws and regulations.
- 17           7.       Expiration of Conditional Use Permit
- 18                   A Conditional Use Permit shall be valid for the purposes of securing a Certificate of  
19                   Zoning Compliance, Building Permit, or other appropriate development order ~~and~~  
20                   ~~Building Permit~~ for twelve (12) months from the date of approval. Unless a Certificate of  
21                   Zoning Compliance is approved within twelve (12) months, and construction  
22                   subsequently undertaken pursuant to a Building Permit or other appropriate development  
23                   order, the ~~conditional~~ Conditional use ~~Use p~~Permit shall automatically expire unless the  
24                   permit is extended by the Board of County Commissioners pursuant to subsection (8)  
25                   below, *Extension of Conditional Use Permit*.<sup>83</sup>
- 26           8.       Extension of Conditional Use Permit
- 27                   The time limitations imposed on a conditional use permit by subsection (7) above,  
28                   *Expiration of Conditional Use Permit*, may be extended by the Board of County  
29                   Commissioners not more than one (1) time, and for not more than twenty-four (24)  
30                   months, upon application by the applicant and after a public hearing held in accordance  
31                   with Section 11.02.02, *Other Hearings*.
- 32           9.       Inspections During Development of a Conditional Use
- 33           a.       Inspections by Director
- 34                   Following approval of a conditional use, the Director shall, at least annually until  
35                   the completion of development, cause the review of all permits issued and  
36                   construction undertaken and compare actual development with the approved  
37                   conditional use and with the approved development schedule, if applicable.
- 38           b.       Action by Director

<sup>82</sup> NOTE: The long list of specific conditions in the existing Code has been incorporated into the review standards, or the general conditions section.

<sup>83</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 If the Director finds that development is not proceeding in accordance with the  
2 approved schedule, or that it fails in any other respect to comply with the  
3 approved conditional use, ~~the Director he or she~~ shall notify the Board of County  
4 Commissioners of such fact and may, if he or she finds it necessary for the  
5 protection of the public health, safety, or welfare, take such necessary action to  
6 stop such non-compliance, including, but not limited to, directing the issuance of  
7 either a stop work order, or a notice of violation, or a citation, which directive shall  
8 be enforced by all relevant County agencies having authority to stop work, issue  
9 a notice of violation, or issue a citation. Refusal of the developer and/or  
10 contractor to comply with the requirements of a stop work order, notice of  
11 violation, or citation shall be a misdemeanor in the third degree and shall be  
12 punishable as provided by Florida Law. Failure to comply immediately with the  
13 issuance of a second stop work order, notice of violation, or citation shall be a  
14 refusal to comply.

15 c. Action by Board of County Commissioners

16 Within thirty (30) days following notification by the Director, the Board of County  
17 Commissioners shall determine whether development of the conditional use is  
18 proceeding in accordance with the approved conditional use. If the Board of  
19 County Commissioners finds the development is not proceeding in accordance  
20 with the approved conditional use, it shall either revoke the permit or take the  
21 necessary action to compel compliance with the approved conditional use.

22 10. Inspections After Development

23 a. Inspection by Director

24 Following completion of the development of a conditional use, the Director shall  
25 review the development as completed and determine if it complies with the  
26 approved conditional use.

27 b. Action by Director

28 If the Director finds the development as completed fails in any respect to comply  
29 with the conditional use as approved, the Director shall immediately notify the  
30 Board of County Commissioners.

31 c. Action by Board of County Commissioners

32 Within thirty (30) days following notification by the Director, the Board of County  
33 Commissioners shall determine whether the completed conditional use fails in  
34 any respect to follow the approved Conditional Use Permit. If the Board of  
35 County Commissioners finds the completed conditional use fails in any respect to  
36 follow the approved Conditional Use Permit, it shall either revoke the permit or  
37 take the necessary action to compel compliance with the Conditional Use Permit.

38 11. Minor Adjustments to Conditional Use Permit

39 A minor adjustment to a Conditional Use Permit may be allowed pursuant to Section  
40 10.03.02, Minor Adjustment to Major Site Plan or Conditional Use Permit. ~~consists of a~~  
41 ~~dimensional deviation of not more than five (5) percent, or two (2) feet, whichever is less,~~  
42 ~~and that does not result in dimensions that fail to comply with any of the requirements of~~

1 ~~the St. Lucie Comprehensive Plan or this Code. The Director may authorize minor~~  
2 ~~adjustments to a Conditional Use Permit using the Administrative Adjustment procedure~~  
3 ~~set forth in Chapter X.<sup>84</sup>~~

4 12. Amendments

5 A Conditional Use Permit may be amended, revoked, extended, or modified only in  
6 accordance with the procedures and standards for its original approval.

7 **13. Expiration of Conditional Use Permit**

8 A Conditional Use Permit shall expire if the authorized activity ceases operation for ---  
9 days. [Need to add additional language.]

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<sup>84</sup> ~~NOTE: We propose replacing several very similar provisions that authorize minor modifications with a new general Administrative Adjustment procedure in Chapter X.~~

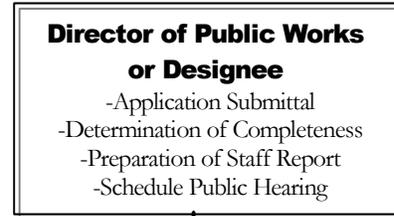
1 E. CLASS A MOBILE HOME PERMIT

2 1. General

3 Any person who wants to have a Class A Mobile  
4 Home be defined as a detached single-family  
5 dwelling unit shall comply with the procedures and  
6 standards of this Section.

7 2. Procedure

8 a. Review and Recommendation by Public  
9 Works Director



Class A Mobile Home Permit

10 Within thirty (30) days after submission of  
11 an application to have a Class A Mobile  
12 Home defined as a detached single-family  
13 dwelling unit, and determination of its  
14 completeness, the Public Works Director  
15 shall review the application and prepare a  
16 Staff Report recommending whether or  
17 not the Class A Mobile Home should be  
18 defined as a single-family detached dwelling based on the standards in  
19 subsection (3) below, Class A Mobile Home Standards for Review, schedule the  
20 public hearing on the application, publish notice, and schedule the application for  
21 a public hearing on the agenda of the next regularly scheduled meeting of the  
22 Board of County Commissioners.<sup>85</sup>

23 b. Board of County Commissioners Decision

24 After receipt of the Staff Report, the scheduling of the public hearing, and public  
25 notification, the Board of County Commissioners shall conduct a public hearing  
26 on the application ~~be~~ in accordance with Section 11.02.02, *Other Hearings*. At  
27 the public hearing, the Board shall consider the application, the relevant support  
28 materials, the Staff Report, and any evidence and statements offered by the  
29 applicant, County staff, and the public, on the application. Within a reasonable  
30 period of time after the conclusion of the public hearing, the Board of County  
31 Commissioners shall adopt a resolution making a determination as to whether  
32 the Class A Mobile Home meets the definition of a detached single family  
33 dwelling unit, based on the standards in subsection (3) below, Class A Mobile  
34 Home Standards for Review.<sup>86</sup>

35 3. Class A Mobile Home Standards for Review<sup>87</sup>

36 In determining whether a Class A Mobile Home meets the definition of detached single-  
37 family dwelling unit, the Board of County Commissioners shall consider the exterior  
38 dimensions, the exterior finish of the roof and walls, and the skirting of the mobile home.

<sup>85</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>86</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>87</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 Before a Class A Mobile Home will be defined as a detached single-family dwelling unit,  
2 the Board of County Commissioners must determine that:

3 a. Minimum Width of Main Body

4 The minimum horizontal dimension of the main body of the mobile home as  
5 assembled on the site is not less than twenty (20) feet, as measured across the  
6 narrowest portion, except that in the Agricultural Residential (AR-1), Agricultural-  
7 1 (AG-1), Agricultural-2.5 (AG-2.5), and Agricultural-5 (AG-5), zoning districts, no  
8 minimum horizontal dimension shall apply.

9 b. Minimum Roof Pitch; Minimum Distance, Eaves to Ridge

10 The pitch of the main roof is not less than one (1) foot of rise for each four (4)  
11 feet of horizontal run and the minimum distance from eave to ridge is one half  
12 (1/2) the minimum horizontal dimension.

13 c. Roofing Materials

14 The roofing material used is similar in texture, color, and appearance to that of  
15 detached single-family dwelling units in the same zoning district in which it is to  
16 be located.

17 d. Exterior Finish; Light Reflection

18 The materials used for the exterior finish and skirting are similar in texture, color,  
19 and materials to detached single family dwelling units in the same zoning district  
20 in which it is to be located, and are applied in such a manner as to make the  
21 Class A Mobile Home similar in appearance with surrounding detached single  
22 family dwelling units. Reflection from the exterior shall not be greater than from  
23 siding coated with clear, white, gloss exterior enamel.

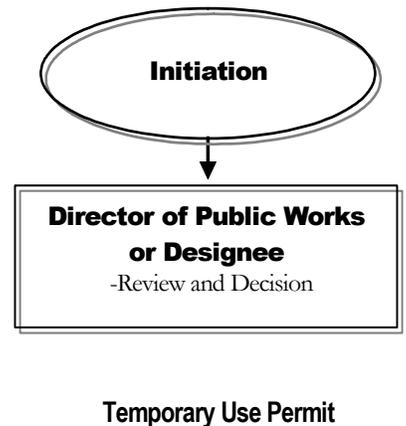
24 4. Conditions

25 The Board of County Commissioners shall attach such conditions, limitations, or  
26 requirements to a Class A Mobile Home Permit as  
27 necessary to carry out the standards of this section,  
28 consistent with Section 11.01.14, *Conditions of*  
29 *Approval*.

30 F. TEMPORARY USE PERMIT<sup>88</sup>

31 1. Applicability

32 No use that is classified as a temporary use in a zoning  
33 district in which it is to be located shall be placed or  
34 established on land within that zoning district without first  
35 receiving a temporary use permit pursuant to this Section.  
36 However, the following temporary uses are exempt from the  
37 Temporary Use Permit requirement: ---.



<sup>88</sup> NOTE: This is a new procedure proposed for discussion.

1           2.     Procedure

2                   a.     Initial Submission of Application

3                           1.     An application for a Temporary Use Permit shall be submitted to the  
4                                    Director of Public Works in a form established by the Director of Public  
5                                    Works, along with an application fee. Each application for a Temporary  
6                                    Use Permit shall contain the information required on the application form,  
7                                    including written documentation that the applicant has notified adjoining  
8                                    property owners and the Law Enforcement and Fire Departments of the  
9                                    proposed temporary use or structure. In addition, the application shall be  
10                                    accompanied by a sketch plan showing the boundaries of the property,  
11                                    the use of adjacent properties, the location of the temporary use or  
12                                    structure on the property, and other information sufficient to show that  
13                                    the temporary use or structure complies with the standards set forth in  
14                                    Section 8.02.00 of this Code, *Temporary Uses and Structures*.

15                           2.     All applications for Temporary Use Permits shall be submitted at least  
16                                    two (2) weeks prior to the date the temporary use will commence, or at  
17                                    least four (4) weeks prior to the date the temporary use will commence if  
18                                    public safety support is requested from the County. The Director of  
19                                    Public Works or a designee may waive this filing deadline requirement in  
20                                    an individual case, for good cause shown.<sup>89</sup>

21                   b.     Action by Director of Public Works

22                                    After the application is determined complete, the Director of Public Works or a  
23                                    designee shall review the application and approve, approve with conditions, or  
24                                    deny the Temporary Use Permit based on the standards in subsection (3) below,  
25                                    *Temporary Use Permit Standards*.<sup>90</sup>

26           3.     Temporary Use Permit Standards

27                                    A Temporary Use Permit shall be approved upon ~~a~~ finding the temporary use, as  
28                                    proposed, complies with the relevant standards in Section 8.02.00, *Temporary Uses and*  
29                                    *Structures*.

30           4.     Conditions

31                                    In approving a Temporary Use ~~P~~ermit, the Director of Public Works or a designee may  
32                                    impose appropriate conditions on the permit approval pursuant to Section 11.01.14,  
33                                    *Conditions of Approval*.<sup>91</sup>

34           5.     Duration of Permit

35                                    A Temporary Use Permit shall be valid only for the time period stated on the permit,  
36                                    unless otherwise authorized in this Code.

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<sup>89</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>90</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>91</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1           6.       Amendment  
2                    A Temporary Use Permit may be amended, extended, or modified only in accordance  
3                    with the procedures and standards established for its original approval.

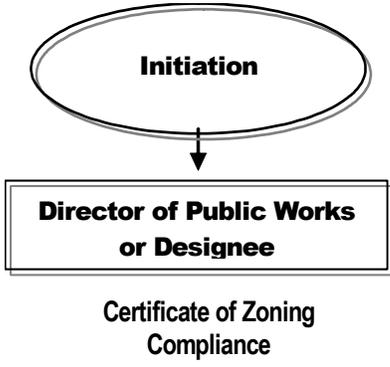
4    G.       CERTIFICATE OF ZONING COMPLIANCE

5           1.       Applicability  
6                    A Certificate of Zoning Compliance shall be required in  
7                    accordance with the provisions of this Section prior to the  
8                    issuance of any occupational license or Building Permit.

9           2.       Purpose  
10                   The purpose for issuing a Certificate of Zoning  
11                   Compliance is to ensure all proposed development within  
12                   the unincorporated County complies with the provisions of  
13                   this Code and the St. Lucie County Comprehensive  
14                   Plan.<sup>92</sup>

15          3.       Procedure<sup>93</sup>  
16            a.       Initial Submission of Application  
17                    An application for a Certificate of Zoning Compliance shall be submitted to the  
18                    Director of Public Works or a designee in a form established by the Director of  
19                    Public Works, along with an application fee.<sup>94</sup>

20          b.       Action by Director  
21                    After the application is determined complete, the Director of Public Works or a  
22                    designee shall review the application and approve or deny the Certificate of  
23                    Zoning Compliance based on the standards in subsection (4) below, *Certificate*  
24                    *of Zoning Compliance Standards*. If the Director of Public Works or a designee  
25                    denies the application, the application shall be returned to the applicant  
26                    accompanied by a written statement setting forth the provisions of this Code or  
27                    the St. Lucie County Comprehensive Plan with which the application does not  
28                    comply.<sup>95</sup>



<sup>92</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.  
<sup>93</sup> NOTE: The language in the existing Code for review of a Certificate of Zoning Compliance is confusing since it seems to require Code compliance determinations by both the Director of Growth Management and the Director of Public Works. This proposed text assigns the decision to the Director of Public Works, per staff suggestion.  
<sup>94</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.  
<sup>95</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1           4.       Certificate of Zoning Compliance Standards

2                   A Certificate of Zoning Compliance shall be approved upon a finding the proposed  
3                   development complies with all relevant standards of this Code and the goals, objectives,  
4                   and policies of the St. Lucie County Comprehensive Plan.<sup>96</sup>

5           5.       Effect of Certificate of Zoning Compliance

6                   A Certificate of Zoning Compliance constitutes an official statement that the proposed  
7                   development complies with the applicable provisions of this Code or the St. Lucie County  
8                   Comprehensive Plan and any special approvals that apply to the land. A Certificate of  
9                   Zoning Compliance does not serve as authorization to commence construction. All  
10                  authorizations to commence construction shall be as described in this Code.

11          6.       Duration

12                  A Certificate of Zoning Compliance shall remain valid for eighteen (18) months after the  
13                  date of its approval.

14   **11.03.02        DEVELOPMENT REVIEW**

15   A.       PURPOSE AND INTENT

16                  The purpose of Development Review is to ensure compliance with all development standards of  
17                  this Code, with the conditions of approval of Ppreliminary Ddevelopment Oorders and  
18                  Development Orders, and with Development Agreements approved by the County; and to  
19                  encourage quality development in the County reflective of the goals, policies, and objectives of  
20                  the St. Lucie County Comprehensive Plan. For land uses requiring Development Review,  
21                  Ddevelopment Ppermits and other approvals may be issued and development initiated only after  
22                  a site plan is approved pursuant to the procedures and standards of this Section. It is the intent  
23                  of the Development Review procedures to create and support an orderly process that leads to  
24                  compliance of development with all applicable laws, codes, ordinances, resolutions, agreements,  
25                  and policies of the St. Lucie Ceounty. No County Ffinal Ddevelopment Ppermit, Ffinal  
26                  Ddevelopment Oorder, or Ceertificate of Ceapacity may be issued until after constructible site  
27                  engineering plans are approved and a final development order is issued at the conclusion of the  
28                  Development Review process. No land development activity other than that minimum activity  
29                  necessary to complete survey and engineering design work shall be permitted on any site until  
30                  the final site plan development order has been issued and all other necessary permits and  
31                  approvals are obtained.<sup>97</sup>

32   B.       APPLICABILITY: TYPES OF SITE PLAN REVIEW

33                  Development plans required to obtain approval through the Development Review procedures  
34                  shall be classified as either Minor Site Plans or a Major Site Plans pursuant to the following  
35                  standards.

<sup>96</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>97</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 | 1. Minor Site Plan<sup>98</sup>

2 | Proposed development is subject to review as a Minor Site Plan if it constitutes:

- 3 | a. The division of land into less than ~~twenty (20)~~ ten (10) parcels but more than two  
4 | (2) parcels in accordance with the provisions of Section 11.03.03, *Plats*  
5 | (*Subdivision*).
- 6 | b. Multi-family development of less than fifty (50) units.
- 7 | c. Nonresidential development that is six thousand (6,000) to twenty-four thousand  
8 | nine hundred ninety-nine (274,999) square feet in gross floor area, including any  
9 | additions to existing development less than twenty-four thousand nine hundred  
10 | ninety-nine (274,999) square feet in gross floor area that add drive-through, take-  
11 | out food, food delivery, or walk-up services.
- 12 | d. Nonresidential development less than six thousand (6,000) square feet in gross  
13 | floor area that provides drive-through, food delivery, take-out food, or walk-up  
14 | services, including modifications to existing nonresidential developments to add  
15 | drive-through, walk-up, food delivery, or take-out food services..
- 16 | e. Nonresidential development less than six thousand (6,000) square feet in gross  
17 | floor area that provides for the retail sales of motor or heating fuels.
- 18 | f. Commercial lodging development of less than six (6) units.
- 19 | g. Additions to existing structures that are large enough to cause the existing  
20 | structure plus the addition to equal or exceed the threshold review standards in  
21 | subsections (a) through (f) above. Any addition to any existing nonconforming  
22 | building or structure, or to any building or structure housing a nonconforming land  
23 | use, that meets the threshold size limits of subsections (a) through (f) above, or  
24 | any site alteration to any nonconforming site that has on it a building meeting the  
25 | threshold size limits of subsections (a) through (f) above. Any addition to any  
26 | building or structure that has nonconforming parking. Any change to the parking  
27 | facility, landscaping, environmental protection measures, or landscaping on any  
28 | site housing a building or proposed building, including building plus addition, that  
29 | meets the review threshold criteria of subsections (a) through (f) above.
- 30 | h. The development of more than four hundred (400) square feet of impervious  
31 | surface area, but less than fifteen (15) percent of the site area, up to twenty-four  
32 | thousand nine hundred ninety-nine (274,999) square feet of impervious surface  
33 | area, on any parcel of land with no associated building, except for structures  
34 | associated with bona fide agricultural land uses on land zoned for agricultural  
35 | use, and on land containing a lawful, nonconforming agricultural use.
- 36 | i. Any outdoor land use proposed on any parcel of land of between one-half (½)  
37 | acre and five (5) acres, except for bona fide agricultural land uses located on

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<sup>98</sup> ~~NOTE: Consistent with discussions with staff in December 2003, this Site Plan section proposes several changes from the existing Code. Specifically, the thresholds for Minor Site Plans are increased in the following ways: 1) the threshold for division of land is raised from 10 parcels to 20 parcels; and 2) the threshold for non-residential development is raised from 25,000 to 75,000 square feet. The threshold for residential development is kept the same as in the current Code (multi family development of less than fifty (50) units).~~

1 land zoned for agricultural use, or on land containing a lawful, nonconforming  
2 agricultural use.

3 2. Major Site Plan

4 Proposed development is subject to review as a Major Site Plan if it constitutes:

5 a. The division of land into ten (10) ~~twenty (20)~~ or more parcels, in accordance with  
6 the provisions of Section 11.03.03, *Plats (Subdivision)*.

7 b. Multi-family development of fifty (50) or more dwelling units.

8 c. Nonresidential development of twenty-five thousand (275,000) or more square  
9 feet in area.

10 d. Commercial lodging development of six (6) or more units.

11 e. Additions to existing structures that are large enough to cause the existing  
12 structure plus the addition to equal or exceed the threshold review standards in  
13 subsections (a) through (d) above. Any addition to any existing nonconforming  
14 building or structure, or to any building or structure housing a nonconforming land  
15 use, that meets the threshold size limits of subsections (a) through (d) above, or  
16 any site alteration to any nonconforming site which has on it a building meeting  
17 the threshold size limits of subsections (a) through (d) above. Any addition to  
18 any building or structure that has nonconforming parking. Any change to the  
19 parking facility, landscaping, environmental protection measures, or landscaping  
20 on any site housing a building or proposed building, including building plus  
21 addition, that meets the review threshold criteria of subsections (a) through (d)  
22 above.

23 f. The development of more than twenty-four thousand nine hundred ninety-nine  
24 (274,999) square feet of impervious surface area, or more than fifteen (15)  
25 percent % of the site area, whichever is less, on any parcel of land with no  
26 associated building, except for structures associated with bona fide agricultural  
27 land uses on land zoned for agricultural use, and on land containing a lawful,  
28 nonconforming agricultural use.

29 g. Any outdoor land use proposed on any parcel of land more than five (5) acres,  
30 except for bona fide agricultural land uses located on land zoned for agricultural  
31 use, or on land containing a lawful, nonconforming agricultural use.

32 h. Development of land:

33 1. Where a portion of a parcel under unified control is subject to  
34 Development Review and:

35 a. At least one (1) acre of the parcel will remain vacant and  
36 undeveloped after approval of the Site Plan and,

37 b. The zoning district designation of the remaining vacant land  
38 allows development at a density or intensity that, when  
39 considered in conjunction with the other lands subject to the site  
40 plan, would require approval as a Major Site Plan; or



1 | a.1. Recommend the Director approve or approve with conditions the Minor  
2 | Site Plan; or

3 | b.2. Provide the applicant and Director a Notice of Deficiency, in writing, that  
4 | the application fails to comply with the review standards. The Notice of  
5 | Deficiency shall also identify the deficiencies in the application. The  
6 | applicant shall have an opportunity to re-submit a revised application by  
7 | notifying the Director within **thirty (30) working days** of the date the  
8 | Notice of Deficiency is issued of intent to address the deficiencies. The  
9 | applicant shall have ~~a ninety (90)~~<sup>102</sup>**working days** to re-submit the  
10 | application. Upon the applicant's re-submission of a revised application,  
11 | it shall be re-reviewed by the DRC pursuant to this subsection and  
12 | recommended for approval, approval with conditions, or denial based on  
13 | the standards in subsection (D) below, *Development Review Standards*.  
14 | The application shall be considered withdrawn if the applicant either fails  
15 | to file a notification of intent to address deficiencies or fails to re-submit  
16 | the application within the timeframes and in accordance with the  
17 | procedures required by this subsection.

18 | b.c. Decision by Director

19 | Within **five (5) working days** of receipt of the DRC's recommendation, the  
20 | Director ~~or a designee~~ shall review the application and the DRC's  
21 | recommendation and approve, approve with conditions, or deny the application  
22 | based on the standards of subsection (D) below, *Development Review*  
23 | *Standards*.

24 | 2. Major Site Plan

25 | a. Pre-Application Conference and Neighborhood Meeting

26 | Before filing an application for Major Site Plan, the applicant shall request and  
27 | attend a pre-application conference on the proposed application, (Section  
28 | 11.01.05, *Pre-Application Conference*) and ~~if the Director determines it~~  
29 | ~~appropriate, or if otherwise required by this Code,~~ conduct a neighborhood  
30 | meeting (Section 11.01.06, *Neighborhood Meetings*).<sup>103</sup>

31 | b. Review and Recommendation by Development Review Committee

32 | After submission of an application for Major Site Plan Review and determination  
33 | of its completeness, the Director ~~or a designee~~ shall forward the application to  
34 | the DRC, ~~which~~ who shall review the application within **forty-five (45) working**  
35 | **days** based on the standards in subsection (D) below, *Development Review*  
36 | *Standards*, and:<sup>104</sup>

<sup>102</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>103</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>104</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

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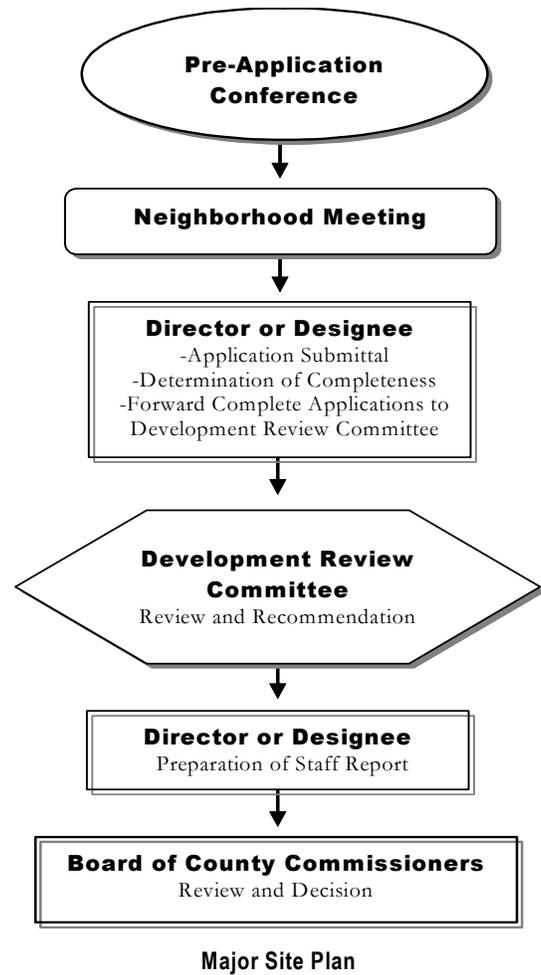
1. Recommend the Director recommend approve or approve with conditions ~~the application~~; or<sup>105</sup>
2. Provide the applicant and Director a Notice of Deficiency, in writing, that the application fails to comply with the review standards. The Notice of Deficiency shall also identify the deficiencies in the application. The applicant shall have an opportunity to re-submit a revised application by notifying the Director within thirty (30) working days of the date the Notice of Deficiency is issued of intent to address the deficiencies. The applicant shall have a ninety (90) working days to re-submit the application. Upon the applicant's re-submission of a revised application, it shall be re-reviewed by the DRC pursuant to this subsection and recommended for approval, approval with conditions or denial based on the standards in subsection (D) below, *Development Review Standards*. The application shall be considered withdrawn if the applicant either fails to file a notification of an intent to address deficiencies or fails to re-submit the application within the timeframes and in accordance with the procedures required by this subsection.

c. Recommendation Decision by Director<sup>106</sup>

The Director ~~or a designee~~ shall review the application and the DRC's recommendation and direct the preparation of a Staff Report on the application recommending to the Board of County Commissioners to approve, approve with conditions, or deny the application based on the standards of subsection (D) below, *Development Review Standards*.

d. Review and Decision of Board of County Commissioners

After the Director completes the Staff Report, the application shall be scheduled for consideration at a regularly scheduled public meeting of the Board of County Commissioners. At the meeting where the application is reviewed, the Board shall consider the application, the Staff Report, any relevant support materials, any evidence and statements offered by the applicant and public, and County staff. Within a reasonable period of



<sup>105</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>106</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 time after conclusion of the review, the Board of County Commissioners shall  
2 approve, approve with conditions, or deny the application based on the standards  
3 of subsection (D) below, *Development Review Standards*. The decision on the  
4 application shall be by resolution setting forth the findings of the Board and any  
5 condition, limitation, or requirement of the decision.

6 D. DEVELOPMENT REVIEW STANDARDS

7 A Major Site Plan or Minor Site Plan shall be approved only if the applicant demonstrates the  
8 proposed site plan complies with all of the following standards:

9 1. Consistency with Comprehensive Plan

10 The development proposed in the site plan is consistent with the goals, objectives, and  
11 policies of the St. Lucie County Comprehensive Plan.

12 2. Complies with this Code and other Relevant Local Ordinances and Resolutions

13 The development proposed in the site plan complies with all relevant requirements and  
14 standards of this Code, and all other relevant and appropriate provisions of the Compiled  
15 Laws of St. Lucie County.

16 3. Effect on Surrounding Lands

17 a. The development proposed in the site plan will not have an undue adverse effect  
18 upon surrounding lands, the character of the neighborhood in which the  
19 development is proposed to be located, traffic conditions, parking, utility facilities,  
20 and other matters affecting the public health, safety, and general welfare.

21 b. All reasonable steps have been taken to minimize any adverse effect of the  
22 development proposed in the site plan upon surrounding lands through building  
23 design, site design, landscaping, and screening.

24 c. The development proposed in the site plan will be constructed, arranged, and  
25 operated so as not to interfere with the development and use of neighboring land,  
26 in accordance with standards of applicable zoning district regulations.

27 4. Water and Sewer Dry Line Improvements

28 If the development proposed in the site plan is within a water or sewer utility's five (5)-  
29 year service area, provisions are made to ensure adequate dry water and sewer lines are  
30 provided to serve the development pursuant to the standards and specifications of the  
31 County and the applicable service provider.

32 5. Connected to Regional Utility Systems

33 Assurances are provided that the development proposed in the site plan will connect to a  
34 regional potable water distribution and/or wastewater collection system when the system  
35 becomes available to service the development.

36 6. Safe and Adequate Ingress and Egress

1           The development proposed in the site plan is provided safe and adequate ingress and  
2           egress to the public road system, and where appropriate and relevant, adjacent lands.

3           7.       Adequacy of Fire Protection

4           The applicant has obtained from the St. Lucie County - Fort Pierce Bureau of Fire  
5           Prevention written confirmation, or has otherwise demonstrated by competent substantial  
6           evidence, water supply, evacuation facilities, and emergency access are satisfactory to  
7           provide adequate fire protection.

8           8.       Adequacy of Public Facilities

9           The development proposed in the site plan complies with the standards of Chapter V,  
10          Adequate Public Facilities.

11          9.       Adequacy of School Facilities

12          The development proposed in the site plan will be served by adequate school facilities.

13          10.       Vegetation Removal Plan

14          A preliminary vegetation removal plan is included as part of the site plan that is in  
15          substantial conformity with the standards of Section 6.00.00, *Vegetation Protection and*  
16          *Preservation*. Approval of a preliminary vegetation removal plan as part of a site plan  
17          does not authorize commencement of any vegetation removal or alteration, but is  
18          intended to generally identify the protected vegetation on a site plan proposed for  
19          removal. Prior to the commencement of any vegetation removal or alteration activities, a  
20          Vegetation Removal Permit shall be approved pursuant to Section 11.03.04(D),  
21          *Vegetation Removal Permit*.

22          11.       Environmental Impact

23          For developments required to provide an environmental impact report under the  
24          specifications of the ~~Administrative Manual~~ DC Manual, the proposed development will  
25          not contravene any applicable provision of the St. Lucie County Comprehensive Plan, or  
26          of this Code, or any other environmental standards or policies adopted by the County, as  
27          may be amended from time to time.

28          12.       Federal and State Environmental Permits

29          All federal or state permit approvals required for development proposed in the site plan  
30          have been issued by the appropriate regulatory agency, or an intent to issue the permit  
31          by the appropriate regulatory agency has been issued.

32          13.       Conceptual Design Drawings<sup>107</sup>

33          For all Major Site Plans, conceptual design drawings of all multi-family and nonresidential  
34          buildings are included and approved as part of the site plan (except for minor accessory  
35          and service facilities). Conceptual floor plans are not required for those parts of

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<sup>107</sup> NOTE: This subsection appears as a part of the lists of submittal requirements for planned development site plans in the current code. Per staff request, this provision has been moved into the standards section and made applicable to all Major Site Plans.

1 development projects that include detached single-family dwellings, but overall project  
2 design standards that conform to the requirements of this Code shall be provided to  
3 guide the appearance of the development.

4 E. CONDITIONS<sup>108</sup>

5 The Director may recommend and the Board of County Commissioners shall attach such  
6 conditions, limitations, or requirement to a site plan as the Board determines are necessary to  
7 carry out the requirements of this Section, this Code, and the goals, objectives, and policies of the  
8 Comprehensive Plan; prevent or minimize adverse effects on other lands in the surrounding  
9 neighborhood, including but not limited to conditions to limit size, intensity of use, density of use,  
10 bulk and location, landscaping, lighting, and adequate ingress and egress. Such conditions shall  
11 be set forth expressly in the Final Development Order approving the site plan and be consistent  
12 with the requirements of Section 11.01.14, *Conditions of Approval*.<sup>109</sup>

13 F. EXPIRATION OF SITE PLAN

14 1. General

15 Except as provided in this subsection, a Minor Site Plan or a Major Site Plan shall be  
16 valid for purposes of securing a Certificate of Zoning Compliance and Building Permit for  
17 twenty-four (24) months from the date of approval. Unless a Certificate of Zoning  
18 Compliance and Building Permit is approved within twenty-four (24) months, the site plan  
19 shall automatically expire unless the site plan is extended pursuant to subsection ~~(6)(b3)~~,  
20 below.

21 2. Certificate of Capacity Limitations

22 A Minor Site Plan or a Major Site Plan may be approved subject to the condition that  
23 approval shall expire in less than 24 months, if it is demonstrated the Certificate of  
24 Capacity issued for the site plan guarantees the necessary public services to serve the  
25 development for less than 24 months. In those instances, the site plan approval shall  
26 expire unless a Certificate of Zoning Compliance and Building Permit is approved for the  
27 site plan within the period of time the service provider guarantees the necessary public  
28 services will be available for the development proposed in the site plan.

29 3. Extensions

30 a. Minor Site Plan Extensions

31 ~~For good cause, The period of expiration for a Minor Site Plan may be extended~~  
32 ~~by the Director may extend the Site Plan, for good cause shown, for up to twelve~~  
33 ~~(12) months from the date of expiration set forth in the Final Development Order~~  
34 ~~approving the Minor Site Plan. No more than one (1) extension shall be granted.~~  
35 ~~The request for an extension shall be made to the Director by the applicant, in~~  
36 ~~writing, at least two (2) weeks prior to the date of expiration. All such requests~~  
37 ~~shall be accompanied by a complete explanation of the reasons for the request~~  
38 ~~for the extension.~~

39 b. Major Site Plan Extensions

<sup>108</sup> NOTE: The long list of specific conditions in the existing Code has been incorporated into the review standards, or the general conditions section.

<sup>109</sup> Add provision for recordation.

1                   The period of expiration for a Major Site Plan may be extended by the Board of  
2                   County Commissioners, for good cause shown, for up to twenty-four (24) months  
3                   from the date of expiration set forth in the Final Development Order approving  
4                   the Minor Site Plan. No more than one (1) extension shall be granted. The  
5                   request for an extension shall be made to the Director by the applicant, in writing,  
6                   at least two (2) weeks prior to the date of expiration. All such requests shall be  
7                   accompanied by a complete explanation of the reasons for the request for the  
8                   extension.

9    G.    ADJUSTMENTS

10   1.    Administrative Approval of Minor Deviations<sup>110</sup>

11                   The Director may authorize minor adjustments to an approved Minor Site Plan or Major  
12                   Site Plan using the Administrative Variance-Minor Adjustment process set forth in Section  
13                   10.032.00.

14   2.    Other Adjustments-Amendments

15           a.    Any other adjustment to an approved Minor Site Plan that may not be authorized  
16                   using the Administrative Approval of Minor Deviations process, including the  
17                   cumulative effects of separate adjustments made since July 1, 1984, shall  
18                   require an amendment to the Minor Site Plan.

19           b.    Any other adjustment to an approved Major Site Plan that may not be authorized  
20                   using the Administrative Approval of Minor Deviations process shall require an  
21                   amendment to the Major Site Plan.

22   H.    AMENDMENT

23                   A Minor Site Plan or a Major Site Plan may be amended, extended, or modified only in  
24                   accordance with the procedures and standards for its original approval.

25   I.    ABANDONMENT OF CONSTRUCTION

26   1.    General

27           a.    If twenty-four (24) months after the date of original approval of a Final  
28                   Development Order for a site plan, or any extensions thereto, a Building Permit is  
29                   approved but construction has not commenced and proceeded toward  
30                   completion, site plan approval shall be terminated by the Board of County  
31                   Commissioners pursuant to this subsection and become null and void.

32           b.    Termination of the site plan approval pursuant to this subsection shall occur only  
33                   after notice to the applicant and landowner of the site plan that the Board of  
34                   County Commissioners will conduct a hearing to determine whether the site plan  
35                   is abandoned or suspended, and should be terminated.

36           c.    At the hearing on the matter, the Board shall consider the site plan, development  
37                   activity that has occurred since site plan approval, applicant/landowner  
38                   statements and information about development activity related to the site plan,

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<sup>110</sup> NOTE: This is a reference to the suggested new procedure that appears in Chapter X. The new process replaces several identical provisions that authorize specific types of minor adjustments.

1 County staff comments, and any other information it deems relevant to consider.  
2 If after considering all relevant evidence and testimony four (4) members of the  
3 Board determine construction of the development approved in the site plan is  
4 abandoned or suspended, the site plan approval shall be terminated by the  
5 Board.

6 2. Standards for Abandonment or Suspension

7 Development of the site plan shall be determined to be abandoned or suspended if at the  
8 hearing it is demonstrated by competent substantial evidence that:

9 a. An active Building Permit has not been maintained in accordance with the  
10 approved site plan and Section 13.00.00, or;

11 b. Development of the site plan has not proceeded toward the completion of the  
12 approved uses and structure(s) for a six (6) month period prior to the issuance of  
13 a Notice of Intent to revoke, unless the inactivity is attributable to the deliberate  
14 and scheduled phasing of a multiphase project.

15 J. RECORDATION

16 Upon approval of a Major Site Plan, the Director shall record the Major Site Plan on the  
17 appropriate maps and documents, and shall, at the developer's expense, record the Major Site  
18 Plan in the public records of the County.

19 **11.03.03 PLATS (SUBDIVISION)<sup>111</sup>**

20 A. PURPOSE

21 The purpose of this Section is to promote the public health, safety, and welfare by (1) providing  
22 orderly growth in the unincorporated County, (2) coordinating streets and roads within  
23 subdivisions with existing planned public roads and the St. Lucie County Comprehensive Plan,  
24 (3) providing right-of-way easements for streets and utilities, and (4) avoiding overcrowding.<sup>112</sup>

25 B. APPLICABILITY

26 The procedures and standards of this Section apply to the division of land into three (3) or more  
27 parcels in the unincorporated area of ~~Saint~~St. Lucie County, Florida, unless the development is  
28 exempted pursuant to Section 11.03.03(C), *Exemptions*. Where development is also regulated  
29 by either the Towns, Villages and Countryside Land Development Regulations (Ordinance 06-  
30 017), or the Rural Land Stewardship Area Land Development Regulations (Ordinance  
31 4.05.00<sup>113</sup>), as they may be amended from time to time, these regulations will apply when those  
32 other regulations are silent.

<sup>111</sup> NOTE: There are significant suggested revisions in this section based on general direction received from staff to reorganize the overall platting procedures.

<sup>112</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>113</sup> NOTE: Ordinance 4.05.00 is presently in the adoption process.

1 C. EXEMPTIONS

2 The following development shall be exempt from the requirements of this Section:

- 3 1. Development of a single-family dwelling unit or duplex on a parcel that is a Lot of Record  
4 as of August 1, 1990;
- 5 2. Development on a multi-family or non-residential parcel that is a Lot of Record as of  
6 August 1, 1990 and less than five (5) acres in area.
- 7 3. Division of land into parcels of not less than twenty (20) acres each where no new streets  
8 or easements of access are planned to be dedicated and accepted by the public. Deeds  
9 and other conveyances shall include in red, ten-point type, the following statement: "NO  
10 GOVERNMENTAL AGENCY, INCLUDING ST. LUCIE COUNTY, IS RESPONSIBLE  
11 FOR THE MAINTENANCE, UPKEEP, OR IMPROVEMENT OF ANY PRIVATE DRIVES,  
12 ROADS, STREETS, EASEMENTS, OR RIGHTS-OF-WAY PROVIDING INGRESS AND  
13 EGRESS OR DRAINAGE SERVICE TO THE PROPERTY HEREIN CONVEYED."
- 14 4. The conveyance of land to a federal, state, county, or municipal governmental agency,  
15 entity, political subdivision, or a public utility as defined herein, including acquisition of  
16 property by any governmental agency for public purposes.
- 17 5. Any division by inheritance (whether testate or intestate), or by partition or other order of  
18 the court, including division of land for distribution to immediate family members, as  
19 defined in this code, and to living trusts in preparation for inheritance.
- 20 6. The division of air space into units within a building wherein said building is held in  
21 common, undivided, ownership.
- 22 7. Combinations of whole platted lots with other whole platted lots that are held in common,  
23 undivided, ownership, and when there is no violation of this Code created by the lot  
24 combination, and the combination is consistent with the adopted comprehensive plan.
- 25 8. Combinations of whole lots that are vested and nonconforming pursuant to this Code  
26 when said lots are in common, undivided, ownership, and the combination is necessary  
27 to create lots that are either conforming or less nonconforming with zoning and land  
28 development code requirements (e.g., more lot area, but not sufficient area to meet  
29 minimum standards would be less nonconforming).

30 D. OVERVIEW OF PROCEDURES FOR PLATS (SUBDIVISION)

31 1. Major Subdivision

32 A Major Subdivision is a division of land into twenty-five (25) or more lots that conform to  
33 the requirements of this Code. Prior to any development on the land, a Major Subdivision  
34 shall comply with the following procedures:

35 i.a. Sketch Plan

36 Submit a Sketch Plan pursuant to Section 11.0-3.03(E). A Sketch Plan provides  
37 the applicant with an early opportunity to discuss the proposed subdivision in  
38 general terms and to receive preliminary, non-binding comments from the  
39 Development Review Committee. No approval is required. A Sketch Plan is

1 required for all applications for Major Subdivision, except for those applications  
2 submitted for land approved as a Planned Unit Development, Minor Site Plan, or  
3 Major Site Plan.

4 ii.b. Subdivision Master Plan

5 Submit and gain approval of a Subdivision Master Plan pursuant to Section  
6 11.03.03(F). The Subdivision Master Plan is required for all applications for  
7 Major Subdivision and represents a generalized land use plan and lot layout for  
8 the area proposed to be included within the subdivision. It allows evaluation of a  
9 proposed subdivision before detailed planning and engineering work is  
10 undertaken and before substantial expenses are incurred. The Development  
11 Review Committee shall review and provide a recommendation on the  
12 Subdivision Master Plan, followed by a review and recommendation by the  
13 Planning and Zoning Commission. The Board of County Commissioners shall  
14 review and approve, approve with conditions, or deny the Subdivision Master  
15 Plan.

16 iii.c. Preliminary Plat (Including Construction Plans)

17 Submit and gain approval of a Preliminary Plat (including Construction Plans)  
18 pursuant to Section 11.03.03(G). The Development Review Committee shall  
19 review and approve, approve with conditions, or deny the Preliminary Plat. After  
20 approval of a Preliminary Plat, constructions plans are reviewed and approved or  
21 denied by the Director.

22 iv.d. Final Plat

23 Submit and gain approval of a Final Plat pursuant to Section 11.03.03(H). The  
24 Development Review Committee shall review and provide a recommendation on  
25 the Final Plat, followed by a review and recommendation by the County  
26 Surveyor. The Board of County Commissioners shall review and approve or  
27 deny the Final Plat.

28 2. Minor Subdivision

29 A Minor Subdivision is a division of land into three (3) to twenty-four (24) lots that conform  
30 to the requirements of this Code. Prior to development on the land, a Minor Subdivision  
31 shall comply with the following:

32 a. Sketch Plan

33 Submit a Sketch Plan pursuant to Section 11.0-3.03(E). A Sketch Plan is  
34 required for all applications for Minor Subdivision, except for those applications  
35 submitted for lands approved as a Planned Unit Development, Minor Site Plan,  
36 or Major Site Plan.

37 b. Preliminary Plat (Including Construction Plans)

38 Submit and gain approval of a Preliminary Plat (including Construction Plans)  
39 pursuant to Section 11.03.03(G). The Development Review Committee shall  
40 review and approve, approve with conditions, or deny the Preliminary Plat. After

1 approval of a Preliminary Plat, constructions plans are reviewed and approved or  
2 denied by the Director.

3 c. Final Plat

4 Submit and gain approval of a Final Plat pursuant to Section 11.03.03(H). The  
5 Development Review Committee shall review and provide a recommendation on  
6 the Final Plat, followed by a review and recommendation by the County  
7 Surveyor. The Board of County Commissioners shall review and approve or  
8 deny the Final Plat.

9 3. Other Applications Not Seeking Subdivision

10 Development of land that is not required to be subdivided under the general terms of this  
11 Section that is subject to review as a Minor Site Plan, Major Site Plan, or Planned Unit  
12 Development after \_\_\_\_\_ (*insert effective date of these Code amendments*) shall  
13 comply with the Final Plat requirements of Section 11.03.03(H), even though no  
14 subdivision of the land is proposed. Plats submitted pursuant to this requirement shall be  
15 submitted with the application for Development Review (Section 11.03.02), shall comply  
16 with Chapter 177, Florida Statutes, and all applicable requirements of this Land  
17 Development Code, and shall not require an additional Development Review fee. The  
18 application shall not require a Sketch Plan, Subdivision Master Plan, or Preliminary Plat  
19 (Including Construction Plans).

20 4. Lot Split

21 A Lot Split is required prior to the division of land into two (2) lots or parcels that conform  
22 to the requirements of this Code (Section 11.03.03(I)).

23 5. ROW Abandonment and Plat Vacation

24 A Petition to Vacate Plat/Abandon is required to be approved prior to: vacation or  
25 abandonment of a plat (or any portion thereof), or public ROWs or easements (Section  
26 11.03.03(J)).

27 E. SUBDIVISION SKETCH PLAN

28 1. Description and Purpose

29 The intent of Sketch Plan review is to provide the developer with an opportunity to  
30 introduce a proposed subdivision to the Development Review Committee (DRC) and to  
31 familiarize the developer with a broad range of DRC considerations prior to the  
32 preparation of detailed plan documents. These considerations may include, but are not  
33 limited to, the applicable provisions of the Comprehensive Plan and this Code, other  
34 applicable County development policies and regulations, other development in the vicinity  
35 of the proposed subdivision, soil types, area drainage patterns, floodplain and floodprone  
36 areas, and the capability of the land to support the proposed development.

37 2. Applicability

38 a. Any application for a Major or Minor Subdivision, except applications for land  
39 approved as a Planned Unit Development, Minor Site Plan, or Major Site Plan,  
40 shall submit a Sketch Plan of the proposed subdivision to the Director.

1           b.       A developer may elect to bypass the Sketch Plan review and proceed directly to  
2           the Preliminary Plat review, upon requesting and receiving a written  
3           determination by the Director that the proposed subdivision does not lie wholly or  
4           partly in a floodprone area.

5           3.       Procedures

6           The submission and staff review of an application for Sketch Plan review is established  
7           in Sections 11.01.01-11.01.04 and 11.01.07, *Common Procedures*. The application  
8           shall be submitted to the Director, who shall review the application for completeness, and  
9           who shall forward complete applications to the DRC.

10          4.       Development Review Committee Review

11          The DRC shall review the application and meet with the applicant to provide feedback on  
12          the Sketch Plan. Unless the applicant receives a written determination from the Director  
13          that the proposed subdivision contains no floodprone areas pursuant to subsection (1)(b)  
14          above, the meeting with the DRC to discuss the Sketch Plan shall be a prerequisite to  
15          submission of a Subdivision Master Plan or Preliminary Plat, whichever is appropriate.<sup>114</sup>

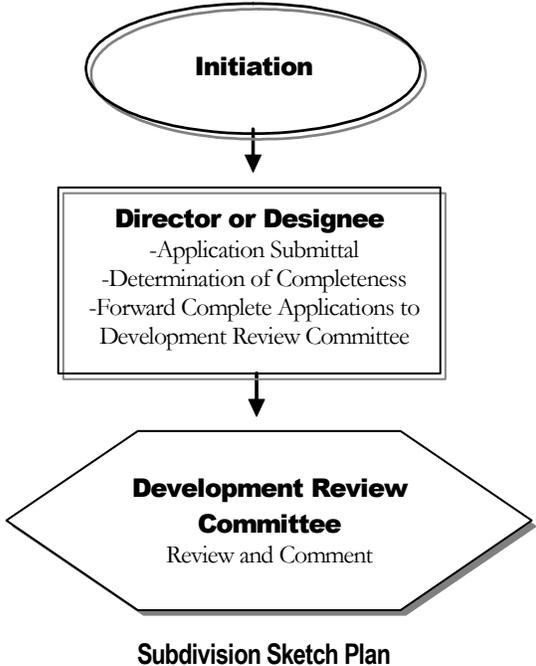
16          5.       Floodprone Areas

17          a.       If the DRC determines that the proposed subdivision lies within a floodprone  
18          area, the DRC shall provide written recommendations to the applicant regarding  
19          the level of development that may be acceptable in such areas. DRC  
20          recommendations may address preservation of land contour, species  
21          preservation, development and maintenance of aesthetic values such as scenic  
22          views, and maintenance of freedom of  
23          movement of wildlife.

24          b.       In defining the floodprone areas, the DRC shall  
25          consider topography, flood maps, soil  
26          conditions, vegetation, seasonal high-water  
27          table, man-made drainage systems and the  
28          storage capacity thereof, natural watersheds,  
29          watercourses and basins. The applicant shall  
30          provide the DRC with the information it deems  
31          necessary regarding these items.

32          6.       Effect of Review

33          The Sketch Plan is not part of a formal application for  
34          approval of a subdivision and any comments made by  
35          the County in reaction to a Sketch Plan, including the  
36          DRC's written recommendations on floodprone areas,  
37          shall not be binding on the County's consideration of  
38          any subsequent Subdivision Master Plan, Preliminary  
39          Plat, or Final Plat application. Since the Sketch Plan is



<sup>114</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 conceptual only, there are no applicable  
 2 lapse provisions applicable.<sup>115</sup>

3 F. SUBDIVISION MASTER PLAN

4 1. Description and Purpose

5 A Subdivision Master Plan is a generalized  
 6 land use plan and layout for the area  
 7 proposed to be included within a  
 8 subdivision. It allows early, informal  
 9 evaluation of a proposed subdivision before  
 10 detailed planning and engineering work is  
 11 undertaken and before substantial  
 12 expenses are incurred.

13 2. Applicability

14 Any application for Major Subdivision is  
 15 required to submit and gain approval of a  
 16 Subdivision Master Plan pursuant to this  
 17 Section. Approval of a Subdivision Master  
 18 Plan is a prerequisite to submission of a  
 19 Preliminary Plat for a Major Subdivision. A  
 20 Subdivision Master Plan is not required for  
 21 a Minor Subdivision.<sup>116</sup>

22 3. Procedures

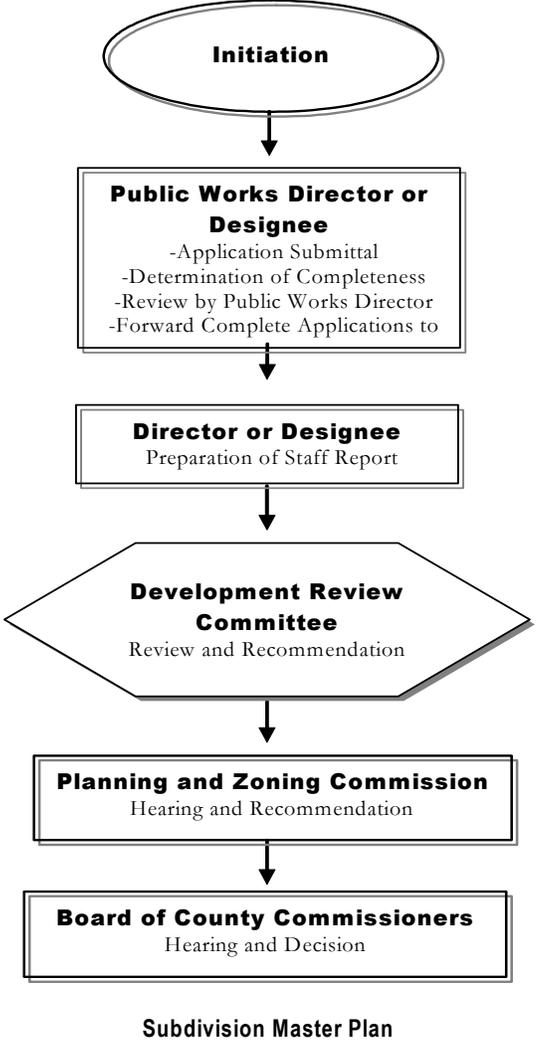
23 a. Submission and Review of  
 24 Application

25 The submission and staff review of  
 26 an application for a Subdivision  
 27 Master Plan is established in  
 28 Sections 11.01.01-11.01.04 and  
 29 11.01.07, *Common Procedures*.

30 Materials submitted for a Subdivision Master Plan shall not constitute a complete  
 31 application for a Preliminary Plat for the purposes of subsection (G) below,  
 32 unless they meet the requirements for a Preliminary Plat application set forth in  
 33 the Administrative Manual DC Manual. The application shall be submitted to the  
 34 Director.

35 b. Development Review Committee's Review and Recommendation

36 After submission of an application for Subdivision Master Plan approval,  
 37 determination of its completeness, and preparation of the Staff Report, the DRC  
 38 shall review the Subdivision Master Plan. Within 30 working days of receipt of  
 39 the Staff Report, the DRC shall recommend to approve, approve with conditions,



<sup>115</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>116</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 or deny the Subdivision Master Plan, based on the standards in subsection (4)  
2 below, *Subdivision Master Plan Standards*.

3 c. Planning and Zoning Commission Recommendation

4 After receipt of the DRC recommendation on the Subdivision Master Plan,  
5 scheduling of the hearing, and provision of notice, the Planning and Zoning  
6 Commission shall conduct a hearing on the application pursuant to Section  
7 11.02.02, *Other Hearings*. At the hearing, the Commission shall consider the  
8 application; the relevant support materials; the Staff Report; and any evidence  
9 and statements offered by the applicant, County staff, ~~adversely affected parties,~~  
10 and the public on the application. After the close of the public hearing, the  
11 Planning and Zoning Commission shall recommend to the Board of County  
12 Commissioners either to adopt a resolution approving, approving with conditions,  
13 or disapproving the Subdivision Master Plan, based on the standards in  
14 subsection (4) below, *Subdivision Master Plan Standards*.<sup>117</sup>

15 d. Board of County Commissioners Decision

16 After receipt of the Planning and Zoning Commission recommendation on the  
17 Subdivision Master Plan, the scheduling of the public hearing and public  
18 notification, the Board of County Commissioners shall conduct one public hearing  
19 on the application pursuant to Section 11.02.02, *Other Hearings*. At the public  
20 hearing, the Board of County Commissioners shall consider the application, the  
21 relevant support materials, the Staff Report, the DRC recommendation, the  
22 Planning and Zoning Commission recommendation, and any evidence and  
23 statements offered by the applicant, County staff, adversely affected parties, and  
24 the public on the application. After the close of the hearings, the Board of County  
25 Commissioners shall adopt a resolution approving, approving with conditions, or  
26 disapproving the Subdivision Master Plan, based on the standards in subsection  
27 (4) below, *Subdivision Master Plan Standards*.

28 4. Subdivision Master Plan Standards

29 A Subdivision Master Plan shall comply with the standards in Chapter VII: *Development*  
30 *Design and Improvement Standards*, and all other relevant portions of this Code, and (if  
31 applicable) be in substantial conformance with the Planned Unit Development or Major or  
32 Minor Site Plan approved for the land which it is a part.

33 5. Conditions

34 The Board of County Commissioners shall attach such conditions, limitations, or  
35 requirement to a Subdivision Master Plan as are necessary to carry out the standards of  
36 this Section, consistent with Section 11.01.14, *Conditions of Approval*.

37 6. Expiration of Subdivision Master Plan

38 Approval of a Subdivision Master Plan shall expire after two (2) years if no application for  
39 Preliminary Plat approval has been submitted for the land subject to the Subdivision  
40 Master Plan. The Board of County Commissioners may, at the request of the applicant,  
41 extend the effective period by one (1) additional year for good cause shown.

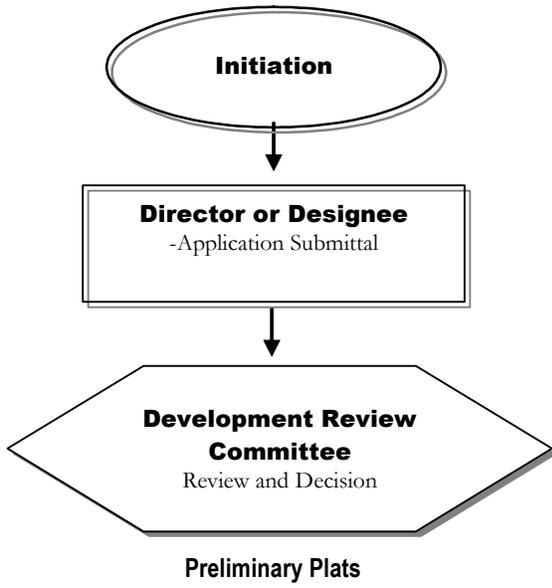
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<sup>117</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1           7.       Amendment  
 2                    A Subdivision Master Plan may be amended,  
 3                    extended, or modified only in accordance with the  
 4                    procedures and standards for their original approval.

5    G.       PRELIMINARY PLATS (AND CONSTRUCTION PLANS)

6           1.       Applicability  
 7                    All applications for Major or Minor Subdivision are  
 8                    required to submit and gain approval of a  
 9                    Preliminary Plat (and construction plans) pursuant to  
 10                   this Section. Approval of a Preliminary Plat (and  
 11                   construction plans) is a prerequisite to submission of  
 12                   a Final Plat. Building Permits for development may  
 13                   only be issued on land subject to these platting  
 14                   (subdivision) requirements after approval of a Final  
 15                   Plat.



16          2.       Procedures  
 17            a.       Submission and Review of Application

18                    1.       The submission and staff review of an application for Preliminary Plat  
 19                    (and construction plans) is established in Sections 11.01.01-11.01.04  
 20                    and 11.01.07, *Common Procedures*. All construction plans and  
 21                    Preliminary Plats prepared shall be in accordance with the requirements  
 22                    of Chapter 177, Florida Statutes. Where relevant, application submittals  
 23                    shall include all construction plans for any proposed utility improvements.

24                    2.       The application shall be submitted to and reviewed by the **Public Works**  
 25                    Director, who shall prepare the Staff Report and forward complete  
 26                    applications to the Development Review Committee.<sup>118</sup>

27            b.       Development Review Committee’s Decision

28                    1.       Within twenty (20) working days after the application is determined  
 29                    complete, the Development Review Committee shall review and  
 30                    approve, approve with conditions, or deny the application based on the  
 31                    standards in subsection (FG)(3), *Preliminary Plat Standards*. No  
 32                    construction approvals for any portion of a project shall be authorized  
 33                    until all utility and construction plans ~~are have been~~ approved in  
 34                    accordance with this Chapter.<sup>119</sup>

35                    2.       Within five (5) working days after the Development Review Committee  
 36                    determines the application complies with the standards in subsection  
 37                    (FG)(3), *Preliminary Plat Standards*, a written determination approving  
 38                    the Preliminary Plat shall be issued and provided to the applicant. The

<sup>118</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>119</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 applicant may then commence construction of required improvements in  
2 accordance with the approved Preliminary Plat and construction plans.

3 c. Public Works Director's Review of Construction Plans

4 1. Following approval of the Preliminary Plat, construction plans shall be  
5 submitted to the Public Works Director for review. Upon receipt of  
6 proposed construction plans the Public Works Director shall forward  
7 them to the Director and the Environmental Resources Director for  
8 review and comment on whether the construction plans are in substantial  
9 conformance with this Code. After receipt of their comments the Public  
10 Works Director shall review the construction plans, the comments from  
11 the Director and the Environmental Resources Director, and approve,  
12 approve with conditions or deny the construction plans based on whether  
13 they are in compliance with the requirements of this Code and ~~for~~  
14 consistency with the approved Preliminary Plat and the standards in  
15 subsection (F)(3) below, *Preliminary Plat Standards*.<sup>120</sup>

16 2. The Public Works Director shall notify the Board of County  
17 Commissioners of the approval of the ~~Preliminary Plat and~~ construction  
18 plans and the issuance of construction authorizations.<sup>121</sup>

19 3. Preliminary Plat Standards

20 a. General

21 A Preliminary Plat and construction plans shall comply with the standards in  
22 Chapter VII: *Development Design and Improvement Standards*, and all other  
23 relevant portions of this Code, and be in substantial conformance with the  
24 Subdivision Master Plan, site plan, or PUD Master Plan approved for the land  
25 which it is a part, whichever is appropriate.<sup>122</sup>

26 b. Geodetic Control

27 A minimum of two (2) boundary monuments for all plats shall be tied by a closed  
28 field traverse to the nearest approved St. Lucie County Geodetic Control Station  
29 and Azimuth Mark, or to other control points established by a Global Positioning  
30 System (GPS), or any St. Lucie County Traverse Stations, or any horizontal  
31 Control Stations which are listed with the National Geodetic Survey. Field  
32 traverse from the Plat Boundary to the control stations shall meet the minimum  
33 closure standards specified within Chapter 61G17-6, FAC.

34 4. Conditions

35 The ~~Development Review Committee Director~~ shall attach such conditions, limitations, or  
36 requirements to a Preliminary Plat and construction plans as are necessary to carry out

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<sup>120</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>121</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>122</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 the standards of this Section, consistent with Section 11.01.14, *Conditions of Approval*.  
2 <sup>123</sup>

3 5. Expiration of Preliminary Plat and Construction Plans

4 Approval of a Preliminary Plat and Construction Plans shall expire after one (1) year if no  
5 application for Final Plat approval ~~is has been~~ submitted for the land subject to the  
6 application. The ~~Director Development Review Committee~~ may, at the request of the  
7 applicant, extend its approval another year without the submission of a new Preliminary  
8 Plat by re-approving the original Preliminary Plat, provided that no development or  
9 change in requirements has occurred that would affect the proposed plat at the end of the  
10 year of an effective approval. A filing fee equal to one-third (1/3) of the original  
11 application fee is required for such re-approval.<sup>124</sup>

12 6. Amendment

13 A Preliminary Plat and construction plans may be amended, extended, or modified only in  
14 accordance with the procedures and standards for their original approval.

15 7. Dry Model Construction

16 The Board of County Commissioners shall by agreement allow a Building Permit(s) for a  
17 maximum of four (4) residential units to be issued after approval of a Preliminary Plat and  
18 construction plans but before approval of a Final Plat, provided no certificate of  
19 occupancy is issued prior to recordation of the Final Plat.

20 H. FINAL PLAT (AND AS-BUILT CONSTRUCTION PLANS)

21 1. General

22 a. General

23 Except pursuant to Section 11.03.~~0203~~(H)(4), *Recordation of Final Plat Prior to*  
24 *Construction of Required Improvements*, after approval of a Preliminary Plat (and  
25 construction plans), development subject to the platting requirements shall have  
26 their As-Built Construction Plans approved (Section 11.03.~~0203~~(H)(2)) and then  
27 gain approval of and record a Final Plat (Section 11.03.~~0203~~(H)(3)). Building  
28 Permits for development on land subject to platting requirements shall only be  
29 approved after approval of a Final Plat pursuant to the procedures and standards  
30 of this Section.

31 b. Construction of Required Improvements

32 Except pursuant to Section 11.03.~~0203~~(H)(~~24~~), *Recordation of Final Plat Prior to*  
33 *Construction of Required Improvements*, no Final Plat shall be recorded in the  
34 public records of St. Lucie County until all construction of required improvements  
35 has been completed, inspected, and approved in accordance with Section  
36 11.03.~~0203~~(H)(2), *Review of As-Built Construction Plans*.

<sup>123</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>124</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1           2.     Review of As-Built Construction Plans

2                 a.     Procedure

3                     1.     The submission and review of As-Built Constructions Plans is  
4                             established in Sections 11.01.01-11.01.04 and 11.01.07, *Common*  
5                             *Procedures*. In addition to the general application requirements,  
6                             application contents shall also include:

7                             a.     A signed and sealed professional engineer's certification that the  
8                                     constructed improvements were built in accordance with the  
9                                     approved construction plans;

10                            b.     A maintenance agreement consistent with provisions of Section  
11                                    11.06.00, *Guarantees and Sureties*; and

12                            c.     Two sets of As-Built Construction Plans signed and sealed by the  
13                                    professional engineer of record and the surveyor of record that  
14                                    encompass all required improvements. One (1) set of these  
15                                    required drawings shall be mylar reproducible. These drawings  
16                                    shall also include the information specified in the Administrative  
17                                    Manual~~LDC Manual~~.<sup>125</sup>

18                            The As-Built Construction Plans shall be submitted to, and the staff  
19                                    review on the application conducted by, the Public Works Director.

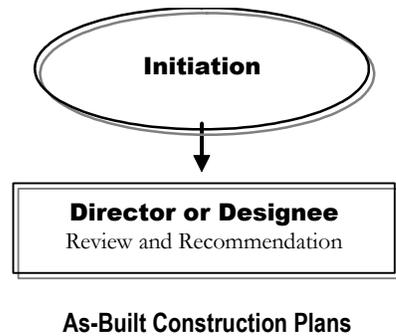
20                     2.     Within fifteen (15) working days after the As-Built Construction Plans are  
21                             determined complete, the Public Works Director shall review and  
22                             approve, approve with conditions, or deny the plans based on the  
23                             standards in subsection (H)(2)(b) below, As-Built Construction Plan  
24                             Standards.<sup>126</sup>

25                 b.     As-Built Construction Plan Standards<sup>127</sup>

26                     As-Built Construction Plans shall be  
27                     approved if the applicant demonstrates they  
28                     are in substantial conformity with the  
29                     Preliminary Plat (and construction plans) for  
30                     which they are prepared and completed.

31                 c.     Notification

32                     The Public Works Director shall notify the  
33                     applicant of a decision on the As-Built  
34                     Construction Plans within a reasonable  
35                     period of time after the decision on the  
36                     application.



<sup>125</sup> NOTE: List of submittal requirements removed.

<sup>126</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>127</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

3. Final Plat

a. General

After approval of As-Built Construction Plans pursuant to subsection (H)(2), *As-Built Construction Plans*, a Final Plat should be reviewed pursuant to the procedures and standards of this subsection.

b. Procedure <sup>128</sup>

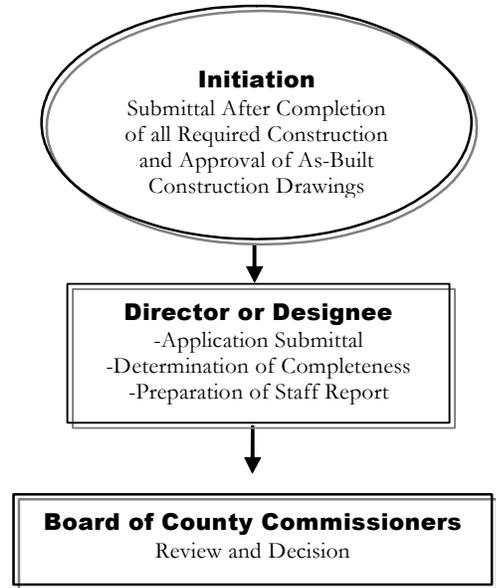
1. The submission and staff review of a Final Plat is established in Sections 11.01.01-11.01.04 and 11.01-07-11.01.08, *Common Procedures*. The Final Plat shall be submitted to and reviewed by the DirectorCounty Surveyor.

2. Within fifteen (15) working days after the Final Plat is determined complete, the Director County Surveyor shall review the application and support materials and prepare a Staff Report recommending whether the Final Plat complies with the standards in subsection (H)(3)(c) below, *Final Plat Standards*.

3. After receipt of the Staff Report from the DirectorCounty Surveyor, the Board of County Commissioners shall consider the application, the relevant support materials, the Staff Report, and any evidence and statements offered by the applicant, County staff, and the public on the application, and approve, approve with conditions, or deny the application for Final Plat based on the standards in subsection (H)(3)(c) below, *Final Plat Standards*.

4. If the Board of County Commissioners approves the Final Plat, the Chairman or Vice Chairman of the Board of County Commissioners shall sign the original and two (2) mylar copies.

5. If the Board of County Commissioners determines the application for Final Plat fails to comply with the standards in (H)(3)(c) below, *Final Plat Standards*, the Board shall return the application and plat to the applicant with a written explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval pursuant to the procedures of this subsection.



Final Plat

c. Final Plat Standards

<sup>128</sup> County staff and Consultant suggests giving Growth management Director staff responsibility for reviewing Final Plats.

1 A Final Plat shall be approved or approved with conditions if the applicant  
2 demonstrates by competent substantial evidence the Final Plat:

- 3 1. Complies with the requirements of Chapter 177, Florida Statutes;~~;~~
- 4 2. Is in substantial conformance with the Preliminary Plat (and construction  
5 plans) and the As-Built Construction Plans for which it is being  
6 approved;~~;~~
- 7 3. Contains the following certifications: \_\_\_\_; and
- 8 4. Complies with the standards and requirements of subsection (H)(3)(~~ef~~)  
9 below, *Covenants, Restrictions, Reservations*.

10 d. Requirements for Digital Plat Submissions

- 11 1. Prior to the recording of any Final Plat consisting of ten (10) or more lots,  
12 an electronic version of the Final Plat shall be provided to St. Lucie  
13 County showing all Final Plat survey data, in a file meeting the County's  
14 adopted technical specifications.
- 15 2. Proposed plats of less than ten (10) lots shall not be required to submit a  
16 digital copy of the Final Plat, except that where available, the submission  
17 of this material is encouraged.

18 e. Recordation of Final Plat

19 After approval of the Final Plat, the applicant shall furnish one (1) original and  
20 two (2) mylar reproducible copies of the Final Plat, along with a check payable to  
21 the Clerk of the Circuit Court to cover the cost of recording the plat(s). The  
22 ~~Public Works~~ Director shall then be directed to have the approved Final Plat  
23 recorded in the public records of St. Lucie County. When the Final Plat has been  
24 recorded, the original record plat shall be retained by the Clerk of the Court,  
25 along with one (1) of the mylar copies. The remaining mylar copy shall be  
26 retained on file in the Office of the County Engineer.

27 f. Covenants, Restrictions, Reservations

- 28 1. All covenants, restrictions, or reservations placed by the developer or  
29 required by this Code shall appear on the Final Plat or be established by  
30 separate recorded document, which documents shall be submitted to the  
31 County Attorney for review and approval with the Final Plat. If done by  
32 separate document, the public record location of such documents shall  
33 be indicated beneath the subdivision name as follows: "Covenants,  
34 restrictions, or reservations affecting the ownership or use of the property  
35 shown in this plat are filed in Official Record Book No. \_\_\_\_, page  
36 \_\_\_\_\_."
- 37 2. When deemed necessary by the county's Utilities Director to ensure the  
38 proper future expansion of utilities services, a covenant document shall  
39 be filed with the plat that includes the following statement: "In the future,  
40 when a potable water distribution and/or a wastewater collection system  
41 becomes available to service the subdivision, service improvements and

connections shall be made by the homeowners' association, or by the property owners, to all lots and shall be paid by the homeowners' association or by the property owners". All deeds conveying properties within the subdivision shall reference the covenant document.

g. Amendments

A Final Plat may be amended, extended, or modified only in accordance with the procedures and standards for its original approval.

4. Recordation of Final Plat Prior to Construction of Required Improvements

Any person who has received approval of a Preliminary Plat (and construction plans) may elect to have the Final Plat recorded prior to the completion of construction of required improvements and sale the subdivided land.

a. Procedure

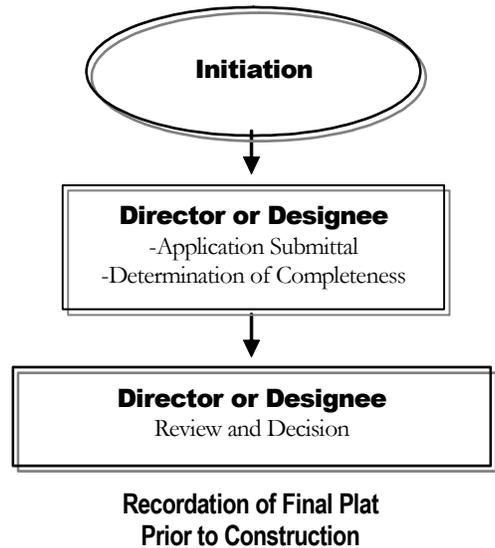
1. The submission and staff review of an application for Final Plat prior to construction of Required Improvements (and approval of As-Built Construction Plans) is established in Sections 11.01.01-11.01.04 and 11.01.07, *Common Procedures*. The application shall be submitted to and the staff review on the application conducted by the ~~Public Works~~ Director.

2. After the application is determined complete, the ~~Public Works~~ Director shall review and approve, approve with conditions, or deny the application, based on the standards in subsection (b) below, *Standards*.

b. Standards

A Final Plat shall be approved, approved with conditions, or denied prior to the construction of Required Improvements if the applicant demonstrates the application complies with all of the following standards:

1. The County Engineer has approved a certified construction cost estimate from the project engineer for the value of all approved/required improvements in the area for which Final Plat approval is sought.
2. Adequate security has been provided in accordance with the provisions of Section 11.06.00, *Guarantees and Sureties*.
3. The Final Plat complies with the standards for approval of Final Plats in Section 11.03.0203(H)(3)(c), *Standards*.



1 I. LOT SPLITS<sup>129</sup>

2 1. Generally

3 The Public Works Director may approve a Lot Split, where a parcel of land is being  
 4 divided into two (2) separate lots or parcels that conform to the requirements of this  
 5 Section.

6 2. Application Contents

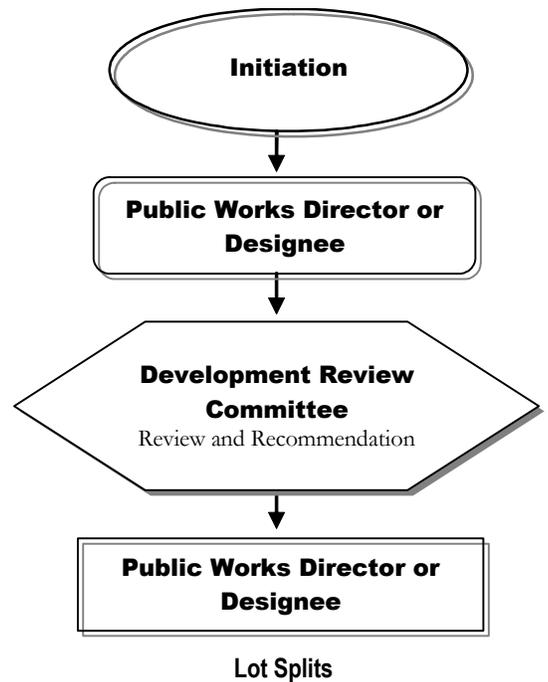
7 An applicant developer requesting a Lot Split shall submit an application to the Public  
 8 Works Director along with supporting materials specified in the Administrative  
 9 Manual~~DC Manual~~.<sup>130</sup>

10 3. Procedure for Review

11 a. The Public Works Director shall  
 12 transmit a copy of the proposed Lot  
 13 Split to the appropriate departments of  
 14 the County for review and comments.

15 b. The review of all Lot Splits shall be in  
 16 accordance with the procedures  
 17 described for Minor Site Plans in  
 18 Section 11.03.02.

19 c. If the proposed Lot Split meets the  
 20 conditions of this Section and  
 21 otherwise complies with all applicable  
 22 laws and ordinances, the Public Works  
 23 Director shall approve the Lot Split by  
 24 signing the application form.



25 **ADD DRC REVIEW**

26 4. Standards for Review

27 All Lot Splits shall conform to the following  
 28 standards:

29 a. Each proposed lot must conform to the requirements of this Code.

30 b. Each lot shall abut a public or private street (except as hereinafter provided) for  
 31 the required minimum road frontage for the zoning district where the lots are  
 32 located.

33 c. If any lot abuts a street right-of-way that does not conform to the design  
 34 specifications provided in this Code, the owner shall be required to dedicate one

<sup>129</sup> NOTE: The term “minor replats” has been removed from this section. Florida Statutes Section 177.051(2) does not acknowledge minor replats. All replats require BCC approval and could not be decided by the Public Works Director.

<sup>130</sup> NOTE: List of submittal requirements removed.

1 half (1/2) the right-of-way width necessary to meet the minimum design  
2 requirements.

3 5. Recordation

4 Upon approval of the Lot Split, the Public Works Director shall record the Lot Split on the  
5 appropriate maps and documents, and shall, at the ~~developer's~~ applicant's expense,  
6 record the Lot Split in the public records of the County.

7 6. Restriction

8 No further division of an approved Lot Split is permitted unless a Final Plat is prepared  
9 and submitted in accordance with Section 11.03.03(H), *Final Plat*.

10 J. ROW ABANDONMENT AND PLAT VACATION

11 1. General

12 The provisions of this Section shall apply to all plats, rights-of-way, and easements under  
13 the jurisdiction and control of the Board of County Commissioners.

14 2. Applicability

15 a. Petitioners for Abandonment of Plats

16 Any person desiring to abandon or vacate a plat, or any portion thereof, including  
17 public easements, shall be required to submit a Petition to Vacate/Abandon  
18 pursuant to Section 177.101, Florida Statutes, and the provisions of this Section.

19 b. Petitions for Abandonment of Rights of Way

20 Any person desiring to abandon the public's interest in and to any right-of-way  
21 shall be required to submit a Petition to Vacate/Abandon pursuant to this Section.

22 3. Procedure

23 a. Notice of Intent to File Petitions to Vacate Plat/ROW

24 Immediately prior to filing a petition to vacate a plat with the County Engineer, the  
25 petitioner shall publish a notice of intent to vacate in a newspaper of general  
26 circulation in the County once weekly for two (2) consecutive weeks. The notice  
27 of intent to vacate plat shall state the intent of the petitioner to file a Petition to  
28 Vacate Plat pursuant to this Section and Chapter 177, Florida Statutes.

29 b. Submission and Review of Application

30 1. The submission and staff review of an application for Petition to Vacate  
31 Plat are established in Sections 11.01.01-11.01.08, *Common*  
32 *Procedures*, except (1) unless initiated by the County, any application for  
33 Petition to Vacate/Abandon shall be signed by all owners of abutting  
34 property and (2) the application fee shall be waived by the Board of  
35 County Commissioners in instances where the petitioner conveys land  
36 designated on the County Thoroughfare Network Right-of-Way

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Protection Plan for County rights-of-way which is proportionate to those lands being abandoned. In addition, the Board may reject a petition if a petition covering the same lands had been considered at any time within six (6) months of the date the later petition is submitted.

2. The application shall be submitted to and the staff review on the application conducted by the County Attorney . In addition, and if conditions are to be recommended, the County Attorney shall provide petitioner, in writing, a Notification of Conditions, which identifies the conditions the County Attorney recommends be performed as part of the ROW Abandonment ~~or~~ and Plat Vacation. The Notification of Conditions shall be provided to petitioner prior to completion of the Staff Report.

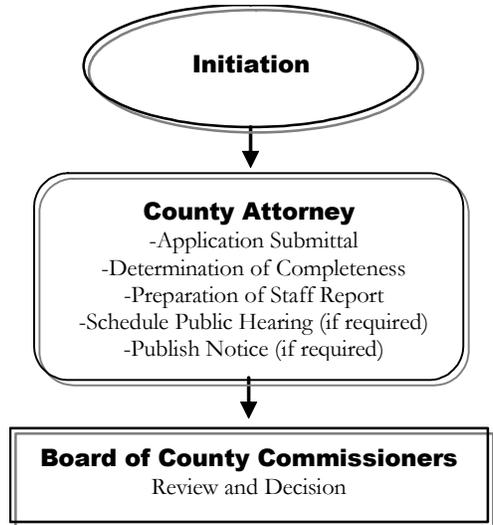
3. Within sixty (60) days of receipt of the County Attorney's Notification of Conditions, the petitioner shall notify the County Attorney whether petitioner agrees to comply with or disagrees with the conditions. Petitioner's failure to respond to the County Attorney 's Notification of Conditions within the required time may result in a recommendation of denial in the Staff Report.

4. After receipt of petitioner's response to the Notification of Conditions, the County Attorney shall complete the Staff Report.

c. Board of County Commissioners Decision

1. In instances where a public hearing is required (abandonment of County ROW and public easements for drainage of County ROW), after receipt of the Staff Report and the scheduling of the public hearing and public notification, the Board of County Commissioners shall conduct a hearing on the application in accordance with Section 11.02.02, *Other Hearings*. At the public hearing, the Board shall consider the application, the relevant support materials, the Staff Report, and any evidence and statements offered by the applicant, County staff, and the public on the application. ~~Within a reasonable period of time a~~ After the conclusion of the public hearing, the Board of County Commissioners shall adopt a resolution approving, approving with conditions, or disapproving the Petition to Vacate Plat ~~or ROW~~, based on the standards in subsection (J)(4) below, *Standards*.

2. In instances where a public hearing is not required (any vacation or abandonment not including a County right-of-way or public easement for



**ROW Abandonment and Plat Vacation**

1 drainage purposes which services a County right-of-way), after receipt of  
2 the Staff Report and the scheduling of the application for consideration at  
3 a regularly scheduled Board of County Commissioners meeting, the  
4 Board shall consider the application, the relevant support materials, the  
5 Staff Report, and any evidence and statements offered by the applicant,  
6 County staff, and the public on the application. Within a reasonable  
7 period of time after the conclusion of the public hearing, the Board of  
8 County Commissioners shall adopt a resolution approving, approving  
9 with conditions, or disapproving the Petition to Vacate Plat or ROW,  
10 based on the standards in subsection (J)(4) below, *Standards*.

11 4. Standards

12 An application for a Petition to Vacate/Abandon shall be approved upon a finding that all  
13 the following standards are met:

14 a. General

15 The proposed vacation and or abandonment and reversion to acreage of  
16 unsubdivided land is consistent with the St. Lucie County Comprehensive Plan.  
17 <sup>131</sup>

18 b. Access to Water

19 No right-of-way, road, street, or public access way providing access to any  
20 publicly accessible waters in the County is closed, vacated, or abandoned except  
21 when the petitioner substitutes land that provides comparable access to the  
22 same body of water than as the land that is being vacated or abandoned.

23 5. Resolution Approving Petition to Vacate

24 If the Board of County Commissioners adopts a resolution approving a Petition to Vacate,  
25 the petitioner shall be responsible for ensuring:

26 1.a. Proof of Publication of Public Hearing

27 Proof of publication of notice for the public hearing is given to the County  
28 Attorney.

29 2.b. Notice of Adoption

30 Notice of the resolution thereof is published one (1) time in a newspaper of  
31 general circulation in the County within thirty (30) days of the date of adoption of  
32 the resolution. Petitioner shall provide proof of publication of the notice of  
33 adoption of the resolution to the County Engineer.

34 3.c. Recordation of Resolution <sup>132</sup>

35 A certified copy of the resolution and public notification is filed in the public  
36 records in accordance with Section 177.101 or Section 336.10, Florida Statutes,

<sup>131</sup> NOTE: Standards proposed by Consultant since initial draft.

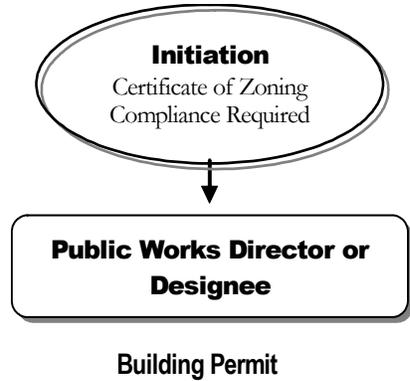
<sup>132</sup> NOTE: Recordation paragraph needs to be included in other places.



1           2.     Procedure

2           a.     Submission and Review of Application

3           The procedures and requirements for  
4           submission and review of an application for a  
5           Building Permit are established in Sections  
6           11.01.01-11.01.04 and 11.01.07, *Common*  
7           *Procedures*. An application for a Building  
8           Permit shall be accompanied by a copy of a  
9           survey of the property on which the  
10          requested activity is to be permitted. All  
11          surveys shall completely depict the  
12          information specified in the Administrative  
13          ManualLDC Manual.<sup>134</sup> In addition, the  
14          application shall be accompanied by a scale  
15          drawing of the building and a plot plan  
16          showing the proposed sewage disposal  
17          system. (Copies of these plans shall be  
18          submitted to the St. Lucie County Health  
19          Department or the Florida Department of  
20          Environmental Protection (FDEP) for the issuance of the appropriate sewage  
21          permit.)



22          b.     Action by Public Works Director

23          After submission of the application and determination of its completeness, the  
24          Public Works Director or a designee shall review and take action on the  
25          application for a Building Permit. The Building Permit shall comply with the  
26          standards in subsection (A)(3) below, *Building Permit Standards*.

27          3.     Building Permit Standards

28          A Building Permit shall be approved upon a finding:

29          a.     Compliance with Chapter XIII

30          The application is in compliance with the standards and requirements of Chapter  
31          XIII: *Building Regulations and Public Works Construction Manual*; and

32          b.     Method of Sewage Disposal

33          Either the St. Lucie County Health Department or the Florida Department of  
34          Environmental Protection (FDEP) has approved a method of sewage disposal for  
35          the development.

36          4.     Time Limitation of Building Permits

37          a.     General

<sup>134</sup> NOTE: List of submittal requirements removed.

1 A Building Permit shall expire and become null and void if work authorized by the  
2 permit is not commenced, having called for and received a satisfactory  
3 inspection, within six (6) months from the date of issuance of the permit, or if the  
4 work is not completed within eighteen (18) months from the date of issuance of  
5 the Building Permit. The time may be extended by the Public Works Director or a  
6 designee if any of the following occur:<sup>135</sup>

7 1. A time schedule is submitted and approved by the Public Works  
8 Director~~building official or a designee~~, predicated upon customary time  
9 for construction of similar buildings, prior to the issuance of the Building  
10 Permit, indicating completion of construction in excess of 18 months;  
11 or,<sup>136</sup>

12 2. The applicant furnishes the Public Works Director or a designee ~~building~~  
13 ~~official~~ satisfactory written evidence the delay is due to the unavailability  
14 of construction supplies or materials, and every effort has been made to  
15 obtain substitute materials equal to those called for in the specifications;  
16 or,<sup>137</sup>

17 3. The delay is due to delay in delivery of construction supplies or  
18 materials; or

19 4. The delay is due to fire, weather conditions, civil commotion, or strike; or

20 5. An act of God or extraordinary circumstances cause construction delays.

21 ~~5. Except in cases of extraordinary circumstances, increased costs of building~~  
22 ~~materials or supplies or financial hardship shall not be considered by the~~ Public  
23 Works Director or a designee ~~building official~~ as cause for continuation of the  
24 Building Permit.<sup>138</sup>

25 b. General Expiration

26 Notwithstanding any of the above provisions, an owner-builder Building Permit  
27 shall expire within twenty-four (24) months from the date of issuance of the  
28 Building Permit if the work is not completed, except that the time may be  
29 extended by the Public Works Director or a designee ~~building official~~ for a period  
30 not to exceed eighteen (18) months if any of the conditions outlined in  
31 paragraphs (a)(1) through (4) occur.<sup>139</sup>

32 5. Abandonment or Suspension of Construction

33 If an applicant, having called for and received a satisfactory inspection, has commenced  
34 construction within six (6) months of the date of issuance of the Building Permit, and the

<sup>135</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>136</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>137</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>138</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>139</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 construction is subsequently abandoned or suspended, not having called for and  
2 received a satisfactory inspection within the last six (6) months, for reasons other than  
3 those enumerated in subsection (4) above, the permit shall expire and become null and  
4 void unless the permittee demonstrates good cause at a hearing before the Board of  
5 Adjustment as to the reasons for the suspension or abandonment of the project. If the  
6 Board finds that good cause is shown for the suspension or abandonment of the project,  
7 the permittee shall be allowed to continue construction under the original permit. The  
8 decision of the Board is final.

9 6. Null and Void or Expired Permits

10 a. Unsafe Development That Constitutes a Nuisance

11 If the Building Permit becomes null and void or expires, the Public Works Director  
12 or a designee building official shall inspect the development and determine  
13 whether the development is unsafe and constitutes a nuisance pursuant to  
14 Section 2-5-41 of the Code of Ordinances of St. Lucie County, Florida. If the  
15 Public Works Director or a designee building official determines the development  
16 is unsafe and constitutes a nuisance, the Public Works Director or a designee  
17 building official shall submit a report of the inspection to the Board of County  
18 Commissioners for action by the Board pursuant to Section 2-5-43 of the Code of  
19 Ordinances of St. Lucie County.<sup>140</sup>

20 b. New Building Permit Required If Permit Expires

21 In order to continue construction once a Building Permit becomes null and void or  
22 expires, the permittee shall re-apply and obtain a new Building Permit covering  
23 the proposed construction before proceeding with construction. The permittee  
24 shall comply with all regulations in existence at the time application is made for a  
25 new Building Permit.

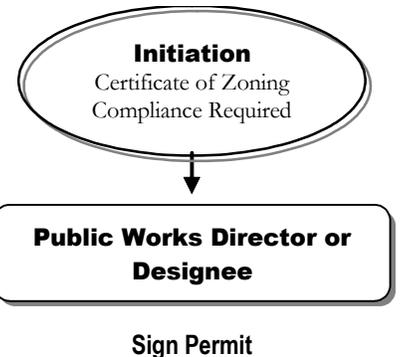
26 B. SIGN PERMIT

27 1. Purpose

28 The purpose of this Section is to provide a mechanism for reviewing applications for Sign  
29 Permits to ensure all signs within the unincorporated County comply with the standards of  
30 Chapter IX: *Signs*.

31 2. Applicability

32 No sign, except those exempted pursuant to Section  
33 9.04.00, *Permit Exemptions*, shall be erected, placed,  
34 constructed or structurally altered without the sign owner  
35 having first obtained a Sign Permit from the Public Works  
36 Director or a designee pursuant to this Section. In  
37 accordance with Section 9.00.00, no Sign Permit shall be  
38 issued for development without the issuance of a concurrent  
39 Certificate of Zoning Compliance under Section  
40 11.03.01(G), *Certificate of Zoning Compliance*.



41 3. Procedure

<sup>140</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 a. Submission and Review of Application

2 The procedures and requirements for submission and review of an application for  
3 a Sign Permit are established in Sections 11.01.01-11.01.04 and 11.01.07,  
4 *Common Procedures*.

5 b. Action by Public Works Director

6 After submission of the application and determination of its completeness, the  
7 Public Works Director or a designee shall review and take action on the  
8 application for a Sign Permit. The Sign Permit shall comply with the standards in  
9 subsection (B)(4) below, *Sign Permit Standards*.

10 4. Sign Permit Standards

11 A Sign Permit shall be approved upon a ~~finding~~ Finding the application complies with the  
12 standards of Chapter IX: *Signs*.

13 5. Conditions

14 In approving a Sign Permit, the Public Works Director or a designee may impose  
15 appropriate conditions on the permit approval pursuant to Section 11.01.14, *Conditions of*  
16 *Approval*.

17 6. Expiration

18 If a sign approved pursuant to this Section is not established within six (6) months from  
19 the date of issuance of the Sign Permit, the Sign Permit shall automatically expire and be  
20 null and void.

21 7. Amendments

22 A Sign Permit may be amended, extended, or modified only in accordance with the  
23 procedures established for its original approval.

24 C. DRIVEWAY PERMIT

25 1. Purpose

26 The purpose of this Section is to provide a mechanism for reviewing applications for  
27 Driveway Permits to ensure any person seeking to construct or reconstruct any curb cut  
28 or driveway on any County-maintained public road in the unincorporated County complies  
29 with the standards in Section 7.05.06, *Driveways*.

30 2. Applicability

31 No person shall construct or reconstruct any curb cut or driveway on any County-  
32 maintained public road in the unincorporated County without first having obtained a  
33 Driveway Permit from the County Engineer or a designee pursuant to this Section.

34 3. Procedure

35 a. Submission and Review of Application

1 The procedures and requirements for submission and review of an application for  
2 a Driveway Permit are established in Sections 11.01.01-11.01.04 and 11.01.07,  
3 *Common Procedures*.

4 b. Action by ~~Public Works Director~~County Engineer<sup>141</sup>

5 Within thirty (30) working days of the date after the County Engineer or a  
6 designee determines an application for a Driveway Permit is complete, ~~t~~The  
7 County Engineer or a designee shall review and take action on the application.  
8 The Driveway Permit shall comply with the standards in subsection (C)(4) below,  
9 *Driveway Permit Standards*.<sup>142</sup>

10 4. Driveway Permit Standards

11 A Driveway Permit shall be approved upon a finding the  
12 application complies with the standards of Section  
13 7.05.06, *Driveways*.

14 5. Conditions

15 In approving a Driveway Permit, the County Engineer  
16 may impose appropriate conditions on the permit  
17 approval pursuant to Section 11.01.14, *Conditions of*  
18 *Approval*.

19 6. Issuance of Driveway Permit

20 Following approval of an application for a Driveway Permit, the County Engineer or a  
21 designee shall issue a Driveway Permit that shall take effect on the date issued.

22 7. Notification

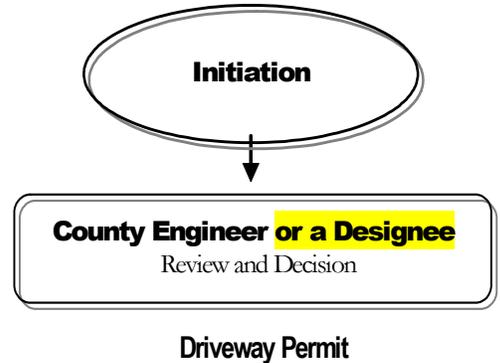
23 Notification of the decision on a Driveway Permit shall be mailed to the applicant and filed  
24 in the office of the County Engineer.

25 8. Appeal

26 a. Procedure for Appeal

27 1. The decision of the County Engineer or a designee on a Driveway Permit  
28 may be appealed by any person aggrieved by the decision to the Board  
29 of County Commissioners by filing a Notice of Appeal with the Board of  
30 County Commissioners and the County Engineer or a designee within  
31 ten (10) days after rendition of the decision.

32 2. Upon the filing of the Notice of Appeal the County Engineer or a  
33 designee shall forward to the Board of County Commissioners the  
34 application and all materials submitted on the application, as well as any  
35 other materials used in its review.



<sup>141</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>142</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

- 1                                   3.       The Board of County Commissioners shall render a decision on the  
2                                    appeal within ~~thirty (30)~~ days after a Notice of Appeal is filed. The  
3                                    appellant shall be notified by certified mail of the time, date, and place of  
4                                    the hearing on the appeal.<sup>143</sup>
- 5                                   4.       Notification of the Board of County Commissioners decision shall be  
6                                    mailed to all parties and filed with the County Engineer.

7                                   b.       Standards for Review of Appeal

8                                    In addition to determining whether the requirements set forth in Section 7.05.06,  
9                                    *Driveways*, is met, the Board of County Commissioners shall consider whether  
10                                   the proposed driveway is detrimental or injurious to surrounding properties,  
11                                   substantially increases traffic congestion, or endangers the public safety. The  
12                                   Board may reverse or modify the decision of the County Engineer only upon  
13                                   demonstration by competent substantial evidence that compliance with the  
14                                   provisions of Section 7.05.06, *Driveways*, deprives the applicant of all reasonable  
15                                   access to the development site.

- 16                                9.       Expiration
- 17                                    If the development approved in a Driveway Permit is not completed within twelve (12)  
18                                    months from the date of issuance of the Driveway Permit, the Driveway Permit shall  
19                                    automatically expire and be null and void.

- 20                                10.      Amendments
- 21                                    A Driveway Permit may be amended, extended, or modified only in accordance with the  
22                                    procedures established for its original approval.

23   D.       VEGETATION REMOVAL PERMIT

- 24                                1.       Purpose
- 25                                    The purpose of this Section is to provide a mechanism for reviewing applications for a  
26                                    Vegetation Removal Permits to ensure any person seeking to remove or alter protected  
27                                    vegetation from land in the unincorporated County complies with the standards in Section  
28                                    6.00.05, *Criteria Governing Issuance of a Permit*.

- 29                                2.       Applicability
- 30                                    Unless exempted pursuant to subsection (3) below, *Exemptions*, no person shall remove  
31                                    or alter protected vegetation on land in the unincorporated County without first obtaining  
32                                    a Vegetation Removal Permit pursuant to this Section.

- 33                                3.       Exemptions<sup>144</sup>
- 34                                    The development and activities exempted from this Section are identified in Section  
35                                    6.00.04 of this Code. Notwithstanding anything to the contrary in this Code, the activities  
36                                    set forth below shall not require the issuance of a Vegetation Removal Permit. The

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<sup>143</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.  
<sup>144</sup> ~~NOTE: This list of exemptions has been relocated here from Section 6.00.04 in the current Code and should be removed from that section.)~~

~~burden of proving entitlement to any particular exemption shall lie, at all times, with the person claiming the exemption. These exemptions shall not apply to the removal or alteration of any mangrove tree, dune vegetation or native trees protected as per Section 6.00.05(D).<sup>145</sup>~~

~~a. The removal or alteration of any protected vegetation as necessary for the following activities:~~

~~1. The clearing of a path not to exceed four (4) feet in width to provide physical access or view necessary to conduct a survey or site examination for the preparation of bona fide site development plans or vegetation inventories; or~~

~~2. The clearing of a path not to exceed ten (10) feet in width to provide vehicular access necessary to conduct soil percolation or soil bore tests, provided such clearing or removal is conducted under the direction of Florida registered surveyor or engineer.~~

~~Any person who intends to remove or alter any protected vegetation pursuant to the above exemption must notify the Public Works Director in writing at least two (2) days prior to the commencement of the removal or alteration.~~

~~b. Routine landscape maintenance such as trimming or pruning of protected vegetation which is not intended to result in the eventual death of the vegetation, mowing of yards or lawns, or any other landscaping or gardening activity which is commonly recognized as routine maintenance, replacement or relandscaping.~~

~~c. The removal or alteration of any protected vegetation in an existing utility easement or right of way provided such work is done by or under the control of the operating utility company and that company has obtained all necessary licenses or permits to provide utility service through the easement.~~

~~d. The removal or alteration of any protected vegetation for the purpose of maintaining existing access to a site.~~

~~e. The removal or alteration of protected vegetation undertaken by a lawful operating and bona fide commercial nursery, tree farm, agricultural operation, ranch, or similar operation, provided that the removal or alteration is performed on land owned or lawfully occupied by the person conducting the above operation and is performed pursuant to that operation. When removal or alteration of protected vegetation, other than routine maintenance, has been performed under this exemption no development order shall be approved for any other use or improvement on the same land within either:~~

~~1. Two (2) years from the date of completion of such vegetation removal or alteration provided that an agricultural classification has been granted for that land by the St. Lucie County Property Appraiser; or,~~

~~2. Eight (8) years from the date of completion of such vegetation removal or alteration if no agricultural classification has been granted by the St. Lucie County Property Appraiser.~~

<sup>145</sup> NOTE: Language deleted by County staff and Consultant to clarify procedure in Code, at suggestion of Environmental Resources Director, to move exemptions back to their original location in LDC.

~~No removal or alteration of protected vegetation shall be conducted pursuant to this exemption unless the person conducting that removal or alteration notifies the Public Works Director, in writing, of the intent to remove or alter protected vegetation pursuant to this exemption at least ten (10) days prior to the initiation of the removal or alteration.~~

~~f. The removal of protected vegetation which has been destroyed or damaged beyond saving by natural causes or causes not covered by other sections of this Chapter or which constitutes an immediate peril to life, property, or other trees.~~

~~g. The removal or alteration of protected vegetation, except mangrove or dune vegetation or native trees protected as per Section 6.00.05(D), upon any detached single family residential lot or parcel of land having an area of one (1) acre or less. This exemption is, however, subject to the following conditions:~~

~~1. Nothing in this exemption shall exempt any person from the landscaping requirements set forth in Section 7.09.00 of this Code;~~

~~2. This exemption shall not be construed to allow the removal or alteration of protected vegetation without a Vegetation Removal Permit on any exempted lot or parcel of land by its subdivider unless the subdivider intends in good faith to construct a residential unit or units upon the lot or parcel of land prior to its sale. Advertisement or listing the lot or parcel of land for sale without a residential unit shall create a presumption that the subdivider does not intend to construct such a unit and that the intent is for a subsequent purchaser to develop the lot or parcel.~~

~~3. No protected tree twenty-four inches (24), or greater, dbh shall be removed from any residential parcel (including those in the AG-5, AG-2.5, AG-i, AR-i, RE-i, and R/C zoning districts), regardless of parcel size, except for bona fide agricultural uses, without an approved Vegetation Removal Permit and an approved mitigation plan, except that the Public Works Director may waive the requirements for mitigation on individual residential lots 1/2 acre or less where a protected tree 24" dbh or greater must be removed in order to provide for the reasonable use of the property.~~

~~h. Vegetation removal or required by law, ordinance, or the lawful exercise of some other public or governmental authority.~~

~~i. Mining activities undertaken pursuant to a valid mining permit issued under Section 11.05.11 of this Code.~~

~~j.a. The removal or alteration of any nonprotected vegetation.~~

1           4.     Procedure

2                 a.     Submission and Review of Application

3                     The procedures and requirements for submission and review of an application for  
4                     a Vegetation Removal Permit are established in Sections 11.01.01-11.01.04 and  
5                     11.01.07, *Common Procedures*. By submission of an application for a Vegetation  
6                     Removal Permit, the applicant expressly extends permission to the  
7                     Environmental Resources Director or a designee to inspect the site subject to the  
8                     Vegetation Removal Permit for the purpose of determining whether the proposed  
9                     removal or alteration of protected vegetation complies with the standards of  
10                    subsection (D)(5) below, Vegetation Removal Permit Standards.

11                 b.     Action by Environmental Resources Director

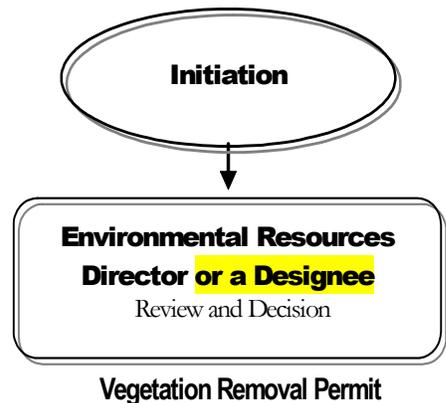
12                    Within twenty (20) working days of the date the application is determined  
13                    complete, the Environmental Resources Director or a designee shall review the  
14                    application, conduct an inspection of the site proposed for the alteration or  
15                    removal of protected vegetation and approve, approve with conditions, or deny  
16                    the application based on the standards of subsection (D)(5) below, *Vegetation*  
17                    *Removal Permit Standards*.

18           5.     Vegetation Removal Permit Standards

19                    A Vegetation Removal Permit shall be approved upon  
20                    a finding-Finding the application complies with the  
21                    standards of Section 6.00.05, *Criteria for Governing*  
22                    *Issuance of a Permit*.

23           6.     Conditions

24                    In approving a Vegetation Removal Permit, the  
25                    Environmental Resources Director or a designee may  
26                    impose appropriate conditions on the permit approval  
27                    pursuant to Section 11.01.14, *Conditions of Approval*.



28           7.     Notification

29                    Notification of the decision on a Vegetation Removal  
30                    Permit shall be mailed to the applicant and filed in the office of the Environmental  
31                    Resources Director.

32           8.     Display of Vegetation Removal Permit

33                    Once issued, a Vegetation Removal Permit shall be prominently displayed by the  
34                    applicant on the site subject to the permit.

35           9.     Expiration

36                 a.     Vegetation Removal Permit Approved Concurrent with Final Development Order

37                    A Vegetation Removal Permit approved concurrent with a Final Development  
38                    Order shall be valid for the life of the Final Development Order. The Vegetation

1 Removal Permit may be extended, for good cause, by the Environmental  
2 Resources Public Works Director or a designee, at any time an extension is  
3 approved for the Final Development Order. The Vegetation Removal Permit shall  
4 automatically expire and become null and void upon the expiration of the Final  
5 Development Order.<sup>146</sup>

6 b. Vegetation Removal Permit Not Approved with Final Development Order

7 A Vegetation Removal Permit that is not approved concurrent with a Final  
8 Development Order shall remain valid for a term of six (6) months. If the work  
9 authorized in the permit is not commenced within this time period, the permit  
10 shall automatically expire and become null and void. One (1) extension of the  
11 permit may be granted by the Environmental Resources Public Works Director or  
12 a designee for a second six (6) -month period of time, for good cause. The  
13 applicant requesting the extension shall make such a request for extension, in  
14 writing to the Environmental Resources Public Works Director or a designee,  
15 prior to the expiration of the permit. If the Environmental Resources Public  
16 Works Director or a designee determines that site conditions have changed  
17 substantially from the date of issuance of the initial permit as a result of natural  
18 growth of trees and vegetation, or high winds, hurricane, tornado, flooding, fire,  
19 or other act of nature, the Environmental Resources Public Works Director or a  
20 designee shall not approve the request for extension and the permittee shall be  
21 required to submit a new application for a Vegetation Removal Permit. The  
22 determination regarding changed conditions shall be made within ten (10)  
23 working days of receipt of a written request for extension of the permit.<sup>147</sup>

24 c. Abandonment of Work Commenced Under Vegetation Removal Permit

25 Unless extended as provided above, a Vegetation Removal Permit shall expire  
26 and become void if authorized removal or alteration work, once commenced, is  
27 suspended, discontinued, or abandoned for a period equal to or greater than six  
28 (6) months.

29 d. If a Vegetation Removal Permit expires or becomes void after work has  
30 commenced, a new permit must be obtained before work is resumed.

31 10. Amendments

32 A Vegetation Removal Permit may be amended, extended, or modified only in  
33 accordance with the procedures established for its original approval.

34 11. Violations

35 Violations of the Vegetation Removal Permit shall be addressed as provided in Section  
36 11.05.06, *Violations of Vegetation Removal Permits*.<sup>148</sup>

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<sup>146</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>147</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>148</sup> NOTE: Need to be sure we include right to revoke and suspend permit for violations. Need to discuss with ERD.

1 E. STORMWATER MANAGEMENT PERMIT

2 1. Purpose

3 The purpose of this Section is to provide a mechanism for reviewing applications for  
4 Stormwater Management Permits to ensure development in the unincorporated County  
5 complies with the standards in Section 7.07.00, *Stormwater Management*.

6 2. Applicability

7 Unless exempted pursuant to subsection (3) below, all development in the  
8 unincorporated area shall be subject to the standards of Section 7.07.00, *Stormwater*  
9 *Management*, and this Section. No Building Permits shall be issued for development  
10 subject to this Section, prior to approval of a Stormwater Management Permit pursuant to  
11 this Section.

12 3. Exemptions<sup>149</sup>

13 Permit requirements for stormwater management set out in this Code are waived for the  
14 activities listed below:

15 a. Construction of one (1) residential structure upon any lot of record.

16 b. Construction of one (1) duplex residential structure.

17 c. Construction of one (1) ~~triplex~~ ~~trip-plex~~ residential structure.<sup>150</sup>

18 d. Construction of storage buildings, sheds, swimming pools, and other accessory  
19 structures constructed as part of the development of one (1) of the structures in  
20 subsections (a), (b), or (c) above.

21 e. Performance of maintenance work on existing mosquito control drainage canals  
22 for the purpose of public health and welfare.

23 f. Performance of maintenance work on existing drainage canals, utilities or  
24 transportation systems, provided such work does not alter the purpose, historical  
25 utilization and intent of the drainage system as constructed.

26 g. Any maintenance to an existing structure.

27 h. Bona fide agricultural operations and activities.

28 4. Procedure

29 a. Submission and Review of Application

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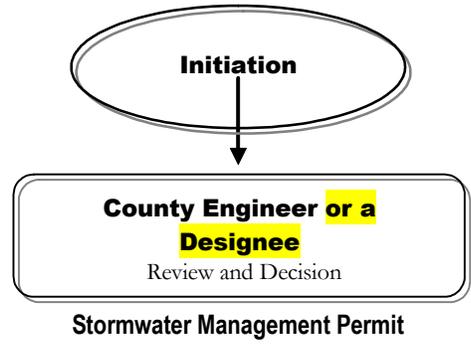
<sup>149</sup> NOTE: This list of exemptions has been moved from the current Section 7.07.05 and should be removed from that section.

<sup>150</sup> NOTE: Language added by County staff and Consultant to to make language in Code consistent.

1 The procedures and requirements for  
2 submission and review of an application for  
3 a Stormwater Management Permit are  
4 established in Sections 11.01.01-11.01.04  
5 and 11.01.07, *Common Procedures*.

6 b. Action by County Engineer

7 Within twenty (20) working days of the date  
8 the application is determined complete, the  
9 County Engineer shall review the  
10 application and approve, approve with  
11 conditions, or deny the application based  
12 on the standards of subsection (E)(5) below, *Stormwater Management Permit*  
13 *Standards*.<sup>151</sup>



14 5. Stormwater Management Permit Standards

15 A Stormwater Management Permit shall be approved upon ~~a finding~~ Finding the  
16 application complies with the standards of Section 7.07.00, *Stormwater Management*

17 6. Conditions

18 In approving a Stormwater Management Permit, the County Engineer may impose  
19 appropriate conditions on the permit approval pursuant to Section 11.01.14, *Conditions of*  
20 *Approval*. If additional stormwater-related permits are required from the South Florida  
21 Water Management District (SFWMD), Florida Department of Environmental Protection  
22 (FDEP), the U.S. Army Corps of Engineers (ACOE), or any other duly authorized  
23 regulatory agency, any authorization by the County Engineer to proceed with the  
24 commencement of development pursuant to a Stormwater Management Permit may be  
25 conditioned to restrict commencement of development until such time ~~as that~~  
26 stormwater-related permits ~~have been~~ are issued. In instances where conflicts exist  
27 between regulatory standards or conditions between local, state or federal permit  
28 requirements, the more restrictive conditions or standards shall apply.

29 7. Amendment

30 A Stormwater Management Permit may be amended, extended, or modified only in  
31 accordance with the procedures established for its original approval.<sup>152</sup>

32 F. AIRPORT ZONE PERMIT

33 1. Purpose

34 The purpose of this Section is to provide a mechanism for reviewing applications for  
35 Airport Zone Permits to ensure no material change is made in the use of land, no  
36 structure ~~shall be~~ is erected or otherwise established, and no tree ~~shall be~~ is  
37 planted in any airport zone described in Section 4.00.00, *Airport Overlay Zone*, until an Airport Zone  
38 Permit is approved pursuant to this Section.

<sup>151</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>152</sup> NOTE: Make sure to include ability to enforce. Check with Leigh Ann.

1           2.     Applicability  
2                    Except as specifically provided in this Section and Section 10.00.02, *Nonconforming*  
3                    *Uses*, no material change shall be made in the use of land, no structure shall be erected  
4                    or otherwise established, and no tree shall be planted in any airport zone described in  
5                    Section 4.00.00, *Airport Overlay Zones*, unless an Airport Zone Permit is approved  
6                    pursuant to this Section.

7           3.     Exemptions  
8                    The following shall be exempt from this Section:

9           a.     Horizontal Zone and Conical Zone  
10                   In the area lying within the limits of the horizontal zone and conical zone, no  
11                   permit shall be required for any tree or structure less than seventy-five (75) feet  
12                   of vertical height above the ground, except when, because of terrain, land  
13                   contour, or topographic features, the tree or structure would extend above the  
14                   height limits prescribed in Section 4.00.03, *Airport Zone Height Limitations*.<sup>153</sup>

15           b.     Limits of Approach Zones  
16                   In areas lying within the limits of the approach zones, but at a horizontal distance  
17                   of not less than four thousand two hundred (4,200) feet from each end of the  
18                   runway, no permit shall be required for any tree or structure less than seventy-  
19                   five (75) feet of vertical height above the ground, except when the tree or  
20                   structure would extend above the height limit prescribed in Section 4.00.03,  
21                   *Airport Zone Height Limitations*.<sup>154</sup>

22           c.     Within the Limits of Transition Zones beyond Perimeter of Horizontal Zone  
23                   In the areas lying within the limits of the transition zones beyond the perimeter of  
24                   the horizontal zone, no permit shall be required for any tree or structure less than  
25                   seventy-five (75) feet of vertical height above the ground, except when such tree  
26                   or structure, because of terrain, land contour, or topographic features, would  
27                   extend above the height limits prescribed in Section 4.00.03, *Airport Zone Height*  
28                   *Limitations*.<sup>155</sup>

29           d.     No Trees shall Exceed Height Limits  
30                   Nothing contained in any of the foregoing exceptions shall be construed as  
31                   permitting or intending to permit any construction, or alteration of any structure,  
32                   or growth of any tree in excess of any of the height limits established by this  
33                   Code.

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<sup>153</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

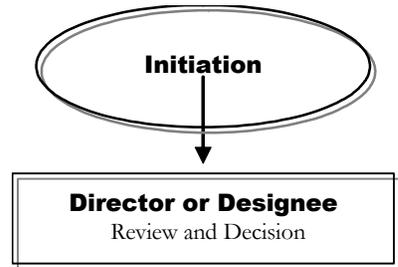
<sup>154</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>155</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1 4. Procedure

2 a. Submission and Review of Application

3 The procedures and requirements for  
4 submission and review of an application for an  
5 Airport Zone Permit as required by Section  
6 4.00.00, *Airport Overlay Zones*, are established  
7 in Sections 11.01.01-11.01.04 and 11.01.07,  
8 *Common Procedures*.



9 b. Action by Director

10 Within thirty (30) working days of the date the  
11 application is determined complete, the Director shall review the application and  
12 approve, approve with conditions, or deny the application based on the standards  
13 of subsection (F)(5) below, *Airport Zone Permit Standards*.<sup>156</sup>

**Airport Zone Permit**

14 5. Airport Zone Permit Standards

15 An Airport Zone Permit shall be approved upon ~~a finding~~ Finding the application:

16 a. Complies with Airport Overlay Zone Standards.

17 Complies with the standards of Section 4.00.00, *Airport Overlay Zones*.

18 b. No Existing Tree or Nonconformity become a Greater Obstruction to Air  
19 Navigation

20 Will not result in the establishment or creation of an obstruction or permit a  
21 nonconforming use, structure, or tree to become a greater obstruction to air  
22 navigation than it was on the effective date of this Code or any amendments  
23 thereto, or than it is when the application for a permit is made.

24 6. Conditions

25 In approving an Airport Zone Permit, the Director may impose appropriate conditions on  
26 the permit approval pursuant to Section 11.01.14, *Conditions of Approval*. Any permit  
27 granted shall be conditioned to require the owner of the structure or tree to install,  
28 operate, and maintain, at the owner's expense, such markings and lights as required by  
29 Chapter 333.07(3), Florida Statutes, revised through 2/16/93, and consistent with the  
30 standards published in Chapter 14-60, Rules of the Florida Department of Transportation  
31 (FDOT). If deemed proper by the Director, this condition may be modified to require the  
32 owner to allow St. Lucie County, at its own expense, to install, operate, and maintain the  
33 necessary markings and lights.

34 7. Amendment

35 An Airport Zone Permit may be amended, extended, or modified only in accordance with  
36 the procedures established for its original approval.

<sup>156</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 | 8. Abandonment or Destruction of Nonconforming Uses <sup>157</sup>  
2 | Whenever the Director determines a nonconforming tree or structure has been  
3 | abandoned or more than eighty (80) percent of the nonconforming tree or structure has  
4 | been torn down, physically deteriorated, or decayed, no permit shall be granted that  
5 | would allow the nonconforming structure or tree to exceed the applicable height limit or  
6 | otherwise deviate from the standards of Section 4.00.00, *Airport Overlay Zones*. <sup>158</sup>

7 | G. WETLANDS PERMIT <sup>159</sup>

8 | 1. Applicability

9 | Any construction, dredging, filling, or alteration in, on, or over a jurisdictional wetland shall  
10 | require a Wetland Permit by the Environmental Resources Director or a designee  
11 | pursuant to this Section, unless specifically exempted by Section 6.02.03, *Wetlands*  
12 | *Protection*.

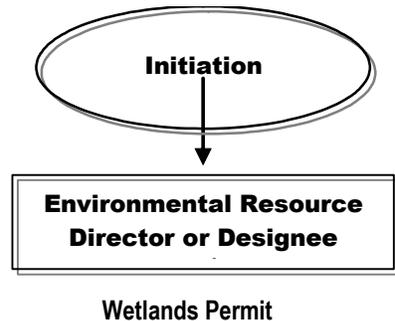
13 | 2. Procedure

14 | a. Submission and Review of Application

15 | The procedures and requirements for submission and review of an application for  
16 | a Wetlands Permit are established in Sections 11.01.01-11.01.04 and 11.01.07,  
17 | *Common Procedures*.

18 | b. Action by Environmental Resources Director

19 | 1. Within twenty (20) working days of  
20 | the date the application is determined  
21 | complete, the Environmental  
22 | Resources Director or a designee  
23 | shall review the application and  
24 | approve, approve with conditions, or  
25 | deny the application based on the  
26 | standards of subsection (G)(3)  
27 | below, *Wetlands Permit Standards*.



28 | 2. Any substantial modification to a complete application (unless the  
29 | modification is recommended by the Environmental Resources Director  
30 | or a designee) shall be treated as a new application for permit.

31 | 3. Any application containing false information may be denied, or any  
32 | permit issued based upon false information may be revoked.  
33 | Additionally, any site or applicant that has been found to be in violation of  
34 | this Code shall not be issued a permit until such violation is corrected.

<sup>157</sup> NOTE: Make certain that this provision can be enforced.

<sup>158</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>159</sup> NOTE: Language modified by County staff and Consultant to clarify procedure in Code that Environmental Resources Director reviews Wetlands Permits.

1           3.       Wetlands Permit Standards  
2                   A Wetlands Permit shall be approved upon a finding the application complies with the  
3                   standards of Section 6.02.03, *Wetlands Protection*.

4           4.       Duration of Permit Approval  
5                   Wetland Permits shall be issued with a duration period that is reasonably necessary to  
6                   complete the project and any necessary mitigation, not to exceed five (5) years<sup>160</sup> for  
7                   projects up to 100 acres of wetlands, and not to exceed ten (10) years for projects over  
8                   100 acres of wetlands.

9           5.       Expiration  
10                   If a Wetlands Permit approved pursuant to this Section is not completed within the time  
11                   established in its original approval the Wetlands Permit shall automatically expire and be  
12                   null and void. The period of expiration for a Wetlands Permit may be extended by the  
13                   Environmental Resources Director or a designee, for good cause shown, for up to twelve  
14                   (12) months from the date of expiration set forth in the permit approval. No more than  
15                   one (1) extension shall be granted. The request for an extension shall be made to the  
16                   Environmental Resources Director or a designee by the applicant, in writing, at least one  
17                   (1) month prior to the date of expiration. All such requests shall be accompanied by a  
18                   complete explanation of the reasons for the request for the extension.

19           6.       Amendment<sup>161</sup>  
20                   A Wetlands Permit may be amended, extended, or modified only in accordance with the  
21                   procedures established for its original approval.

22   H.       MINING PERMIT

23           1.       Applicability  
24                   a.       General  
25                           Unless exempted pursuant to Section 11.03.~~03-04~~ (H)(2), *Exemptions*, no mining  
26                           or excavation operation shall be conducted in the unincorporated County until a  
27                           Mining Permit is approved pursuant to the requirements of this Section. As used  
28                           in this Section, the terms "mining" and "excavation operation" include any  
29                           operation that entails the excavation or removal of earth in excess of one  
30                           hundred (100) cubic yards from one (1) parcel of property to another parcel of  
31                           property, or from one (1) area of a parcel of property to another area on the same  
32                           parcel if a public road is used.

33                   b.       No Mining Until Permit Approved  
34                           No mining may commence until a Mining Permit is approved pursuant to this  
35                           Section and all conditions, limitations, and restrictions of the permit are met.

36           2.       Exemptions

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<sup>160</sup> NOTE: Confirm timeframe with ERD.  
<sup>161</sup> NOTE: Confirm with Leigh Ann that this can be enforced.

- 1           A Mining Permit shall not be required for the following:
- 2           a.     Installing utilities
- 3           b.     Installing foundations for any building or other structure
- 4           c.     Development Authorized by Certain Development Permits
- 5                     Development authorized by approved Site Plans, Conditional Use Permits,
- 6                     Planned Unit Developments, or Building Permits.
- 7           d.     Drainage or Mosquito Control Ditches or Canals by Government
- 8                     Digging drainage or mosquito control ditches and canals by authorized units and
- 9                     agencies of government.
- 10          e.     Drainage or Mosquito Control Ditches or Canals by Private Persons
- 11                     Digging drainage or mosquito control ditches and canals by private persons
- 12                     when construction is permitted by all authorizing agencies, if any, and when the
- 13                     excavated material is not removed from the involved tract of land.
- 14          f.     Excavating for Accessory Uses of Land
- 15                     Excavating for accessory uses of land, such as parking lots, septic tanks, graves,
- 16                     etc., that are designed to be filled and graded upon completion of excavation.
- 17          g.     Excavating for Swimming Pool
- 18                     Excavating for a swimming pool when construction is permitted by all authorizing
- 19                     agencies.
- 20          3.     Mining Permits Authorized Prior to Effective Date of Code
- 21                     Mining Permits authorized by the Board of County Commissioners and issued by the
- 22                     County Engineer prior to the effective date of this Code shall be treated as issued under
- 23                     this Code
- 24          4.     Applications Submitted Prior to Effective date of Code
- 25                     Applications for Mining Permits submitted prior to the effective date of this Code shall be
- 26                     governed by the procedures and standards effective on the date of application
- 27          5.     Two (2) Classes of Mining Permit; Time Limits
- 28                     There are two (2) classes of Mining Permit established by this Section: a Class I Permit
- 29                     and a Class II Permit:
- 30          a.     Class I Permit
- 31                     1.     A Class I Permit shall apply to all mining operations that do not qualify for
- 32                     a Class II Permit.



updated mining plan shall be filed in duplicate and be subject to approval by the County Engineer unless the County Engineer determines the following conditions exist, in which case the mining plan shall be reviewed and approved, approved with conditions, or denied by the Board of County Commissioners in the same manner as an application for a Class II Mining Permit:

- a. The updated mining plan constitutes a significant change to the approved mining plan; or
- b. The permittee has failed to meet any requirement of this Code, or has deviated substantially from or disregarded the terms and conditions of the permit or the approved mining plan.

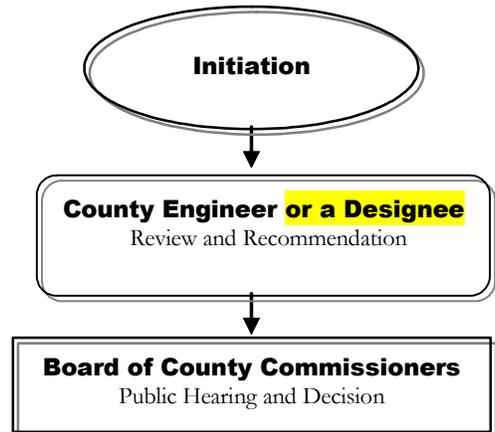
6. Procedure

a. Submission and Review of Application

The procedures and requirements for submission and review of an application for a Mining Permit are established in Sections 11.01.01-11.01.04 and 11.01.07, *Common Procedures*. In addition, Application contents shall include an operational statement, a mining plan, and a reclamation plan.

b. County Engineer Review and Recommendation

1. Within twenty (20) working days of the date an application for Mining Permit is determined complete, the County Engineer or a designee shall review the application and support materials and prepare a draft Staff Report recommending whether the application for Mining Permit complies with the standards in subsection (H)(7) below, *Mining Permit Standards*.<sup>167</sup>



2. If the County Engineer or a designee determines the application fails to comply with the standards in subsection (H)(7) below, *Mining Permit Standards*, a written report shall be forwarded informing the applicant in writing of the deficiencies, and providing the applicant an opportunity to re-submit a revised application. The application shall be considered withdrawn if a revised application is not resubmitted within thirty (30) working days from the date the applicant is notified of the deficiencies.<sup>168</sup>

<sup>167</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>168</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.



c. Consistency with Comprehensive Plan, ~~and County Ordinances~~<sup>169</sup>

The proposed mining operation is consistent with the goals, objectives and policies of the St. Lucie County Comprehensive Plan.

d. Effect on Adjacent Properties

1. The proposed mining operation will not have an undue adverse effect on adjacent property, the character of the neighborhood, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

2. ~~All reasonable s~~Steps have been taken to minimize noise, dust, air contaminants, and vibration to the maximum extent practicable.<sup>170</sup>

3. The proposed mining operation will not overburden the existing drainage system.

4. All reasonable steps have been taken to prevent undue pollution of surface and underground water, and to prevent undue alteration of the water table.

5. The proposed mining operation will be arranged and conducted so as not to interfere unreasonably with the development and use of neighboring property.

e. Effect on Transportation System

The proposed mining operation will not cause undue damage to public streets and roads, and will not create a traffic hazard.

f. Performance Bond

The applicant agrees to comply with the performance bond requirements of Section 6.06.01(B)(2), *Performance Security*.

g. Adequacy of Reclamation Plan

The reclamation plan is adequate to ensure the property will be properly reclaimed upon completion of mining operations.

8. Conditions

In approving a Mining Permit, the County Engineer may recommend and the Board of County Commissioners may impose appropriate conditions on the permit approval pursuant to Section 11.01.14, *Conditions of Approval*.

<sup>169</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

<sup>170</sup> NOTE: The following definition of "maximum extent practicable" shall be added to Chapter II: Definitions. "No feasible or practical alternative exists, as determined by the Growth Management Director, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

- 1           9.       Amendment
- 2           a.       Reduction in Mining Operations Does Not Require Amendment
- 3                   Any reduction in mining operations, including but not limited to a reduction in  
4                   hours of operation, a reduction in mining plan area, or a reduction in the scope of  
5                   operations shall be deemed to be not significant for purposes of this Section and  
6                   shall not require an amendment.
- 7           b.       Significant Change Requires Amendment
- 8                   Any significant change in mining operations, the mining plan, or the reclamation  
9                   plan, and any extension in the duration of the Mining Permit shall require an  
10                  amendment to the Mining Permit. -
- 11          c.       Amendment
- 12                   A Mining Permit may be amended, extended, or modified only in accordance with  
13                   the procedures established for its original approval.
- 14          10.       Suspension of Mining Permit
- 15          a.       Grounds
- 16                   The County Engineer or a designee shall suspend any Mining Permit issued  
17                   under this Code upon determining that the permittee has failed to meet any  
18                   requirement of this Code, or has deviated substantially from or disregarded the  
19                   terms and conditions of the permit, in a manner that poses an immediate danger  
20                   to the public health, safety, and welfare.
- 21          b.       Effect
- 22                   No mining operation shall be conducted following suspension of a Mining Permit  
23                   until the County Engineer or a designee determines that the permittee is in full  
24                   compliance with the requirements of this Code and the terms and conditions of  
25                   the Mining Permit, and reinstates that permit.
- 26          c.       Hearing Notice
- 27                   Unless the County Engineer or a designee has previously reinstated the permit,  
28                   the permittee under any suspended Mining Permit shall be provided a hearing at  
29                   a regularly scheduled meeting of the Board of County Commissioners. The  
30                   County Engineer or a designee shall notify the permittee of the date, time, and  
31                   location of such hearing when the suspension is imposed.
- 32          d.       Confirmation or Rescission
- 33                   At the hearing, the Board of County Commissioners shall consider the evidence  
34                   presented and shall:
- 35                   1.       Confirm the suspension, in which event mining operations shall not be  
36                   reactivated until the County Engineer determines that the permittee is in

1 full compliance with the requirements of this Code and the terms and  
2 conditions of the permit, and reinstates the permit;

3 2. Confirm the suspension and initiate proceedings to revoke the permit; or

4 3. Rescind the suspension and direct the County Engineer or a designee to  
5 reinstate the permit.

6 11. Revocation of Mining Permit

7 a. Grounds

8 The Board of County Commissioners shall revoke any Mining Permit issued  
9 under this Code upon determining that the permittee has:

10 1. Failed to meet any requirement of this Code or any other rule or  
11 regulation governing the permitted mining operations;

12 2. Deviated substantially from or disregarded the terms and conditions of  
13 the Mining Permit; or

14 3. Misstated, misrepresented, or withheld material facts in the permit  
15 application.

16 b. Initiation of Procedure

17 Upon recommendation of the County Engineer or a designee or upon its own  
18 motion, the Board of County Commissioners shall initiate proceedings to revoke  
19 a Mining Permit by scheduling a public hearing on the matter and directing the  
20 County Engineer or a designee to make a report.

21 c. Notice

22 The permittee shall be provided, by certified mail, notice indicating the date, time,  
23 and location of a hearing on the proposed revocation.

24 d. Hearing

25 At the hearing on the proposed revocation, the Board of County Commissioners  
26 shall consider the testimony, submittals, and information presented, and the  
27 report of the County Engineer or a designee, and shall determine whether there  
28 exists any ground for revoking the Mining Permit. The Board shall require such  
29 additional reports as it deems necessary to make its determination.

30 e. Decision

31 ~~Within a reasonable time,~~ the Board of County Commissioners shall determine  
32 whether to revoke the Mining Permit. Notification of the decision of the Board  
33 shall be mailed to the permittee and filed with the County Engineer.

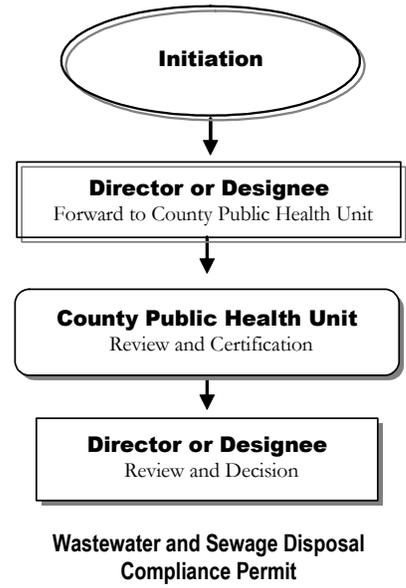
1 I. WASTEWATER AND SEWAGE DISPOSAL COMPLIANCE  
 2 PERMIT

3 1. Application for Permit

4 Any person required to obtain a Wastewater and  
 5 Sewage Disposal Compliance Permit pursuant to  
 6 Section 7.08.04, *Wastewater and Sewage Disposal*  
 7 *Compliance Permit*, shall submit an application to the  
 8 Director. Such application shall be in such form as is  
 9 required by the Director and shall include the materials  
 10 specified in the ~~Administrative Manual~~ LDC Manual.  
 11 Volatile organic testing for onsite well(s), in the form  
 12 required by the Director, shall also be submitted with  
 13 each application. The application must be signed and  
 14 sworn to by an owner of the business.

15 2. Procedure for Review of Wastewater and Sewage  
 16 Disposal Compliance Permits

17 The Director shall forward every application to the  
 18 County Public Health Unit for review and certification.  
 19 Upon receipt from the Health Department of a certification that the business has been  
 20 inspected and that the use of the on-site septic system by the business for wastewater  
 21 and sewage disposal is in compliance with all regulations of the State Department of  
 22 Health and Rehabilitative Services, the Director shall issue the Wastewater and Sewage  
 23 Disposal Compliance Permit.



24 **11.03.05 APPEALS**

25 A. PERSONS ENTITLED TO INITIATE APPEAL

26 An appeal may be initiated by any person, officer, board, or bureau of St. Lucie County aggrieved  
 27 by any order, decision, determination, or interpretation of any administrative official of the County  
 28 with respect to the provisions of this Code.

29 B. APPEALS OF DECISIONS OF ADMINISTRATIVE OFFICIAL

30 1. Authority

31 Appeals of any order, decision, determination, or interpretation by any administrative  
 32 official shall be heard and decided by one (1) of the following appellate boards or officers,  
 33 according to the procedures and standards set forth in subsection (2) below, *Appeals*  
 34 *Procedure*:

35 a. County Administrator or Designee

36 Appeals of decisions by any administrative official with respect to the following  
 37 provisions shall be heard and decided by the County Administrator:

38 1. Adequate Public Facilities (Chapter V)

1                   2.       Determination of Required Vegetation Mitigation (Section 11.03.04(D)  
2                   and Section 6.00.05)

3                   3.       Vested Rights (Section 11.03.08)

4                   **b.       Environmental Control Board<sup>171</sup>**

5                   Appeals of decisions by any administrative official with respect to the following  
6                   provisions shall be heard and decided by the Environmental Control Board:

7                   1.       Sea Turtle Protection (Section 6.04.02)

8                   2.       Coastal Area Protection (Section 6.02.01)

9                   3.       Wastewater & Sewage Disposal Compliance (Sections 7.08.03 and  
10                   11.03.03(l))

11                   4.       Wetlands Protection (Section 6.02.03)

12                   5.       Native Upland Habitat Protection (Section 6.04.01)

13                   **c.       Board of Adjustment**

14                   Appeals of decisions by any administrative official with respect to any of the  
15                   provisions of this Code except those enumerated in subsections (B)(1)(a) and (b)  
16                   above shall be heard and decided by the Board of Adjustment.

17                   2.       Appeals Procedure

18                   a.       Filing of Appeal

19                   A Notice of Appeal shall be filed with the Director within thirty (30) days of the  
20                   rendition of the order, decision, determination, or interpretation subject to an  
21                   appeal, specifying the grounds for the appeal. Upon receipt of the Notice of  
22                   Appeal, the Director shall prepare the record for appeal, notify the appellate  
23                   board or officer of the Notice of Appeal, and establish a time and place at which  
24                   time the appellate board or officer will hear the appeal.<sup>172</sup>

25                   b.       Effect of Filing and Appeal

26                   The filing of a Notice of Appeal shall stay any proceedings in furtherance of the  
27                   action appealed ~~from~~, unless the Director certifies to the appellate board or  
28                   officer that, by reason of certain facts, a stay would pose an imminent peril to life  
29                   or property; in such case the appeal will not stay further proceedings except by a  
30                   restraining order.

31                   c.       Record

32                   The record to be considered on appeal shall be all written materials considered  
33                   during the initial decision, any additional written material submitted by the

<sup>171</sup> NOTE: The Board of County Commissioners sit as the Environmental Control Board.

<sup>172</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1                    appellant to the County, and any testimony considered on the hearing of the  
2                    appeal.

3                    3.        Hearing

4                    a.        Time

5                    The appellate board or officer shall hold a hearing on the appeal within a  
6                    reasonable time after a Notice of Appeal is filed by the appellant.

7                    b.        Notification

8                    1.        Appeal hearings by the Board of Adjustment and the Environmental  
9                    Control Board shall conform to the public notification requirements in  
10                    Section 11.01.10, *Public Notification*.

11                    2.        Appeal hearings by the County Administrator shall not be subject to the  
12                    public notification requirements set out in Section 11.01.10, *Public*  
13                    *Notification*.

14                    3.        The appellant shall be notified by the Director of the time, date, and  
15                    place of the hearing by certified mail, return receipt requested, a  
16                    minimum of ten (10) days before the date of the hearing.<sup>173</sup>

17                    c.        Appeal Standards

18                    The appellate board or officer shall reverse the order, decision, determination, or  
19                    interpretation only if there is substantial competent evidence in the record that an  
20                    error was made in the decision, determination, or interpretation being appealed  
21                    ~~from~~ that fails to comply with the requirements of this Code.

22                    d.        Appellate Board or Officer Has Powers of Officer Making Original Decision

23                    In so modifying the decision, determination, or interpretation, the appellate board  
24                    or officer shall be deemed to have all the powers of the officer from whom the  
25                    appeal is taken, including the power to impose reasonable conditions.

26                    e.        Form of Decision

27                    The appellate board's or officer's decision shall be in writing, and include findings  
28                    of fact and the application of those facts to the relevant standards or provisions in  
29                    the Code.

30                    f.        Notification of Decision

31                    The Director shall mail the decision of the appellate board or officer to the  
32                    appellant ~~within a reasonable period of time~~ after the decision.

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<sup>173</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1 C. APPEALS OF APPELLATE DECISIONS OF COUNTY ADMINISTRATOR<sup>174</sup>

2 1. General

3 An appellant may appeal any appellate decision made by the County Administrator to the  
4 Board of County Commissioners by filing a Petition of Appeal with the Director within  
5 thirty (30) calendar days of the date of the rendition of the decision. The petition shall  
6 include a written notice stating the grounds of the appeal.<sup>175</sup>

7 2. Place Appeal on Agenda

8 The Director shall place the Notice of Appeal on the Board's agenda, and forward the  
9 record of the matter that is on appeal.

10 3. Record

11 The record considered by the Board of County Commissioners shall be the record  
12 considered by the County Administrator.

13 4. Notice

14 The appellant shall be provided reasonable notice of the time, date, and place of the  
15 hearing by certified mail, return receipt requested, and invited to attend and participate in  
16 the hearing.

17 ~~5.~~

18 6.5. Hearing on Appeal

19 The Board of County Commissioners shall review the Petition of Appeal at a public  
20 meeting within thirty (30) calendar days from the date the petition was filed with the  
21 Director. At the hearing, the Board shall provide the appellant an opportunity to identify  
22 the grounds for the appeal and the basis for the County Administrator's error, based on  
23 the record. To the extent relevant, the County Administrator or a representative, other  
24 County staff involved in the decision, and the appellant shall be allowed to respond,  
25 based on the record. After the presentations, and based on the record and the testimony  
26 heard at the hearing, the Board shall make a decision affirming, modifying, or reversing  
27 the decision of the County Administrator, based on the standards in subsection (C)(6)  
28 below, *Appellate Standards*.<sup>176</sup>

29 7.6. Appellate Standards

30 To reverse a decision of the County Administrator, the Board shall find there is a clear  
31 and demonstrable error in the application of the facts in the record to the provisions or  
32 standards in the Code to be applied in making the decision.

33 8.7. Form of Decision

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<sup>174</sup> NOTE: This section has been revised to provide more clarity and place clear bounds on when a decision of the County Administrator can be reversed by the Board of County Commissioners.

<sup>175</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>176</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1           The Board's decision shall be in writing, and include findings of fact and the application of  
2           those facts to the relevant standards or provisions in the Code.

3           9-8. Decision Final

4           The Board's decision shall be final for the purpose of administrative appeals.

5 D.        APPEALS OF DECISIONS OF THE BOARD OF ADJUSTMENT, ENVIRONMENTAL CONTROL  
6        BOARD, OR THE BOARD OF COUNTY COMMISSIONERS

7           Any person aggrieved by a decision of the Board of Adjustment, Environmental Control Board, or  
8           the Board of County Commissioners ~~may on~~ appeal ~~may~~, within thirty (30) days after rendition of  
9           such decision, petition for certiorari review to the Circuit Court in the Nineteenth Judicial Circuit in  
10          and for St. Lucie County.<sup>177</sup>

11 **11.03.06        LAND USE AND DISPUTE RESOLUTION SPECIAL MASTER REVIEW PROCESS<sup>178</sup>**

12 A.        GENERALLY

13           This Section establishes St. Lucie County's procedures for the initiation, conduct, and conclusion  
14           of a Special Master proceeding as provided for under Section 70.51, Florida Statutes, the Florida  
15           Land Use and Environmental Dispute Resolution Act.

16 B.        INTENT

17           1.        It is the intent of the County that the Special Master process be a speedy, inexpensive,  
18           and simple method for property owners and regulators to settle land use and  
19           environmental permitting and enforcement disputes. To that end, property owners and  
20           regulators should meet face-to-face, in a non-adversarial atmosphere, to resolve disputes  
21           without the need for formal representation.

22           2.        Negotiations assisted by a Special Master will enable a property owner and regulators to  
23           exert more control over their dispute, allowing the parties to shape a resolution rather  
24           than having one (1) imposed. The Special Master and the parties should exercise  
25           maximum flexibility to adapt these procedures to the exigencies-circumstances of each  
26           particular case, consistent with the requirements of state law and due process.

27 C.        STANDARDS OF CONDUCT FOR PARTIES AND PARTICIPANTS

28           Standards of conduct for parties and participants may be adopted by the Board of County  
29           Commissioners, by resolution, and shall govern the proceedings unless waived or altered in the  
30           Special Master contract.

31 D.        PRE-INITIATION MEETING

32           Prior to filing a formal Request for Relief under this section, an owner may by letter request an  
33           informal meeting with the County Administrator to discuss alternatives to the filing of the Special

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<sup>177</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>178</sup> NOTE: Modest changes are made to the Special Master process based on review of the statute (Section 70.51, Florida Statutes) and the case law. -

1 Master proceeding. The County Administrator shall conduct such a meeting as expeditiously as  
2 possible and shall include County staff familiar with the regulations at issue.

3 E. INITIATION OF THE SPECIAL MASTER PROCEEDING

4 1. Filing of Request for Relief

5 a. In order to initiate a Special Master Proceeding an owner or a Special Master, to  
6 the extent provided for under Section 70.51(11), Florida Statutes, must file two  
7 (2) copies of a Request for Relief with the Office of the County Administrator.  
8 The Request for Relief must be filed within thirty (30) days after receipt of a Final  
9 Development Order or Notice of Governmental Action.

10 b. Within ten (10) days of receipt of the Request for Relief filed pursuant to  
11 subsection (E)(1)(a) above, the County Administrator or a designee shall forward  
12 the request to a Special Master selected pursuant to Section 11.03.06(F)(2),  
13 *Special Master Selection*. This time period may be extended by agreement of the  
14 parties.

15 c. There shall be no initial filing or application fee required with the submission of a  
16 Request for Relief, however, as provided for under subsection (2) below,  
17 *Request for Relief, Required Application Contents*, each party shall be equally  
18 responsible for the cost of providing for the Special Master. The parties shall be  
19 responsible for their own costs associated with the presentation or defense of  
20 their position. All costs incurred by the participating parties through the Special  
21 Master proceedings are nonrecoverable.

22 2. Request for Relief; Required Application Contents

23 Any Request for Relief filed against St. Lucie County pursuant to this Section, and  
24 Section 70.51, Florida Statutes, shall be in a form provided by the County and shall, at a  
25 minimum, contain the following:

26 a. Identification of the property at issue and the Future Land Use Map designation  
27 and Official Zoning Atlas designation.

28 b. A brief statement of the owner's proposed use of the property.

29 c. A copy of the Final Development Order or the documentation of an enforcement  
30 action at issue must be attached to the Request for Relief

31 d. A summary of the Final Development Order or description of the enforcement  
32 action that the owner feels is unreasonable or unfairly burdens the use of the  
33 property. .

34 e. A brief statement of why the Final Development Order or enforcement action is  
35 unreasonable or unfairly burdens the use of the property and the proposed use of  
36 the property.

37 f. A certificate of service showing the parties required by Section 70.51, Florida  
38 statutes, including the local government entity, have been served with copies of  
39 the Request for Relief.

1 g. Any other additional information the Special Master requests in the interest of  
2 gaining a complete understanding of the Request for Relief.

3 3. Notice of Filing

4 a. Concurrently with the forwarding of the Request for Relief to the Special Master,  
5 the County shall serve, by United States Mail or hand delivery, a notice of filing of  
6 the Request for Relief to:

7 1. Owners of all real property contiguous to the applicant's property at the  
8 address shown on the latest County tax roll, and

9 2. Any substantially affected person who submitted oral or written testimony  
10 of a substantive nature that stated with particularity an objection to or  
11 support for any development order or enforcement action at issue.

12 b. In lieu of providing a complete copy of the Request for Relief, the notice of filing  
13 may contain any information necessary for the recipient to secure a copy of the  
14 Request for Relief.

15 c. Any failure to notice potential participants shall be cured by posting of notices of  
16 the Special Master Proceeding in a location established by the Board of County  
17 Commissioners for that purpose.

18 F. SPECIAL MASTER

19 1. Special Master Qualifications and Restrictions

20 The Board of County Commissioners shall appoint no less than three (3) Special Masters  
21 who shall qualify as such under the provisions of this Section and Section 70.51, Florida  
22 Statutes. A Special Master shall be a resident of the State of Florida, and possess  
23 experience and expertise in mediation and at least one (1) of the following disciplines and  
24 a working familiarity with the others: land use and environmental permitting, land  
25 planning, land economics, local and state government organization and powers, and the  
26 law governing the same. A Special Master is not required to be a member of the Florida  
27 Bar.

28 2. Special Master Selection

29 a. The County shall include in the Request for Relief form provided to the owner, a  
30 pre-approved list of Special Masters and instructions for objecting to any person  
31 named on the list.

32 b. The parties shall mutually agree on a Special Master.

33 c. Selection of a Special Master from a Pre-approved listing shall be done as  
34 follows:

35 1. The Special Master may be selected from the list of approved Special  
36 Masters provided with the Request for Relief form. Unless an owner  
37 objects to a Special Master in the owner's Request for Relief, those  
38 Special Masters not objected to are deemed acceptable to the Owner.



1 standards of conduct an outline of reasonable expenses and compensation to be  
2 provided to the Special Master.

3 b. The Special Master may require in any agreement that the parties, where not  
4 otherwise prohibited by law, provide a deposit of funds to secure payment of the  
5 Special Master's fees and expenses.

6 G. CONDUCT OF THE SPECIAL MASTER PROCEEDING

7 1. Request to Participate in Proceedings

8 Within twenty-one (21) days after receipt of the Request for Relief, any candidate for  
9 participant status may request from the Special Master permission to participate in the  
10 proceeding. These persons may be permitted to participate in the hearing to the extent  
11 allowed under Section 70.51(12), Florida Statutes.<sup>179</sup>

12 2. Filing of Response

13 As required under this Section, the County Administrator or a designee shall file a  
14 Response to the Request for Relief, as provided for in Section 70.51(16), Florida Statutes.

15 3. Sufficiency Hearing; Request to be Dropped as a Party

16 a. Prior to any hearing on the merits of the Request for Relief, the Special Master  
17 may conduct a hearing on whether the Request for Relief should be dismissed  
18 pursuant to Section 70.51(8), Florida Statutes.

19 b. At any time the Special Master may conduct a hearing on any request to be  
20 dropped as a party pursuant to Section 70.51(16)(c), Florida Statutes.

21 4. Notice and Timing of Special Master Proceeding

22 a. As required under the provisions of Section 70.51(15), Florida Statutes, the  
23 Special Master shall convene a Special Master Proceeding on the Request for  
24 Relief within forty-five (45) days of his receipt of the Request for Relief, unless a  
25 different date is agreed to by all parties to the proceedings.<sup>180</sup>

26 b. The hearing shall be conducted in St. Lucie County.

27 c. Notice of the hearing shall be provided by the Special Master to all parties,  
28 participants, and other persons who have requested such notice at least forty  
29 (40) days prior to the scheduled hearing date. All notices shall include the place  
30 date and time of the hearing.

31 d. The cost of preparing and filing the initial two (2) copies of the Request for Relief  
32 shall be borne by the owner bringing forward the Request for Relief.

33 e. The cost of preparing and filing the Response to the Request for Relief shall be  
34 borne by the County.

<sup>179</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>180</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1 f. The Special Master's expenses in providing notice shall be borne equally by the  
2 parties or as is otherwise established in the Special Master agreement.

3 g. Notice to all parties and other persons who have requested such notice shall  
4 contain a reference number and date of filing of the Request for Relief and  
5 instructions for obtaining further information regarding the Request for Relief.

6 5. Subpoena Powers of the Special Master

7 a. The Special Master is empowered to subpoena witnesses.

8 b. The Special Master may subpoena any nonparty witness in the State the Special  
9 Master determines will aid in the disposition of the Request for Relief.

10 c. A subpoena issued by a Special Master may require the witness to bring all  
11 necessary documents (or things)<sup>181</sup>.

12 d. A party requesting the subpoena of a nonparty witness shall make such request  
13 in writing to the Special Master.

14 e. Parties subpoenaing witnesses shall be responsible for paying fees and mileage  
15 in the amount as provided under Florida law for witnesses in civil cases.

16 f. The Special Master shall provide notice of all witnesses subpoenaed to any party  
17 requesting such notice.

18 g. Service of subpoenas shall be made in the manner provided for by the Florida  
19 Rules of Civil Procedure.

20 h. The witnesses of either party that are present for the hearing or are on standby  
21 or available on call are not to be excused by either party without the concurrence  
22 of the other party or the Special Master.

23 6. Conduct of the Special Master Proceeding

24 a. General

25 In all respects the conduct of a Special Master proceeding is to be informal and  
26 open to the public. The parties are not required to be represented by an attorney  
27 at the hearing. The object of the hearing is to focus attention on the  
28 governmental action giving rise to the Request for Relief, whether and the extent  
29 to which it is unreasonable or unfairly burdens the use of the property at issue,  
30 and if so, to explore alternatives to the Final Development Order or enforcement  
31 action and other regulatory or other initiatives by the governmental entity that  
32 would provide appropriate relief.

33 b. Example Framework

34 The Special Master Proceeding may consist of facilitation sessions, testimony  
35 sessions, any combination of those, or any form of information gathering and  
36 sharing that the Special Master deems appropriate under the circumstances.

<sup>181</sup> NOTE: Check whether PZC would like to change language, if possible.

1 Even though not required by these regulations, a general framework for a  
2 formalized process that is not binding on any party or the Special Master is  
3 outlined below.

4 1. Facilitation Sessions

5 a. In all respects, the facilitation discussions shall be informal and  
6 open to the public. The discussions shall operate at the direction  
7 and under the supervision of the Special Master. The object of  
8 the facilitation sessions is to focus attention on the governmental  
9 action giving rise to the Request for Relief, whether and the  
10 extent to which it is unreasonable or unfairly burdens the use of  
11 the property at issue, and if so, to explore alternatives to the Final  
12 Development Order or enforcement action and other regulatory or  
13 other initiatives by the governmental entity that would provide  
14 appropriate relief in ways that are consistent with the public  
15 interest.

16 b. If variances or other types of adjustments to the Final  
17 Development Order or enforcement action are considered, the  
18 Special Master shall afford participants a reasonable opportunity  
19 to address the impacts of such alternatives on their substantial  
20 interests.

21 c. Any time after commencement of the presentation of evidence in  
22 the hearing, the Special Master may recess the hearing and  
23 presentation of evidence to recommence a facilitation session.

24 2. Testimony Sessions

25 a. In all respects, the testimony sessions shall be informal and open  
26 to the public. The testimony sessions shall operate at the  
27 direction and under the supervision of the Special Master. The  
28 testimony shall focus on the governmental action giving rise to  
29 the Request for Relief, whether and the extent to which it is  
30 unreasonable or unfairly burdens the use of the property at issue,  
31 and if so, to explore alternatives to the Final Development Order  
32 or enforcement action and other regulatory or other initiatives by  
33 the governmental entity that would provide appropriate relief in  
34 ways that are consistent with the public interest. Testimony may  
35 be taken from all participants.<sup>182</sup> The witnesses do not need to be  
36 sworn, however it is recommended. All witnesses are subject to  
37 cross-examination. The Special Master may ask questions  
38 directly of any witness. Formal rules of evidence are not to be  
39 followed, however fundamental due process shall be provided to  
40 all parties.

41 b. If variances or other types of adjustments to the development  
42 order or enforcement action are considered, the Special Master  
43 shall afford participants a reasonable opportunity to address the  
44 impacts of such alternatives on their substantial interests.

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<sup>182</sup> NOTE: Section 70.51(12) states contiguous landowners and substantially affected parties may only present evidence on alternatives (subsection 2(b)).

1                                   c.     Any time after commencement of the presentation of evidence in  
2   the hearing, the Special Master may recess the hearing and  
3   presentation of evidence to recommence a facilitation session.

4                   c.     Procedures for Hearing and Presentation of Evidence

5                                   The hearing shall be conducted under the direction and supervision of the  
6                                   Special Master. The Special Master shall decide all questions of procedure  
7                                   limited only by the need to afford reasonable due process. The Special Master  
8                                   shall determine the order of presentation of issues and information unless  
9                                   otherwise set forth in the Special Master agreement. It is the duty of the Special  
10                                   Master to proceed with all reasonable diligence.

11 H.     SPECIAL MASTER RECOMMENDATION

12                   At any time during the Special Master Proceeding a party may submit an offer of compromise.

13 I.     RESPONSE TO SPECIAL MASTER'S RECOMMENDATION

14           1.     Settlement Agreement

15                                   At any time during the Special Master Proceeding, the property owner and the County  
16                                   may enter into a settlement agreement or other agreement as to the permissible use of  
17                                   the owner's land. Such an agreement shall be incorporated into the Special Master's  
18                                   recommendation.<sup>183</sup>

19           2.     General

20                                   A settlement agreement or other agreement as to the permissible use of the owner's land  
21                                   may be executed by the property owner or the party representative with authority to  
22                                   recommend a settlement directly to the Board of County Commissioners, subject to  
23                                   approval by the Board of County Commissioners. Any settlement agreement containing  
24                                   such a condition shall not be binding on any party until approved by all parties, including  
25                                   the Board of County Commissioners.

26           a.     Forms of Relief Available<sup>184</sup>

27                                   1.     Without limitation, relief may be in the form of exemptions or variances  
28   from the applicable ordinances, including this Code, as long they  
29   conform to state and federal law.

30                                   2.     Relief may be conditional in nature. Such conditional relief must be  
31   analyzed to determine if the conditions under which it is granted are  
32   consistent with the purpose and intent of the subject regulations and the  
33   applicable comprehensive plan.

34                                   a.     Conditions may be initial, after satisfaction of which the  
35   settlement is implemented, or

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<sup>183</sup> NOTE: See Section 70.51(19) ( c), Florida Statutes. Statute requires such an agreement must be incorporated into the Special Master recommendation.

<sup>184</sup> NOTE: Suggest adding provision that the relief provided, shall be the minimum necessary.



- 1           3.       Rejecting Recommendation
- 2                    Rejecting the recommendation of the Special Master.
- 3           4.       Notify Department of Legal Affairs
- 4                    Within fifteen (15) days of determining the specific action to be taken on the Special
- 5                    Recommendation, the County Administrator shall notify the Department of Legal Affairs
- 6                    of the County's decision, as required by law.<sup>187</sup>

7   L.       RIPENESS DECISION

8           1.       General

9                    If the Board of County Commissioners accepts the Special Master's Recommendation or

10                    modifies it and the owner rejects the acceptance or modification, or if the County rejects

11                    the Special Master's Recommendation, the County must issue a Ripeness Decision

12                    within thirty (30) days of the date of rejection. The Ripeness Decision shall describe as

13                    specifically as possible the use or uses available to the subject real property.<sup>188</sup>

14          2.       Length of Proceeding

15                    The procedures established under this Section, and as further directed under Section

16                    70.51, Florida Statutes, may not continue for more than one hundred and sixty-five (165)

17                    days after the filing of Request for Relief, unless the period is extended by agreement of

18                    the parties.

19          3.       Other

20                    A decision describing the available uses constitutes the last prerequisite to judicial

21                    proceedings, unless the owner has initiated a proceeding under Section 120.57, Florida

22                    Statutes.

23   M.       MISCELLANEOUS PROVISIONS

24          1.       Time Requirements and Furnishing Copies

25            a.       How Furnished

26                    Any copy which must be furnished to the Special Master, a party or a participant

27                    may be sent by regular mail, postage prepaid, or by hand delivery to the

28                    recipient's last known address. A copy furnished by mail will be deemed

29                    furnished to the recipient upon being deposited in the mail.

30            b.       Facsimile

31                    Any document that must be submitted, or any copy that must be furnished to the

32                    Special Master, a party or a participant, may be submitted or furnished by

33                    facsimile transmission. Documents submitted and copies furnished by facsimile

<sup>187</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>188</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1 transmission will be deemed submitted or furnished to the recipient on the date  
2 transmitted as shown on the recipient's copy, if the copy is complete.

3 c. Plainly Identify Parties

4 All documents must plainly identify the parties or participant parties to whom  
5 copies have been furnished.

6 d. Rules

7 The parties may adopt ground rules regarding computation of time in a Special  
8 Master agreement.

9 e. Document Received After 5:00 pm

10 Any document received after 5:00 pm shall be filed as of 8:00 am on the next  
11 regular business day.

12 2. Consolidation

13 a. Consolidation may Occur on Mutual Agreement of Parties

14 If there are separate matters that involve similar issues or identical parties, the  
15 Special Master may consolidate the matters, if the parties agree and it appears  
16 that consolidation would promote the speedy, efficient, and inexpensive  
17 resolution of the matters. If the separate matters are pending before different  
18 Special Masters, the parties may decide which Special Master will conduct the  
19 consolidated proceeding.

20 b. Parties Must Mutually Agree on Special Master

21 In the event that the parties agree to consolidate related Special Master  
22 proceedings into one (1) proceeding, the parties must jointly agree to selection of  
23 a Special Master. The Special Masters involved should maintain an open and  
24 professional relationship with each other, and each has an obligation to inform  
25 the others regarding the consolidation.

26 **11.03.07 INTERPRETATIONS<sup>189</sup>**

27 A. PURPOSE AND APPLICABILITY

28 This Section establishes a procedure whereby Code users may seek an interpretation of any of  
29 this Code's provisions, including an interpretation whether a specific use is deemed to be within a  
30 use classification permitted in a particular zoning district.

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<sup>189</sup> NOTE: This is a new procedure proposed for the County's consideration.

1 B. PROCEDURE

2 1. Initiation

3 A Written Interpretation may be requested by the Board of County Commissioners, any  
4 review board, any resident or landowner of the unincorporated County, or any person  
5 having a contractual interest in land in the unincorporated County.

6 2. Submission of Interpretation Request

7 Before a Written Interpretation is provided by the Director, an Interpretation Request shall  
8 be submitted to the Director, in writing, in a form established by the Director and made  
9 available to the public, along with a nonrefundable fee.

10 3. Determination of Completeness

11 Within ~~five (5)~~ ten (10) working days after an Interpretation Request is submitted, the  
12 Director shall determine whether it is complete pursuant to Section 11.01.07,  
13 *Determination of Completeness*.

14 4. Interpretation by Director

15 Within thirty (30) days after the Interpretation Request is determined complete, the  
16 Director shall review and evaluate the application in light of this Code, the  
17 Comprehensive Plan, and any other relevant documents; consult with the County  
18 Attorney and other staff, as necessary; and render a Written Interpretation.

19 5. Provide Written Interpretation to Person Making Request

20 A copy of the Written Interpretation shall be provided to the person making the  
21 Interpretation Request by the Director, ~~within a reasonable period of time after it is~~  
22 rendered.

23 6. Appeal

24 The person making the Interpretation Request may appeal the Written Interpretation of  
25 the Director to the Board of Adjustment pursuant to Section 11.03.05, *Appeals*.

26 C. OFFICIAL RECORD OF INTERPRETATIONS

27 The Director shall file and maintain the Written Interpretation in the Official Record of  
28 Interpretations, which shall be available for public inspection, upon reasonable request, during  
29 normal business hours, in the office of the Director.

1 **11.03.08 VESTED RIGHTS<sup>190</sup>**

2 A. ZONING CONFORMANCE<sup>191</sup>

3 It is the intent of this Section to set forth the regulations necessary to implement an Official  
 4 Zoning Map that is consistent with the Future Land Use Element of the St. Lucie County  
 5 Comprehensive Plan and that implements this Code. The regulations provide the process for the  
 6 comprehensive rezoning of St. Lucie County in accordance with the mandate of Section  
 7 163.3182, et. seq., Florida Statutes (1989). Recognizing the impact of this process on the citizens  
 8 of St. Lucie County, it is a fundamental objective of this Section to provide for effective public  
 9 participation in the Zoning Conformance process. In the preparation and amendment of the  
 10 proposed Official Zoning Map, it is intended that County staff recognize, to the extent feasible,  
 11 existing zoning and land uses that are consistent with the Future Land Use Map of the St. Lucie  
 12 County Comprehensive Plan. It is the further intent of this Section to provide separate processes  
 13 for the determination of vested rights.

14 1. Consistency Matrix

15 The Consistency Matrix, set forth as Table 11.03.08, shall be used to determine  
 16 consistency of the existing zoning districts in the Zoning Code with the Future Land Use  
 17 Element of the St. Lucie County Comprehensive Plan. Any zoning district that is not  
 18 consistent with the Future Land Use Map of the St. Lucie County Comprehensive Plan  
 19 according to the Consistency Matrix, shall not be applied for, permitted, or approved. All  
 20 requests for changes in zoning districts shall also be required to meet the standards of  
 21 review set out in this Code as determined by the Board of County Commissioners that  
 22 are consistent with the Future Land Use Element of the St. Lucie County Comprehensive  
 23 Plan.

TABLE 11.03.08: ST. LUCIE COUNTY LAND USE CATEGORY/ZONING DISTRICT COMPATABILITY CHART																
LAND USE CATEGORY	ZONING DISTRICT															
	AG-5	AG-2.5	AG-1	R/C	AR-1	RE-1	RE-2	RS-2	RS-3	RS-4	RM-5	RM-H-5	RM-7	RM-9	RM-11	RM-15
AG-5	X															
AG-2.5	X	X														
AG-1	X	X	X													
RE	X	X	X	X	X	X										
RS	X	X	X	X	X	X	X	X								
RU			X	X	X	X	X	X	X	X	X	X				
RM			X	X	X	X	X	X	X	X	X	X	X	X		
RH				X			X	X	X	X	X	X	X	X	X	X

<sup>190</sup> The language in Section A with the Compatibility Chart was added after the initial draft because it was inadvertently deleted from the draft. It is language that exists in the current LDC.

<sup>191</sup> NOTE: Talk with staff about what to do with this first section.

**TABLE 11.03.08: ST. LUCIE COUNTY LAND USE CATEGORY/ZONING DISTRICT COMPATABILITY CHART**

LAND USE CATEGORY	ZONING DISTRICT															
	AG-5	AG-2.5	AG-1	R/C	AR-1	RE-1	RE-2	RS-2	RS-3	RS-4	RM-5	RM-H-5	RM-7	RM-9	RM-11	RM-15
R/	X			X												
Cpub																
COM	X	X	X													
IND	X	X	X													
P/F	X	X	X	X												
T/U	X	X	X	X												
MXD	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
SD	X	X	X	X												
HIST	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

1

2

**TABLE 11.0803.0308: ST. LUCIE COUNTY LAND USE CATEGORY/ZONING DISTRICT COMPATABILITY CHART**

LAND USE CATEGORY	ZONING DISTRICT															
	CN	CO	CG	IL	IH	IX	U	I	RF	RVP	HIRD	PUD	PNRD	PMUD		
AG-5	X <sup>1</sup>	X <sup>1</sup>				X	X	X	X			X	X			
AG-2.5	X <sup>1</sup>	X <sup>1</sup>				X	X	X	X			X	X			
AG-1	X <sup>1</sup>	X <sup>1</sup>				X	X	X	X			X	X			
RE	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X		
RS	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X		
RU	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X		
RM	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X		
RH	X <sup>1</sup>	X <sup>1</sup>				X	X <sup>1</sup>	X	X		X	X	X	X		
R/C							X <sup>1</sup>	X	X		X	X	X	X		
Cpub							X <sup>1</sup>	X	X							

TABLE 11.03.0308: ST. LUCIE COUNTY LAND USE CATEGORY/ZONING DISTRICT COMPATABILITY CHART															
LAND USE CATEGORY	ZONING DISTRICT														
	CN	CO	CG	IL	IH	IX	U	I	RF	RVP	HIRD	PUD	PNRD	PMUD	
COM	X		X			X	X	X	X	X	X		X	X	
IND			X	X	X	X	X	X	X				X	X	
P/F							X	X	X	X		X		X	
T/U			X	X	X	X	X	X	X				X	X	
MXD	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	
SD							X	X	X			X	X	X	
HIST	X <sup>1</sup>	X <sup>1</sup>	X <sup>1</sup>				X <sup>1</sup>	X	X		X	X	X	X	

1: Limited to a maximum of 10 acres per parcel  
 2: See Future Land Use Element of the St. Lucie County Comprehensive Plan for zoning restrictions/options.

1

2            2.        Comprehensive Rezoning Required

3 |            Any zoning district that is inconsistent with the St. Lucie County Comprehensive Plan  
 4 |            shall be subject to a comprehensive zoning district amendment (rezoning) in order to  
 5 |            bring it into compliance with the St. Lucie County Comprehensive Plan.

6            3.        Notice of Zoning Conformance

7            Notice of the public hearings for the comprehensive rezoning shall be published in  
 8            accordance with Section 125.66(5)(b), Florida Statutes.

9            B.        DETERMINATION OF VESTED RIGHTS

10           In recognition of the fact that certain land development rights of property owners may be vested  
 11           with respect to the St. Lucie County Comprehensive Plan and this Code, this Section sets forth a  
 12           procedure for the determination of vested rights. Any person claiming vested rights to develop  
 13           property shall make application for a Vested Rights Special Use Permit pursuant to this Section.

14           1.        Determination of Vested Rights

15           a.        An application for a Vested Rights Special Use Permit shall be approved and a  
 16           Vested Rights Special Use Permit issued if an applicant has demonstrated rights  
 17 |           that are vested under the standards of subsection (D3) below, *Standards for*  
 18 |           *Vested Rights*. Possession of a Vested Rights Special Use Permit shall enable a  
 19 |           permittee to complete the development approved under such permit up to and  
 20 |           through issuance of appropriate certificates of occupancy, subject to the  
 21 |           limitations set forth in subsection (F5) below and subject to compliance with such  
 22 |           laws and regulations against which the development is not vested.

- 1           b.       An application for Vested Rights Special Use Permit may be submitted to the  
2           Director after the effective date of this Code.
- 3           c.       An application for a Vested Rights Special Use Permit shall be filed by August 1,  
4           1991. Except as provided in subsection (4) below, failure to file an application  
5           within the required period will constitute an abandonment of any claim to vested  
6           rights. Judicial relief will not be available unless administrative remedies set forth  
7           in this Section are exhausted, including the appeal of a vested rights  
8           determination to the Board of County Commissioners.
- 9           d.       Notwithstanding the provisions of subsection 1.(3C) above, the Board of County  
10          Commissioners may, in extraordinary circumstances, allow a property owner to  
11          submit an application after the one (1) year deadline where such extension is  
12          necessary to avoid undue hardship to the property owner.
- 13          2.       Application for a Vested Rights Special Use Permit
- 14           a.       An application for Vested Rights Special Use Permit shall be submitted to the  
15           Director on forms provided by the Director. After receipt of the application, the  
16           Director shall determine whether it is complete within ten (10) working days.  
17           Insufficient applications shall be returned to the applicant specifying the  
18           deficiencies. The Director shall take no further action on the application unless  
19           the deficiencies are remedied.
- 20           b.       Within twenty (20) working days after receipt of a completed application for a  
21           Vested Rights Special Use Permit, the Director shall review and evaluate the  
22           application in light of all of the criteria in this Section. Based on the criteria, the  
23           Director shall approve, approve with conditions or deny the application for Vested  
24           Rights Special Use Permit. The determination shall be in writing and shall  
25           include findings of fact for each of the applicable criteria.
- 26          3.       Standards for Vested Rights
- 27           An application for a Vested Rights Special Use Permit shall be approved if the applicant  
28           has demonstrated all of the following:
- 29           a.       The applicant:
- 30                   1.       As to vesting for the Comprehensive Plan, owned the property proposed  
31                   for development on January 9, 1990, St. Lucie Comprehensive Plan;
- 32                   2.       As to vesting for this Code adopted to implement the Comprehensive  
33                   Plan, owned the property on August 1, 1990;
- 34                   3.       As to vesting for any Comprehensive Plan amendments adopted to  
35                   implement the provisions of the proposed Compliance Agreement  
36                   between St. Lucie County and D.C.A. approved by the Board of County  
37                   Commissioners on   , (the "Compliance Agreement"), owned the  
38                   property prior to the date of such amendment; or
- 39                   4.       Entered into a contract or option to purchase the property on or before  
40                   such date; or





1 a. Upon the expiration of five (5) years after the issuance of a Vested Rights  
2 Special Use Permit, the issuance of development permits for the property subject  
3 to the Vested Rights Special Use Permit shall be subject to the requirements of  
4 all current regulations. The foregoing, the Vested Rights Special Use Permit may  
5 set forth an extension of the five (5) year period upon ~~a~~Finding by the Director  
6 ~~or the~~ Board of County Commissioners of the necessity for an extension of such  
7 time period.

8 b. Commencing with the expiration of two (2) years after the issuance of a Vested  
9 Rights Special Use Permit, an annual report shall be submitted to the Director by  
10 the developer or owner of the subject property. Annual reports shall be  
11 submitted on forms provided by the Director and shall be due on each annual  
12 recurrence of the permit issuance date. The annual report shall evidence that  
13 development has commenced and is continuing in good faith. Significant  
14 physical development or receipt by the applicant of one (1) or more of the  
15 following types of permits or approvals in each reporting year shall constitute  
16 sufficient evidence for the subject year:

- 17 1. Building Permit:
- 18 2. Site Plan Approval or not more than one (1) renewal of each Site Plan  
19 Approval;
- 20 3. Final Plan Approval for a Planned Unit Development;
- 21 4. Final Plat Approval;
- 22 5. Such other permits or approvals as shall evidence that development has  
23 commenced and is continuing in good faith.

24 Failure to proceed with significant physical development activity or to obtain one  
25 (1) of the foregoing approvals or permits in any reporting year, or failure to file an  
26 annual report when due, shall cause the development subject to the Vested  
27 Rights Special Use Permit to become subject to the requirements of the  
28 adequate public facilities regulations in Chapter V. A determination by the  
29 Director of a permittee's failure to proceed may be appealed to the County  
30 Administrator. In addition, the Administrator may grant an extension of time to  
31 file the required annual report upon a showing by the applicant, or successor,  
32 that strict enforcement would cause undue hardship because of circumstances  
33 beyond the applicant's or successor's control. Requests for extensions shall be  
34 submitted to the Administrator thirty (30) days prior to the due date for the annual  
35 report.

36 c. All development subject to a Vested Rights Special Use Permit must be  
37 consistent with the terms of the Development Order upon which the Vested  
38 Rights Special Use Permit was based. Any substantial deviation from a prior  
39 approval, except a deviation required by governmental action, shall cause the  
40 development involved to be subject to the policies and implementing decisions  
41 and regulations set forth in all current regulations. The Director shall determine  
42 whether a proposed change is a substantial deviation in light of the following  
43 criteria:

- 44 1. Any change in use or intensity of use that would increase the  
45 development's impacts on those public facilities subject to Chapter V by

1 more than five (5) percent shall be presumed to be a substantial  
2 deviation.

3 2. Any change in access to the project that would increase the  
4 development's transportation impacts by more than five (5) percent on  
5 any road subject to Chapter V shall be presumed to be a substantial  
6 deviation unless the access change would result in an overall  
7 improvement to the transportation network.

8 3. A Vested Rights Special Use Permit shall apply to the land and is  
9 therefore transferrable from owner to owner of the land subject to the  
10 permit.

11 4. Anything in this Section to the contrary notwithstanding, a Vested Rights  
12 Special Use Permit may be revoked upon a showing by the County of a  
13 peril to public health, safety or general welfare of the residents of St.  
14 Lucie County unknown at the time of approval.

15 **11.03.09 DEVELOPMENTS OF REGIONAL IMPACT<sup>192</sup>**

16 A. ~~APPLICATION FOR A~~ BINDING LETTER OF DETERMINATION FROM FDCA REQUIRED

17 1. General

18 A developer shall be required to submit an application to and receive a determination  
19 from the Florida Department of Community Affairs (FDCA) as to whether or not proposed  
20 development is a development of regional impact (DRI) as defined in Section 380.06,  
21 Florida Statutes, under the following circumstances:

22 a. Proposed ~~development~~ Development At Numerical Threshold or Up to twenty  
23 (20) Percent Above Threshold

24 The proposed development is at a presumptive numerical threshold or up to  
25 twenty (20) percent above a numerical threshold in the guidelines and standards  
26 in Chapter 380, Florida Statutes, or administrative rules promulgated thereunder;  
27 or

28 b. Proposed Development Between Presumptive Numerical Threshold and twenty  
29 (20) Percent Below Numerical Threshold Where Director in Doubt About Whether  
30 Location or Magnitude Will Create Substantial Effect on More Than One (1)  
31 County

32 The proposed development is between a presumptive numerical threshold and  
33 twenty (20) percent below the numerical threshold, and the Director is in doubt as  
34 to whether the character or magnitude of the development at the proposed  
35 location creates a likelihood that the development will have a substantial effect  
36 on the health, safety or welfare of the citizens of more than one (1) county.

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<sup>192</sup> NOTE: Additional modifications will be made to this section on DRIs, to ensure it conforms with the changes in state law.

1 c. Proposed Development Between Presumptive Numerical Threshold and twenty  
2 (20) Percent Below Numerical Threshold Where Director Determines Character  
3 or Magnitude Probably make it DRI<sup>193</sup>

4 1. A proposed development between a presumptive numerical threshold  
5 and twenty (20) percent below the numerical threshold, when the  
6 Director determines the character or magnitude of the proposed  
7 development probably make it a DRI.

8 2. Any person may appeal the Director's determination under this  
9 subsection to the Board of County Commissioners by filing a written  
10 notice of intent to appeal with the Director within fifteen (15) days of the  
11 date of receipt of the Director's written determination.

12 B. REQUIREMENTS ON PROPOSED DEVELOPMENT PROJECTS WHEN BINDING LETTER  
13 DETERMINATION REQUIRED<sup>194</sup>

14 1. If a Binding Letter Either is Required or Requested Voluntarily, Copy of Determination or  
15 Decision to be Provided to County

16 Any proposed development for which a Binding Letter of Determination is required  
17 pursuant to Section 11.03.09(A), *Binding Letter of Determination Required by FDCA*, or  
18 any proposed development for which a binding letter of determination has been sought  
19 by the landowner/developer shall provide the County a certified copy of the binding letter  
20 of determination issued by the Florida Department of Community Affairs (FDCA) or any  
21 court judgment which constitutes a final judgment entered as a result of an appeal from a  
22 final order of the Florida Department of Community Affairs (FDCA) making a  
23 determination on the Development of Regional Impact (DRI) status of a proposed  
24 development, prior to submission of the next application for development permit  
25 submitted for the development.

26 2. County Not Accept Application for Development Permit for Proposed Development  
27 Required to Gain Binding Letter of Determination, Until Final Binding Determination made

28 St. Lucie County shall not accept or process any applications for Development Permits  
29 for any project or portion thereof, for which a binding letter of determination is required  
30 pursuant to Section 11.03.09(A), *Binding Letter of Determination Required by FDCA*, or  
31 for which a binding letter of determination is sought by the developer, until a final binding  
32 determination has been made as to the Development of Regional Impact (DRI) status of  
33 the project.

34 3. Conditions, Restrictions, and Limitations in Binding Letter that Determines project  
35 Project is Not DRI shall be Incorporated into All Development Permits for the Development  
36 projectProject.

37 In instances where a proposed development project is determined not to be a  
38 Development of Regional Impact (DRI), and that determination has been made in part or  
39 in whole based upon various commitments or limitations as to the development that will  
40 occur in the binding letter, the commitments, limitations or conditions spelled out in the  
41 binding letter determination shall be incorporated as conditions into all Development

<sup>193</sup> NOTE: We have taken out some of the specific procedures for the Director's determination in this subsection, since they can be included in the Administrative ManualLDC Manual.

<sup>194</sup> NOTE: The subsections in this sections have been edited and re-organized in an effort to provide more clarity.

1                   Permits issued by St. Lucie County for the development, as if such conditions were fully  
2                   set out in each Development Permit.

3   C.       REQUIREMENTS ~~IF~~ FOR PROPOSED DEVELOPMENT PROJECT DETERMINED TO BE DRI

4                   If a proposed development project is determined to be a Development of Regional Impact (DRI)  
5                   or if the developer has waived the right to request a binding letter of interpretation or otherwise  
6                   agreed to the Development of Regional Impact (DRI) status of the proposed development project,  
7                   then the first Development Permit sought from St. Lucie County for such development shall be  
8                   accompanied by an application for development approval seeking Development of Regional  
9                   Impact (DRI) review and approval as required in Section 380.06, Florida Statutes, or the  
10                  developer/landowner shall first seek Development of Regional Impact (DRI) review for the  
11                  development project. No final action will be taken by St. Lucie County on any local application for  
12                  Development Permit for which Development of Regional Impact (DRI) approval is being sought  
13                  until the County can concurrently act on the application for development approval for  
14                  Development of Regional Impact (DRI) and the local Development Permit.

15   D.       PROPOSED MODIFICATION TO A DEVELOPMENT

16       1.       Modification to Development Determined Not to be DRI

17                   In the event of a proposed modification to a development for which a binding letter of  
18                   interpretation has been received by St. Lucie County indicating that the development was  
19                   not a DRI, the following shall apply.<sup>195</sup>

20       2.       Aggregated Development Results in Proposed Development At Presumptive Numerical  
21                   Threshold or Up to Twenty (20) Percent Above Threshold

22                   In the event the modification increases the size or scope of the development so that  
23                   when the proposed modification is aggregated with the prior approved development that  
24                   was determined not to be a DRI, the aggregated development is at a presumptive  
25                   numerical threshold or up to 20 percent above a numerical threshold in the guidelines  
26                   and standards of Chapter 380.06, Florida Statutes, or administrative rules promulgated  
27                   thereunder, then the developer shall be required to submit an application for a binding  
28                   letter of interpretation.

29       3.       Aggregated Development Results in Proposed Development At Presumptive Numerical  
30                   Threshold or Up to Twenty (20) Percent Below Threshold

31                   In the event the modification increases the size or scope of the development so that  
32                   when the proposed modification is aggregated with the prior approved development that  
33                   was previously determined not to be a DRI, that the aggregated development is at a  
34                   presumptive numerical threshold or twenty (20) percent below the numerical threshold,  
35                   then the provisions of Section 11.03.09(A)(1)(b) shall apply.

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<sup>195</sup> NOTE: Need to add standards. Where are they in code?

1 **11.04.00 DEVELOPMENT AGREEMENTS<sup>196</sup>**

2 **11.04.01 INTENT**

3 It is the intent of this Section to set forth the procedures and requirements necessary for St. Lucie County  
 4 to consider and enter into Development Agreements. It is the further intent of this Section to encourage a  
 5 strong commitment to comprehensive and capital facilities planning, ensure the provision of adequate  
 6 public facilities for development concurrent with the impacts of development, encourage the efficient use  
 7 of resources, and reduce the economic cost of development.

8 **11.04.02 PROCEDURE FOR REVIEW OF DEVELOPMENT AGREEMENT<sup>197</sup>**

9 A. SUBMISSION OF APPLICATION

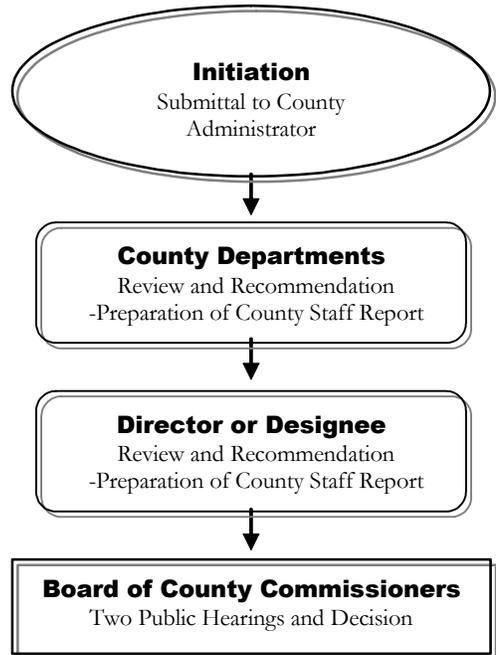
10 An application for a Development Agreement and a proposed Development Agreement shall be  
 11 submitted to the ~~County Administrator-Director or a designee~~ only by a Qualified Applicant, in  
 12 conjunction with or separate from any other application for Development Permit, on a form  
 13 provided in the ~~Administrative Manual~~ LDC Manual and made available to the public. The  
 14 application shall be accompanied by the applicable materials specified in the ~~Administrative~~  
 15 ~~Manual~~ LDC Manual.

16 B. REVIEW AND RECOMMENDATIONS OF  
 17 DIRECTOR COUNTY DEPARTMENTS

18 ~~County staff-The Director or a designee~~ shall  
 19 distribute the application to County departments as  
 20 identified by the ~~County Administrator-Director or a~~  
 21 ~~designee~~ for review and comments. Within thirty (30)  
 22 days of ~~receipt of distributing~~ the application, ~~the~~  
 23 ~~Director or a designee~~ County staff shall prepare ~~and~~  
 24 ~~file with the County Administrator~~ a County staff  
 25 report and recommendation on whether the  
 26 application and proposed Development Agreement  
 27 ~~as to whether the application and proposed~~  
 28 ~~Development Agreement comply with the standards~~  
 29 ~~of this code and the St. Lucie County Comprehensive~~  
 30 Plan.

31 ~~C. REVIEW AND RECOMMENDATION BY COUNTY~~  
 32 ~~ADMINISTRATOR~~

33 ~~Within ten (10) working days after receiving County~~  
 34 ~~staff comments, the County Administrator shall~~  
 35 ~~review the application and the proposed~~  
 36 ~~Development Agreement and the recommendations~~



**Development Agreements**

<sup>196</sup> NOTE: This section carries forward the provisions of the current Section 11.08.00. The only changes made were to ensure the section complies with Section 163.3220, Florida Statutes. The major change was to add a subsection to allow subsequent changes to the Development Agreement based on changes in local laws (Section 163.3233, Florida Statutes).

<sup>197</sup> NOTE: County staff and Consultant have identified the Director instead of the County Administrator as the staff professional responsible for reviewing and making recommendations on a proposed development Agreement. Other edits in this section are proposed by County staff and Consultant to clarify language and procedures.

~~of County departments, and provide a Staff Report and recommendation to the Board of County Commissioners as to whether the application and proposed Development Agreement comply with the standards of this Section.~~

C. DECISION BY BOARD OF COUNTY COMMISSIONERS

1. Two Public Hearings

After the ~~Director or a designee~~ County Administrator has prepared a staff report and made a recommendation on the application and proposed Development Agreement, the application and proposed Development Agreement shall be considered at two (2) public hearings by the Board of County Commissioners. The day, time, and place of the second public hearing shall be announced at the first public hearing. The hearings shall be noticed consistent with the requirements of Section 163.3225, Florida Statutes.

2. Decision

At the conclusion of the second public hearing, and based upon consideration of the application and the proposed Development Agreement, the Staff Report, and public testimony received during the public hearing, the Board of County Commissioners shall approve, approve with conditions, or deny the proposed Development Agreement based upon whether it complies with the standards in this Section.

**11.04.03 CONTENTS OF DEVELOPMENT AGREEMENT**

A Development Agreement shall, at a minimum, include the following provisions:

A. LEGAL DESCRIPTION AND OWNER

A legal description of the land subject to the Development Agreement and the names of the legal and equitable owners.

B. DURATION

The duration of the Development Agreement, which shall not exceed ten (10) years.

C. USES, DENSITIES, INTENSITIES, AND HEIGHT

The development uses permitted on the land including population densities, and building intensities and height.

D. FUTURE LAND USE MAP DESIGNATION

The land use designation of the land subject to the Development Agreement under the Future Land Use Element of St. Lucie County Comprehensive Plan and FLUM.

E. ZONING

The current zoning of the land subject to the Development Agreement.

F. CONCEPTUAL SITE PLAN

A conceptual site plan indicating phases, if the development is subject to phasing.

1 G. PUBLIC FACILITY ADEQUACY

2 A description of public facilities that will service the development, including who shall provide  
3 such facilities, the date any new public facilities, if needed, will be constructed, and a schedule to  
4 assure public facilities are available concurrent with the impact of the development. Any public  
5 facilities to be designed and/or constructed by the developer shall be in compliance with all  
6 applicable Federal, state, and county standards to ensure the quality of the public facilities. The  
7 standards shall include, but not be limited to, guarantees of performance and quality, and project  
8 controls (including scheduling, quality controls, and quality assurances).

9 H. RESERVATION OR DEDICATION OF LAND

10 A description of any reservations or dedications of land for public purposes.

11 I. LOCAL DEVELOPMENT PERMITS

12 A description of all local Development Permits approved or needed to be approved for the  
13 development of the land specifically, including but not limited to the following:

- 14 1. Any required Comprehensive Plan amendments.
- 15 2. Any required amendments to the Official Zoning Atlas (rezoning) (Sections 11.03.01(A)  
16 and 11.03.01(B)).
- 17 3. Any required submission to the Treasure Coast Regional Planning Council (TRRPC) or to  
18 the FDCA.
- 19 4. Any required permits from the FDEP, the U.S. ACOE, the SFWMD, the USEPA and other  
20 governmental permissions that are required.
- 21 5. Any plat (subdivision) approvals (Section 11.03.03).
- 22 6. Any required Final Development Order authorizing construction in accordance with the  
23 provisions of the adequate public facilities regulations in Chapter V: *Adequate Public*  
24 *Facilities*.
- 25 7. Development review approval (Section 11.03.02) and agreement that in the event that a  
26 site plan is required by this Code, all the requirements of the site plan process shall be  
27 met prior to development.

28 J. CONSISTENT WITH COMPREHENSIVE PLAN AND CODE <sup>198</sup>

29 Demonstration the development permitted or proposed is consistent with the Comprehensive  
30 Plan and this Code.

31 K. LOCAL DEVELOPMENT PERMITS OBTAINED BY APPLICANT/PROPERTY OWNER

32 The Development Agreement shall specifically provide that all local Development Permits  
33 identified in subsection (I) above, *Local Development Permits*, shall be obtained at the sole cost  
34 of the applicant/property owner and, that in the event that any such local Development Permits  
35 are not received, no further development of the land shall be allowed until such time as the St.

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<sup>198</sup> NOTE: See Section 163.3227, Florida Statutes.

1 Lucie County Board of County Commissioners has reviewed the matter and determined whether  
2 or not to terminate the Development Agreement, or to modify it in a manner consistent with the  
3 public interest and the St. Lucie County Comprehensive Plan.

4 L. COMPLIANCE WITH LAWS NOT IDENTIFIED IN DEVELOPMENT AGREEMENT

5 A statement indicating that failure of the Development Agreement to address a particular permit,  
6 condition, term, or restriction shall not relieve the applicant/land owner of the necessity of  
7 complying with the law governing said permitting requirements, conditions, terms or restrictions,  
8 and that any matter or thing required to be done under existing ordinances of St. Lucie County  
9 shall not be otherwise amended, modified or waived unless such modification, amendment or  
10 waiver is expressly provided for in the Development Agreement with specific reference to the  
11 code provisions so waived, modified or amended.

12 M. COMPLIANCE WITH SUBSEQUENTLY ADOPTED LAWS AND POLICIES

13 A statement recognizing and anticipating the conditions and changes in laws which the parties  
14 contemplate development in the Development Agreement will be subject.

15 N. CONDITIONS NECESSARY TO PROTECT HEALTH, SAFETY, WELFARE

16 Such conditions, terms, restrictions, or other requirements determined to be necessary by St.  
17 Lucie County for the public health, safety, or welfare of its citizens.

18 O. ANNUAL REPORT

19 A statement spelling out that the Developer whose land is subject to the Development Agreement  
20 shall submit an Annual Report to the Director in accordance with Section 11.04.11(A).

21 **11.04.04 STANDARDS FOR REVIEW**

22 Development Agreements shall be approved only if all required provisions are included and if the Board  
23 of County Commissioners makes the following findings:

24 A. CONSISTENCY WITH COMPREHENSIVE PLAN

25 The development permitted or proposed in the Development Agreement is consistent with the St.  
26 Lucie County Comprehensive Plan. No Development Agreement shall be effective or  
27 implemented by the Board of County Commissioners unless any Comprehensive Plan  
28 amendments required are found in compliance in accordance with the State planning laws.

29 B. CONSISTENCY WITH THIS CODE

30 The development permitted or proposed in the Development Agreement is consistent with this  
31 Code.

32 **11.04.05 EXECUTION OF DEVELOPMENT AGREEMENT**

33 A Development Agreement shall be executed by all persons having legal or equitable title in the subject  
34 property, including the fee simple owner and any mortgagees, unless the County Attorney approves the  
35 execution of the Development Agreement without the necessity of such joinder or subordination based on  
36 a determination that the substantial interests of the County will not be adversely affected thereby. A

1 Development Agreement is determined to be a legislative act of the County in the furtherance of its  
2 powers to plan, zone and regulate development within its boundaries and, as such, shall be superior to  
3 the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the  
4 subject property and the Development Agreement, and the obligations and responsibilities arising  
5 thereunder on the property owner shall be superior to the rights of said mortgagees or lien holders and  
6 shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to  
7 the execution and recordation of the Development Agreement.

8 **11.04.06 LOCAL LAWS AND POLICIES GOVERNING DEVELOPMENT AGREEMENT**

9 A. GENERAL

10 St Lucie County's laws and policies governing the development of land at the time of execution of  
11 the Development Agreement shall govern the development of land subject to a Development  
12 Agreement for the duration of the Development Agreement, except pursuant to Section  
13 11.04.07(B), below, *Application of Subsequently Adopted Laws and Policies*.

14 **11.04.07 APPLICATION OF SUBSEQUENTLY ADOPTED LAWS AND POLICIES<sup>199</sup>**

15 St Lucie County may apply subsequently adopted laws and policies to land subject to a Development  
16 Agreement if the Board of County Commissioners conducts one (1) public hearing that is noticed  
17 pursuant to the requirements of Section 163.3225, Florida Statutes, and makes the following  
18 determinations:

19 A. NOT IN CONFLICT WITH LAWS AND POLICIES GOVERNING DEVELOPMENT AGREEMENT

20 They are not in conflict with the laws and policies governing the Development Agreement and do  
21 not prevent development of the land uses, intensities, or densities in the Development  
22 Agreement.

23 B. ESSENTIAL TO PUBLIC HEALTH, SAFETY, OR WELFARE AND STATE THEY APPLY

24 They are essential to the public health, safety, or welfare, and expressly state they shall apply to  
25 a development that is subject to a Development Agreement.

26 C. ANTICIPATED AND PROVIDED FOR

27 They are specifically anticipated and provided for in the Development Agreement.

28 D. SUBSTANTIAL CHANGES

29 The County demonstrates that substantial changes have occurred in pertinent conditions existing  
30 at the time of approval of the Development Agreement; or

31 E. BASED ON INACCURATE INFORMATION

32 The Development Agreement is based on substantially inaccurate information supplied by the  
33 developer.

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<sup>199</sup> NOTE: Modification of existing regulation based on Section 163.3233, Florida Statutes.

1     **11.04.08            AMENDMENT AND CANCELLATION OF AGREEMENT BY MUTUAL CONSENT**

2     A Development Agreement may be amended or canceled by mutual consent of the parties to the  
3     Agreement or by their successors in interest. Prior to amending a Development Agreement, the Board of  
4     County Commissioners shall hold two (2) public hearings on the proposed amendment, consistent with  
5     the requirements of Section 11.04.02, *Procedure for Review of Development Agreement*.

6     **11.04.09            TERM**

7     The term of a Development Agreement shall not exceed ten (10) years or such time as the Act may  
8     provide. A Development Agreement may be extended by mutual consent of the Board of County  
9     Commissioners and the developer, subject to public hearings in accordance with Section 11.04.02  
10    *Procedure for Review of Development Agreement*. The term of any one (1) extension shall not exceed  
11    five (5) years or such time as the Act may provide.

12    **11.04.10            RECORDATION AND EFFECTIVENESS**

13    A.     GENERAL

14            Within fourteen (14) days after St. Lucie County enters into the Development Agreement, the  
15            Clerk to the Board of County Commissioners shall record the agreement with the Clerk of the  
16            Circuit Court and in the public records of St. Lucie County.<sup>200</sup> A copy of the recorded  
17            Development Agreement shall be submitted to the FDCA within fourteen (14) days after the  
18            Agreement is recorded. If the Agreement is amended, canceled, modified, extended, or revoked,  
19            the Clerk to the Board of County Commissioners shall record the agreement with the Clerk of the  
20            Circuit Court and in the public records of St. Lucie County and such recorded notice shall be  
21            submitted to FDCA. A copy of all Development Agreements shall be kept by the Clerk of the  
22            Board of County Commissioners in a separate book in the Clerk's Official Records Division  
23            located at the St. Lucie County Courthouse.

24    B.     EFFECTIVE DATE

25            A Development Agreement shall not be deemed to be effective until it has been recorded with the  
26            Clerk of the Circuit Court and in the public records of St. Lucie County and until thirty (30) days  
27            after having been received by FDCA.

28    **11.04.11            PERIODIC REVIEW**

29    A.     ANNUAL REVIEW

30            ~~The County shall review the development subject to the Development Agreement. The Developer,~~  
31            ~~when land is subject to the Development Agreement, shall submit to the Director, every twelve~~  
32            ~~(12) months, commencing twelve (12) months after the effective date of the Agreement, an~~  
33            ~~Annual Report of the status of development activity on the site during the prior year and how it~~  
34            ~~complies with the terms of the Development Agreement.~~

<sup>200</sup> NOTE: Modified regulation pursuant to Section 163.3239, Florida Statutes.

1 ~~B.~~ NOTICE

2           ~~The County shall begin the review process by giving notice to the developer that the County~~  
3           ~~intends to undertake a periodic review of the Development Agreement.~~

4 ~~C.B.~~ COMPLIANCE

5           If the County finds and determines that the developer has complied in good faith with the terms  
6           and conditions of the Development Agreement during the period under review, the review for that  
7           period is concluded. During this annual review in years six (6) through ten (10), the review shall  
8           be incorporated into a written report and submitted to the parties and FDCA.<sup>201</sup>

9 ~~D.C.~~ FAILURE TO COMPLY

10           If the County makes a preliminary finding there has been a failure to comply with the terms of the  
11           Development Agreement, the Board of County Commissioners shall conduct two (2) public  
12           hearings pursuant to the requirements of Section 11.04.02, *Procedure for Review of*  
13           *Development Agreement*, at which the developer may demonstrate good faith compliance with  
14           the terms of the Development Agreement. If the Board of County Commissioners finds and  
15           determines on the basis of substantial competent evidence that the developer has not complied in  
16           good faith with the terms and conditions of the Development Agreement during the period under  
17           review, the Board of County Commissioners may modify or revoke the Development Agreement.

18 **11.04.12           EFFECT OF CONTRARY STATE OR FEDERAL LAWS**

19           In the event that state or federal laws are enacted after the execution of a Development Agreement which  
20           are applicable to and preclude the parties' compliance with the terms of the Development Agreement, the  
21           agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.  
22           The modification or revocation shall take place only after the Board of County Commissioners consider  
23           the matter at two (2) public hearings held and noticed pursuant to Section 11.04.02, *Procedure for*  
24           *Review of Development Agreement*.

25 **11.04.13           ENFORCEMENT**

26           Any party, any aggrieved or adversely affected person, or FDCA may file an action for injunctive relief in  
27           the Circuit Court for St. Lucie County to enforce the terms of a Development Agreement or to challenge  
28           compliance of the Development Agreement with the provisions of this Section and Section 163.3220, *et.*  
29           *seq.*, Florida Statutes.

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<sup>201</sup> NOTE: See Section 163.3235, Florida Statutes.

1 **11.05.00 ENFORCEMENT<sup>202</sup>**

2 **~~11.04.14~~11.05.01 GENERAL PROVISIONS<sup>203</sup>**

3 A. PURPOSE

4 This Section establishes procedures through which the County seeks to ensure compliance with  
5 the provisions of this Code and obtain corrections for violations of this Code. The Section also  
6 sets forth the remedies and penalties that apply to violations of this Code. The provisions of this  
7 section are intended to encourage the voluntary correction of violations, where possible.

8 B. COMPLIANCE REQUIRED

9 No person shall develop or use any land, building, or structure within the County in violation of  
10 this Code, regulations authorized under this Code, or the terms and conditions of permits or  
11 approvals issued under this Code. A permit or approval issued in violation of this Code is void.  
12 Any person violating any of the provisions of this Code shall be deemed guilty of a misdemeanor  
13 and, upon conviction thereof, shall be punished as provided by law.

14 C. PARTIES OF VIOLATIONS

15 Every person who commits, attempts to commit, conspires to commit, or aids and abets in the  
16 commission of any act declared herein to be in violation of this Code, whether individually or in  
17 connection with one (1) or more persons, or as a principal, agent or accessory, shall be guilty of  
18 such offense and every person who falsely, fraudulently, forcibly or willfully entices, causes,  
19 coerces, requires, permits, or directs another to violate any provision of this chapter is likewise  
20 guilty of such offense.

21 D. CONTINUATION OF PRIOR ENFORCEMENT ACTIONS

22 Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken  
23 by the County pursuant to previous regulations.

24 E. CONTINUING VIOLATIONS

25 Each day that a violation occurs or remains uncorrected after receipt of notice shall constitute a  
26 separate and distinct violation of this Code.

27 **~~11.04.15~~11.05.02 VIOLATIONS<sup>204</sup>**

28 Each of the following activities shall constitute a violation of this Code:

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<sup>202</sup> NOTE: This section carries forward the substance of the current Section 11.13.00. The section is significantly reorganized and numerous subheadings have been added to make it more user-friendly. In addition, new sections are added clarifying the types of violations that can occur, and clarifying the overall structure of the enforcement process.

<sup>203</sup> NOTE: This is a new subsection.

<sup>204</sup> NOTE: This is a suggested new section proposed for the County's review. It provides more specificity regarding violations than the current code.

- 1 A. ACTIVITY INCONSISTENT WITH CODE
- 2 Develop any land, building, structure, or sign, or engage in development of land in contravention  
3 of any provision of this Code or any regulation promulgated under this Code;
- 4 B. ACTIVITY INCONSISTENT WITH PERMIT OR APPROVAL
- 5 Engage in any development or other activity of any nature in any way inconsistent with the terms  
6 or conditions of any permit or approval entitlement required to engage in such activity, whether  
7 issued under or required by this Code;
- 8 C. LAND-DISTURBING ACTIVITIES INCONSISTENT WITH CODE
- 9 Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the  
10 provisions of this Code without first obtaining all requisite development permits and approvals  
11 required by this Code or other applicable regulations;
- 12 D. DISTURBANCE OF VEGETATION INCONSISTENT WITH CODE
- 13 Failure to install or maintain vegetation protection measures required under this Code or  
14 entitlement issued under this Code;
- 15 E. DAMAGE TO OR REMOVAL OF VEGETATION INCONSISTENT WITH CODE
- 16 Disturbance of the existing grade, removal, wounding, willful exposure to severe hydrologic  
17 changes, or application of damaging chemicals to vegetation except in compliance with this Code  
18 or other applicable regulations;
- 19 F. ALTERATION OF NONCONFORMITIES INCONSISTENT WITH CODE
- 20 Create, expand, replace, or change any nonconformity except in compliance with this Code and  
21 all other applicable regulations;
- 22 G. MAKING LOTS, SETBACKS, BUFFERS, OR OPEN SPACE NONCONFORMING
- 23 Reduce or diminish the lot area, setbacks, vegetative buffers, or open space below the minimum  
24 standards set forth in this Code and all other applicable regulations;
- 25 H. INCREASING DENSITY OR INTENSITY OF USE
- 26 Increase the density or intensity of any use of any land, building, or structure, except in  
27 accordance with the requirements of this Code and all other applicable regulations;
- 28 I. OUTDOOR STORAGE INCONSISTENT WITH CODE
- 29 Deposit or maintain (intentionally or otherwise) goods, materials, products, or other items outside  
30 and in plain view including, but not limited to operable vehicles or equipment, or abandoned  
31 vehicles, except in compliance with this Code and all other applicable regulations;
- 32 J. FILE OR RECORD SUBDIVISION PLAT WITHOUT APPROVAL
- 33 File or record a Final Plat in any public office without approval for recording by, and bearing the  
34 approval of, the platting authority under this Code; or

1 K. FAILURE TO REMOVE SIGNS

2 Failure to remove any sign installed, created, erected, or maintained in violation of this Code, or  
3 for which the Sign Permit has lapsed.

4 ~~11.04.16~~11.05.03 **RESPONSIBILITY FOR ENFORCEMENT**

5 A. ENVIRONMENTAL CONTROL PROVISIONS

6 The Environmental Control Hearing Board shall have responsibility for enforcement proceedings  
7 with respect to the provisions set forth below, pursuant to the procedures set forth in Section  
8 11.05.04 below.

9 1. Wastewater and Sewage Disposal Compliance (Sections 7.08.03 and ~~11.03.04(I)~~)

10 2. Wetlands Protection (Section 6.02.03 and 11.03.04(G))

11 3. Native Upland Habitat Protection (Section 6.04.01)

12 4. Land clearing and yard trash recycling operations (Section 7.10.12(c))

13 5. Standard Housing Code (Section 13.08.00)

14 6. All other codes, statutes, rules, regulations adopted by reference hereunder pursuant to  
15 Section 11.05.04.

16 B. ALL OTHER PROVISIONS

17 1. Code Enforcement Board Enforces Other Provisions

18 Unless otherwise stated, the Code Enforcement Board, as described more fully in  
19 Sections 1-2-19 through 1-2-27.3, St. Lucie County Code and Compiled Laws, shall  
20 enforce this Code with respect to all other provisions of this Code not listed above,  
21 pursuant to the procedures set forth in Section 11.05.05 below, *Enforcement Procedures*  
22 *for Code Enforcement Board*.

23 2. Code Enforcement Officer Initiates Enforcement Proceedings

24 It shall be the duty of the Code Enforcement Officer to initiate enforcement proceedings  
25 of this Code and other codes as specified in the St. Lucie County Code and Compiled  
26 Laws. No member of the Code Enforcement Board shall have the power to initiate  
27 enforcement proceedings.

28 ~~11.04.17~~11.05.04 **ENFORCEMENT PROCEDURES FOR ENVIRONMENTAL CONTROL**  
29 **HEARING BOARD (ECHB)**

30 A. CRIMINAL PENALTIES AND ENFORCEMENT

31 1. Penalties

32 a. General

1 It is unlawful to violate the provisions listed in Section 11.05.03(A), *Environmental*  
2 *Control Provisions*. Violation of any such provision is declared to be a criminal  
3 offense and misdemeanor within the meaning of Section 775.08, Florida  
4 Statutes, and shall be punishable as provided by law. Each day during any  
5 portion of which such violation occurs constitutes a separate offense.

6 b. Order of ECHB

7 It is unlawful to violate any duly constituted order of the ECHB. Such violation is  
8 declared to be a criminal offense and misdemeanor within the meaning of  
9 Section 775.08, Florida Statutes, and shall be punishable as provided by law.  
10 Each day during any portion of which such violation occurs constitutes a  
11 separate offense.

12 2. Criminal Enforcement Procedure

13 a. Environmental Control Officer Notifies State Attorney

14 Whenever the Environmental Control Officer has received or obtained evidence  
15 that a specific violation of the provisions listed in Section 11.05.03(A),  
16 *Environmental Control Provisions*, has been committed, the Environmental  
17 Control Officer may notify the state attorney of the Nineteenth Judicial Circuit of  
18 such violation. Such notice shall contain a description of the violation, the date of  
19 the violation, the location of the violation and the name and address of the  
20 violator.

21 b. State Attorney Initiates Proceedings

22 Upon receipt of such notice, the State Attorney shall institute proceedings in a  
23 court of competent jurisdiction for prosecution of the violation.

24 B. CIVIL PENALTIES AND ENFORCEMENT<sup>205</sup>

25 1. Civil Penalties<sup>206</sup>

26 a. General

27 Any person found by the ECHB to be or to have been in violation of the  
28 provisions listed in Section 11.05.03(A), *Environmental Control Provisions*, or any  
29 provision contained in Chapter 2.6.5, St. Lucie County Code and Compiled Laws,  
30 may have imposed against him or her a civil penalty not to exceed \$500.00 for  
31 each day of violation. In determining the amount of such civil penalty, the ECHB  
32 shall consider the nature, duration, and environmental impact of such violation.  
33 The ECHB shall incorporate the amount of the penalty imposed on its final  
34 decision and order finding such person in violation. All civil penalties collected  
35 under this Section shall be paid into the general fund of St. Lucie County.

36 b. Fines become Statutory Liens

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<sup>205</sup> NOTE: This section has been reorganized for clarity but carries forward the substance of the current Code.

<sup>206</sup> NOTE: The current Code provides a different set of remedies and penalties for enforcement of environmental provisions versus enforcement of all other provisions. This draft maintains the distinction, per staff direction.

1 Any fine imposed by order of the ECHB shall, upon expiration of the time for  
2 appeal and the filing of said order with the Clerk of the Circuit Court, become a  
3 statutory lien against any and all property of the respondent.

4 2. Civil Enforcement Procedure

5 a. Responsibility for Determining Compliance with this Section

6 It shall be the duty of the County Health Director, with the advice and assistance  
7 of the Environmental Control Officer<sup>207</sup>, to determine compliance with the terms  
8 of this Section.

9 b. Notice of Violation

10 If any person is in violation of the provisions listed in Section 11.05.03(A), the  
11 County Health Director may give the violator reasonable time, by formal notice,  
12 within which to correct such violation. Should the violation continue beyond the  
13 time specified for corrections, the County Health Officer shall notify the  
14 Environmental Control Officer in writing of such failure to correct the violation. If  
15 any person has been in violation of this Code for conducting an activity without  
16 benefit of or in violation of the terms of a required permit or has been in violation  
17 of this Code for conducting an activity which resulted in environment damage or  
18 a public health threat, the County Health Director, in lieu of or in addition to the  
19 above procedure for formal notice, may notify the Environmental Control Officer  
20 in writing of the violation.

21 c. Notice to Environmental Control Hearing Board

22 1. File Notice with ECHB

23 Upon receipt of the County Health Director's notice of a failure to correct  
24 violation or notice of an activity conducted without or in violation of a  
25 required permit or an unlawful activity that resulted in environmental  
26 damage or a public health threat, the Environmental Control Officer shall  
27 file a notice of non-compliance, notice of environmental damage done or  
28 public health threat created, or notice of activity conducted without  
29 permit, with the Environmental Control Hearing Board.

30 2. ECHB Notices Hearing

31 Within ten (10) days after filing with the Environmental Control Hearing  
32 Board of a notice of non-compliance, notice of environmental damage  
33 done or public health threat created, or notice of activity conducted  
34 without permit, the Hearing Board shall notice a hearing scheduled to be  
35 held within 45 days of the filing date. Service of notice on all parties shall  
36 be completed ten (10) days before the hearing. Hearings may be  
37 continued from day-to-day until completed.

38 3. Service of Notice of Initial Hearing

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<sup>207</sup> NOTE: Does this position exist?

1 Service of initial hearing shall be made in the same way as the Florida  
2 Rules of Civil Procedure provide for service of process of initial  
3 pleadings. Subsequent notices of hearing may be mailed.

4 4. Content of Notice

5 Notice of hearing will specify date, time, and exact place of hearing.  
6 Attached to the notice shall be a copy of the notice of noncompliance,  
7 notice of environmental damage done or public health threat created, or  
8 notice of activity conducted without permit.

9 d. Hearing by ECHB

10 1. Interrogatories and Requests for Admission

11 Either party may serve written interrogatories and requests for  
12 admissions upon the other party.— The petitioner may serve  
13 interrogatories or requests for admission on respondent at any time after  
14 service of the initial notice of hearing.— The respondent may serve  
15 interrogatories or requests for admission on petitioner any time after  
16 receiving a Notice to Correct Violation. Answers and objections to  
17 interrogatories or requests for admissions shall be served within twenty  
18 (20) days after service of the interrogatories or requests for admissions.  
19 The chairman of the ECHB may grant a shorter or longer time.  
20 Admissions shall have the effect set out in Florida Rules of Civil  
21 Procedures, Section 1.370(b). A matter is admitted unless the party to  
22 whom a request for admissions is directed serves upon the party  
23 requesting the admission a timely answer or objection. In the event a  
24 party fails to make discovery, the opposing party may motion the ECHB  
25 for an order compelling discovery.



1           g.       Judicial Notice

2                       In reaching a decision, judicial notice may be taken, either before or after  
3                       submission of the case, for decisions of any fact that may be judicially noticed by  
4                       the courts of Florida.

5           h.       Decision

6                       The decision of the ECHB shall be in writing and shall contain a brief statement  
7                       of facts found to be true, the determination of the issues presented and the order  
8                       of the ECHB. A copy of the decision shall be mailed or delivered to the  
9                       Environmental Control Officer, petitioner, respondent, and to every person who  
10                      filed an answer or who appeared as a party at the hearing.

11   C.       FEE SCHEDULE

12                      A schedule of fees to be paid annually to cover costs of inspections and administration of this  
13                      Section and the Environmental Control Act shall be established by resolution of the ECHB. The  
14                      owner of the property on which any of the businesses or activities listed in the resolution is  
15                      conducted shall make timely payment of the fees when billed.

16   D.       ENFORCEMENT OF ECHB ORDERS AND INJUNCTION RELIEF

17                      If preventative or corrective measures are not taken or any civil penalty imposed is not forfeited in  
18                      accordance with any order of the ECHB, or if the Environmental Control Officer finds that a  
19                      violation of the provisions listed in Section 11.05.03(A), *Environmental Control Provisions*, exist  
20                      so as to create an emergency requiring immediate action to protect human health or welfare, or to  
21                      prevent irreparable environmental damage, the Environmental Control Officer may institute  
22                      appropriate proceedings in the Circuit Court for St. Lucie County to abate and prosecute or  
23                      enforce orders of the Environmental Control Hearing Board (ECHB). Such relief may include  
24                      both temporary and permanent injunctions. Any proceedings initiated under this Section shall be  
25                      brought forward in the name of St. Lucie County.

26   E.       REFUSAL TO OBEY SUBPOENA ISSUED BY THE ECHB

27           1.       Contempt

28                      Whenever any person duly subpoenaed to appear and give evidence or to produce any  
29                      books and papers before the Environmental Control Hearing Board (ECHB) neglects or  
30                      refuses to appear, or to produce any books or papers, as required by the subpoena, or  
31                      refuses to testify or to answer any question which the Environmental Control Hearing  
32                      Board (ECHB) decides is proper and pertinent, that person shall be deemed in contempt,  
33                      and the Environmental Control Hearing Board (ECHB) shall report the fact to the Judge  
34                      of the Circuit Court of the district in which the person resides.

35           2.       Order of Judge

36                      Upon receipt of the report, the Judge of the Circuit Court shall issue an order directed to  
37                      the Sheriff of St. Lucie County commanding the Sheriff to forthwith bring such person  
38                      before the Judge who entered the order.

1           3.       Judge Takes Jurisdiction

2                   On the return of the order and the production of the body of the defendant, the Judge has  
3 jurisdiction of the matter. The person charged may purge himself of contempt in the  
4 same way and the same proceedings shall be had, and the same penalties may be  
5 imposed, and the same punishment inflicted as in the case of a witness subpoenaed to  
6 appear and give evidence on the trial of a civil cause before a circuit court of the state.

7   F.       CONSTRUCTION IN RELATION TO OTHER LAW

8                   It is the purpose of this Section to provide additional cumulative remedies to control the  
9 environment of St. Lucie County. Nothing contained herein shall be construed to abridge or alter  
10 rights of action, or remedies in equity under the common law or statutory law, criminal or civil, nor  
11 shall any provisions of this Section be construed as estopping the state, or any municipality or  
12 person affected by environmental pollution, in the exercise of its or the person's rights in equity or  
13 under common law or statutory law to suppress nuisances or to abate environmental pollution.

14   G.       INCORPORATION OF OTHER LAWS

15                   Chapters 381 (Public Health), 386 (Nuisances Injurious to Health), 387 (Pollution of Water), 408  
16 (Environmental Control), 501 (Hazardous Substances), and 509 (Hotels and Restaurants),  
17 Florida Statutes 1983, as amended, are hereby adopted and incorporated by reference as part of  
18 this Section to the same extent and to the same effect as if the provisions of each statute or law  
19 had been set out in full. All rules of the FDED and the FDH adopted pursuant to such state laws,  
20 as the rules are from time to time amended, and all rules of the ECHB adopted pursuant to  
21 Chapter 83-511, Special Acts, Laws of Florida, are hereby adopted and incorporated by reference  
22 as part of this Section and Code to the same extent and to the same effect as if the provision of  
23 each such rule had been set out in full.

24   H.       POWERS OF HEALTH DEPARTMENT

25                   Nothing in this Section shall limit or reduce the powers of the St. Lucie County Health Department  
26 pursuant to interlocal agreement, general or special law, or any other source of authority.

27   11.04.1811.05.05   **ENFORCEMENT PROCEDURES FOR CODE ENFORCEMENT BOARD**

28   A.       INITIATION OF ENFORCEMENT BY CODE ENFORCEMENT OFFICER

29           1.       Violations Generally<sup>208</sup>

30                   Except as provided in subsections (2) and (3) below, if a violation of this Code is found  
31 that is not governed by the ECHB in accordance with this Code, the Code Enforcement  
32 Officer shall notify the violator and give him a reasonable time to correct the violation.  
33 Should the violation continue beyond the time specified for correction, the Code  
34 Enforcement Officer shall notify the Code Enforcement Board and request a hearing.  
35 The Code Enforcement Board shall schedule a hearing and a written notice of such  
36 hearing shall be hand-delivered or mailed as provided in subsection D. below, *Notice*, to  
37 the alleged violator. At the option of the Code Enforcement Board, notice may  
38 additionally be served by publication as provided in Section 11.01.10, *Public Notification*.  
39 If the violation is corrected and then recurs, the case may be presented to the Code

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<sup>208</sup> **NOTE: Make it clear which process is violation, and when Code Enforcement Board will be used.**

1 Enforcement Board even if the violation has been corrected prior to the Board hearing,  
2 and the notice shall so state.

3 2. Violation Presents Serious Threat to Public Health, safety, or Welfare

4 If the Code Enforcement Officer has reason to believe a violation presents a serious  
5 threat to the public health, safety, or welfare, or if the violation is irreparable or  
6 irreversible in nature, the Code Enforcement Officer shall make a reasonable effort to  
7 notify the violator and may immediately notify the Code Enforcement Board and request a  
8 hearing.

9 3. Repeat Violations

10 If a repeat violation is found, the Code Enforcement Officer shall notify the violator but is  
11 not required to give the violator a reasonable time to correct the violation. The Code  
12 Enforcement Officer, upon notifying the violator of a repeat violation shall notify the Code  
13 Enforcement ~~Officer-Board~~ and request a hearing. The Code Enforcement Board shall  
14 provide notice to the violator pursuant to subsections (D)(1) or (D)(2) below, *Notice*. The  
15 case may be presented to the Code Enforcement Board even if the repeat violation has  
16 been corrected prior to the Board hearing, and the notice shall so state.

17 B. HEARINGS OF CODE ENFORCEMENT BOARD

18 1. Scheduling of Hearing

19 Upon the request of the Code Enforcement Officer, or at such other times as may be  
20 necessary, the Chairman of the Code Enforcement Board may call hearings of the Board.  
21 Hearings may also be called by written notice signed by at least three (3) members of the  
22 Board. At any hearing the Board may set a future hearing date.

23 2. Hearings Open to Public

24 All hearings and proceedings of the Code Enforcement Board shall be open to the public.

25 3. Minutes

26 Minutes shall be kept of all hearings of the Board.

27 4. Presentation of Cases by Code Enforcement Officer

28 Each case before the Code Enforcement Board shall be presented by the Code  
29 Enforcement Officer, or a designee.

30 5. Conduct of Hearings-

31 The Code Enforcement Board shall proceed to hear all cases on the agenda for that day.  
32 All testimony shall be under oath and shall be recorded. The Board shall take testimony  
33 from the Code Enforcement Officer and alleged violator. Formal rules of evidence shall  
34 not apply, but fundamental due process shall be observed and shall govern the  
35 proceedings.

36 6. Decision and Order

1 At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact,  
2 based on evidence of record, and conclusions of law, and shall issue an order affording  
3 proper relief, consistent with the powers granted herein. The findings shall be by motion  
4 approved by a majority of those members present and voting, except that at least four (4)  
5 members of the Code Enforcement Board must vote for an action to be official. The  
6 order may include a notice that it must be complied with by a specific date, and that a fine  
7 may be imposed if the order is not complied with by such date. A certified copy of such  
8 order may be recorded in the public records and shall constitute notice to any subsequent  
9 purchasers, successors in interest, or assigns if the violation concerns real property, and  
10 the findings therein shall be binding upon the violator and, if the violation concerns real  
11 property, any subsequent purchasers, successors in interest, or assigns. If the order is  
12 recorded in the public records pursuant to this subsection and the order is complied with  
13 by the date specified in the order, the Board shall issue an order acknowledging  
14 compliance, which shall be recorded in the public records. A hearing is not required to  
15 issue such order or acknowledging compliance.

16 7. Failure to Comply with Order or Repeat Violator

17 The Code Enforcement Board, upon notification by the Code Enforcement Officer that a  
18 previous order of the Board has not been complied with by the set time or upon finding  
19 that a repeat violation has been committed, may order the violator to pay a fine in an  
20 amount specified below, for each day the violation continues past the date set by the  
21 Board for compliance or, the in the case of repeat violation, for each day the repeat  
22 violation continues past the date of notice to the violator of the repeat violation. If a  
23 finding of a violation or a repeat violation has been made as provided in this part section,  
24 a hearing shall not be necessary for the issuance of the order imposing the fine.

25 a. Fines Generally

26 A fine imposed pursuant to this section shall not exceed the amount specified in  
27 the Administrative Manual LDC Manual.

28 b. Amount of Fine

29 In determining the amount of the fine, if any, the Code Enforcement Board shall  
30 consider the following factors:

- 31 1. The gravity of the violation;
- 32 2. Any actions taken by the violator to correct the violation; and,
- 33 3. Any previous violations committed by the violator.

34 c. Board May Reduce Fine

35 The Code Enforcement Board may reduce a fine imposed by this Section.

36 8. Fine Becomes Lien if Recorded

37 A certified copy of an order imposing a fine may shall be recorded in the public records  
38 and shall thereafter constitute a lien against the land on which the violation exists and  
39 upon any real or personal property owned by the violator. Upon petition to the Circuit  
40 Court, such order may be enforced in the same manner as a court judgment by the

1 sheriffs of the state, including levy against the personal property, but such order shall not  
2 be deemed to be a court judgment except for enforcement purposes. A fine imposed  
3 pursuant to this Section shall continue to accrue until the violator comes into compliance  
4 or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this Section,  
5 whichever occurs first. After three (3) months from the filing of any such lien that remains  
6 unpaid, the Code Enforcement Board may authorize the County Attorney to foreclose on  
7 the lien. No lien created pursuant to the provisions of this Section may be foreclosed on  
8 real property that is a homestead under Section 4, Article X of the State Constitution.

9 9. Lien

10 No lien provided by this Section shall continue for a period longer than twenty (20) years  
11 after the certified copy of an order imposing a fine has been recorded, unless within that  
12 time an action to foreclose on the lien is commenced in a court of competent jurisdiction.  
13 In an action to foreclose on a lien, the prevailing party is entitled to recover all costs,  
14 including a reasonable attorney's fee, which it incurs in the foreclosure and all such costs  
15 shall be included in any final foreclosure order. The continuation of the lien affected by  
16 the commencement of the action shall not be good against creditors or subsequent  
17 purchasers for valuable consideration without notice, unless a notice of lis pendens is  
18 recorded.

19 C. APPEALS

20 An aggrieved party, including the Board of County Commissioners, may appeal a final  
21 administrative order of the Code Enforcement Board to the Circuit Court. Such appeal shall not  
22 be a hearing *de novo*, but shall be limited to appellate review of the record created before the  
23 Board. An appeal shall be filed within thirty (30) days of the execution of the order to be  
24 appealed.

25 D. NOTICE

26 1. Notice by Mail

27 All notices required by this Section shall be provided to the alleged violator by certified  
28 mail, return receipt requested; by hand delivery by the Sheriff or other law enforcement  
29 officer, Code Enforcement Officer or other person designated by the Board of County  
30 Commissioners; or by leaving the notice at the violators usual place of residence with any  
31 person residing therein who is above fifteen (15) years of age and informing such person  
32 of the contents of the notice.

33 2. Notice by Publication

34 In addition to providing notice as set forth in subsection (D)(1) above, *Notice by Mail*, at  
35 the option of the Code Enforcement Board, notice may also be served by publication as  
36 follows:

37 a. Publication of Notice

38 Such notice shall be published once during each week for four (4) consecutive  
39 weeks, (four (4) publications being sufficient) in a newspaper of general  
40 circulation in the County. The newspaper shall meet the requirements prescribed  
41 under Chapter 50, Florida Statutes, for legal advertisements.

1           b.       Proof of Publication

2                       Proof of publication shall be made as provided in Chapter 50.041 and 50.051,  
3                       Florida Statutes.

4           3.       Notice Done Concurrently

5                       Notice by publication may run concurrently with, or may follow, an attempt or attempts to  
6                       provide notice by hand delivery or by mail as required under subsection (D)(1), *Notice by*  
7                       *Mail*.

8           4.       Proof of Attempts to Provide Written Notice and Proof of Publication Sufficient

9                       Evidence that an attempt has been made to hand deliver or mail notice as provided in  
10                      subsection (D)(1), *Notice by Mail*, together with proof of publication as provided in  
11                      subsection (D)(3), *Notice Done Concurrently*, shall be sufficient to show that the notice  
12                      requirements have been met, without regard to whether or not the alleged violator  
13                      actually received such notice.

14   E.       OTHER TYPES OF ENFORCEMENT

15                       Nothing in this Section shall prohibit the Board of County Commissioners from enforcing this  
16                       Code by any other means.

17   11.04.1911.05.06       **VIOLATIONS OF VEGETATION REMOVAL PERMITS<sup>209</sup>**

18   A.       If the Environmental Resources ~~Public Works~~ Director determines that any development violates  
19                       the terms or conditions of an issued Vegetation Removal Permit or the provisions of this Code,  
20                       the Environmental Resources Director may issue a Stop Work Order on the development site in  
21                       question and process the violation for appropriate review and enforcement in accordance with  
22                       Section 11.05.00, *Enforcement*.

23   B.       If the Environmental Resources ~~Public Works~~ Director determines that any land development  
24                       activity violates the terms or conditions of an issued Vegetation Removal Permit, or was  
25                       conducted in the absence of a required Vegetation Removal Permit, the Environmental  
26                       Resources ~~Public Works~~ Director may direct that remedial mitigation through new plantings,  
27                       relocations or preservation be provided for as follows:

28           1.       All replacement trees, either preserved, relocated or newly planted, shall be of the same  
29                       type as the tree(s) removed;

30           2.       The quality and size of the replacement trees shall meet the minimum landscape  
31                       requirements set forth in Section 7.09.03(~~C~~). The Environmental Resources ~~Public~~  
32                       Works Director may require a minimum caliper of tree greater than that set forth in  
33                       Section 7.09.03(~~C~~) depending on specific site conditions and circumstances;

34           3.       The quantity of replacement trees shall be at a ratio of four (4) inches DBH per one (1)  
35                       inch diameter at breast height (DBH) removed, except that for each palm tree that is

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<sup>209</sup> NOTE: This material has been relocated here from the Vegetation Removal Permit section. The language added since the initial draft is suggested by County staff and the Consultant. It identifies the Environmental Resources Director (instead of the Public Works Director) as the staff professional responsible for enforcing violations of Vegetation Removal Permits.

1 removed the palm tree mitigation requirement shall be at a ratio of one (1) palm tree  
2 preserved/relocated for each palm removed.

3 4. The replanting design shall provide adequate space for root and crown development;

4 5. The replanting design shall include adequate understory and ground cover plants and  
5 materials as necessary to replicate the existing native habitat that was improperly  
6 removed or disturbed;

7 6. When the property being developed is not appropriate for on-site mitigation, the  
8 developer may mitigate off site on public lands in the County in the following manner:

9 a. Obtain written permission from the appropriate public entity to implement the  
10 necessary replanting plan. The developer shall provide all necessary services to  
11 implement the replanting plan, including but not limited to funding, plant materials  
12 and labor; or

13 b. Contribute two hundred dollars \$200 per inch DBH required for mitigation to the  
14 County to be used at the County's discretion for either the acquisition and  
15 maintenance of publicly owned environmentally unique lands, or to be used for  
16 relocating or replanting native trees on public lands. Any such work shall be  
17 performed by a qualified professional.

18 7. In the event that the Environmental Resources Public Works Director or a designee is  
19 unable to determine the DBH of trees removed through the improper land clearing  
20 activity, the Environmental Resources Public Works Director or a designee shall request  
21 that the developer provide documentation verifying the number, type, and size of all trees  
22 removed. If the developer cannot provide this information, or if this information is  
23 determined by the Environmental Resources Public Works Director or a designee to be  
24 incomplete, the Environmental Resources Public Works Director or a designee may  
25 develop an estimate of the number, type and sizes of the trees removed. In determining  
26 this estimate, the Environmental Resources Public Works Director or a designee shall  
27 use any and all available historical data and data of record for the property including, but  
28 not limited to, recent aerial and ground photography of the site; site plan or survey data  
29 on file or that is otherwise available to the County, and any other credible information that  
30 can be used to provide an accurate representation of the property before it was  
31 improperly cleared. In the event that the developer disputes or otherwise does not agree  
32 with the estimate determined by the Environmental Resources Public Works Director or a  
33 designee, the developer may appeal this determination to the County Administrator. In  
34 the event that the developer does not agree ~~to~~ with the decision of the County  
35 Administrator, the developer may appeal that determination to the Board of County  
36 Commissioners consistent with the procedures described in Section 11.03.05, *Appeals*.

37 8. As part of the mitigation agreement approved by the Environmental Resources Public  
38 Works Director ~~Director~~ or a designee the property owner shall submit to an inspection of  
39 the planted/preserved materials eighteen (18) months after the approval of the mitigation  
40 agreement. If it is determined that the mitigated planted or preserved trees and other  
41 materials are dead, diseased or otherwise not in compliance with the provisions of this  
42 Code and the original approved mitigation plan, the property owner shall be provided  
43 notice and directed to correct any observed deficiencies and replace all noncompliant  
44 trees within sixty (60) days. Failure to maintain all required mitigation shall be grounds  
45 for referral to the Code Enforcement Board for appropriate enforcement actions.

1 11.04.20~~11.05.07~~ **CURB CUTS, DRIVEWAYS, AND CULVERTS CONSTRUCTED WITHOUT**  
2 **DRIVEWAY PERMIT**<sup>210</sup>

3 A. NOTIFICATION OF PUBLIC WORKS DIRECTOR AND CODE ENFORCEMENT OFFICER

4 ~~The County Engineer shall notify~~ Notification of the Public Works ~~the~~ Director and the Code  
5 Enforcement Officer, when necessary, of the existence of any curb cut, driveway, or culvert on  
6 any County-maintained public road in the unincorporated areas of St. Lucie County that was  
7 constructed after August 8, 1968, without the approval of the County Engineer and which the  
8 County Engineer has specifically found to be detrimental or injurious to surrounding properties,  
9 substantially increases traffic congestion and/or endangers the public safety.

10 B. NOTIFICATION SHALL INCLUDE COUNTY ENGINEER'S WRITTEN FINDINGS OF FACT

11 The ~~County Engineer's~~ notification to the Public Works Director and the Code Enforcement  
12 Officer shall include the Engineer's specific written findings of fact.

13 C. CODE ENFORCEMENT OFFICER NOTIFICATION OF OWNER OF CURBCUT, DRIVEWAY,  
14 OR CULVERT

15 ~~Upon receipt of the notification,~~ The Code Enforcement Officer shall notify the owner of the curb  
16 cut, driveway, or culvert violation by certified mail of the Engineer's finding of fact and that the  
17 curb cut, driveway or culvert must be brought into compliance with the requirements of this Code  
18 within thirty (30) days of receipt of the notice. The notice shall specifically identify the nature of  
19 the violation. A permit issued pursuant to this Section shall be required for any reconstruction or  
20 repair of a curb cut, driveway, or culvert initiated pursuant to this Section. If the violation is not  
21 corrected within thirty (30) days, the Code Enforcement Officer may prosecute the violation  
22 pursuant to the provisions of Section 11.05.00, *Enforcement*.<sup>211</sup>

23 11.05.00~~11.06.00~~ **GUARANTEES AND SURETIES**<sup>212</sup>

24 11.05.01~~11.06.01~~ **APPLICABILITY**

25 A. General

26 The provisions of this Section apply to all proposed developments in the unincorporated County.

27 B. Chapter V: *Adequate Public Facilities*, Applies

28 Nothing in this Section shall be construed as relieving a developer of any requirement relating to  
29 adequate public facilities standards in Chapter V: *Adequate Public Facilities*.

30 C. Existing Agreements

31 This Section does not modify existing agreements between a developer and St. Lucie County for  
32 subdivisions platted and Final Development Orders granted prior to the effective date of this  
33 Code, providing such agreements are current as to all conditions and terms thereof.

<sup>210</sup> NOTE: This subsection has been relocated here from the Driveway Permit section.

<sup>211</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>212</sup> NOTE: This section carries forward the existing Section 11.04.00 with no significant changes.

1 11.05.0211.06.02 **IMPROVEMENT AGREEMENT REQUIRED**

2 The approval of any site plan (Section 11.03.02) shall be subject to the developer providing assurance  
3 that all required improvements, including, but not limited to storm drainage facilities, streets and  
4 highways, and water and sewer lines, shall be satisfactorily constructed according to the approved site  
5 plan and an Improvement Agreement which shall include the following:

6 A. Improvements Constructed in Accord with Code

7 A condition requiring that all improvements, whether required by this Code or constructed at the  
8 developer's option, shall be constructed in accordance with the standards and provisions of this  
9 Code.

10 B. Required Improvements Timely Completed

11 A condition requiring that all required improvements shall be satisfactorily constructed within the  
12 period stipulated.

13 C. Cost for Each Improvement

14 Cost for construction shall be determined by either of the following:

15 1. Estimate

16 An estimate prepared and provided by the applicant's engineer.

17 2. Executed Construction Contract

18 A copy of an executed construction contract.

19 D. Specifications and Timetable

20 Specification of the public improvements to be made and dedicated together with the timetable for  
21 making improvements.

22 E. Agreement County Can Utilize Security if Required Improvements Not Completed

23 A condition requiring that upon failure to make required improvements (or to cause them to be  
24 made) according to the schedule for making those improvements, the County shall utilize the  
25 security provided in connection with the Agreement.

26 F. Amount and Type of Security

27 A condition providing for the amount and type of security necessary to ensure performance for  
28 the construction of improvements.

1 G. Reduction in Security

2 A condition requiring that the amount of the security may be reduced once during the life (term) of  
3 the agreement, subsequent to the completion, inspection, and acceptance of improvements by  
4 the County.

5 The Improvement Agreement may be recorded in the Public Records of St. Lucie County.

6 ~~11.05.03~~11.06.03 **AMOUNT AND TYPE OF SECURITY**

7 A. Reviewed by Public Works Director

8 The amount of the security listed in the Improvement Agreement shall be reviewed and approved  
9 by the Public Works Director, based on certified cost information provided by the applicant.

10 B. Types of Security

11 Subject to the approval of the County Attorney the following types of security arrangements may  
12 be used to secure the developer's obligations in the Improvement Agreement:

- 13 1. Cashier's Check
- 14 2. Certified Check
- 15 3. Developer/Lender/County Agreement
- 16 4. Interest Bearing Certificate of Deposit
- 17 5. Clear Irrevocable Letters of Credit
- 18 6. Surety Bond

19 C. DEVELOPER-INSTALLED IMPROVEMENTS

20 1. Dedicated to Local Government

21 For all required developer-installed improvements that are proposed for dedication to any  
22 recognized unit of local government in the State of Florida, the amount of security shall  
23 be one hundred fifteen (115) percent of the total costs for the required improvements.  
24 The amount of security may be reduced commensurate with the completion and final  
25 acceptance of required improvements, in accordance with the provisions of Section  
26 11.06.02(G), *Reduction in Security*. In no case, however, shall the amount of the bond be  
27 less than one hundred fifteen (115) percent of the cost of completing the remaining  
28 required improvements.

29 2. Dedicated to Other Entities

30 For all required developer-installed improvements that are not proposed for dedication to  
31 any recognized unit of local government in the State of Florida, the amount of security  
32 shall be one hundred (100) percent of the total costs for the required improvements. The  
33 amount of security may be reduced commensurate with the completion and final  
34 certification of the required improvements, in accordance with the provisions of Section  
35 11.06.02(G), *Reduction in Security*. In no case, however, shall the amount of the bond

1 | be less than one hundred (100) percent of the cost of completing the remaining required  
2 | improvements.

3 | 11.05.0411.06.04 **COMPLETION OF IMPROVEMENTS**

4 | A. Inspected and Approved by County Engineer

5 | When improvements are completed, final inspection shall be conducted and corrections, if any,  
6 | shall be completed before final acceptance/certification is recommended by the County Engineer.  
7 | A recommendation for final acceptance/certification shall be made upon receipt of a certification  
8 | of project completion and one (1) copy of all test results and all as-built drawings as called for in  
9 | Section 11.06.02(C), *Cost for Each Improvement*.

10 | B. Release Based on Cost of each Improvement

11 | As required improvements are completed and accepted/certified, the developer may apply for  
12 | release of all or a portion of the security consistent with the requirement in Section 11.06.02(C),  
13 | *Cost for Each Improvement*, above.

14 | 11.05.0511.06.05 **RELEASE OF SECURITY FOLLOWING COMPLETION OF REQUIRED**  
15 | **IMPROVEMENTS**

16 | A. CERTIFICATION OF WORK BY DEVELOPER'S ENGINEER

17 | 1. General

18 | Upon completion of construction of all required improvements, the developer's engineer  
19 | shall certify that the improvements have been constructed in accordance with the  
20 | regulations set out in this Code. The written certification shall be expressed in the form  
21 | specified in the Administrative Manual/DC Manual.<sup>213</sup>

22 | 2. Engineer's Seal; Impression Seal; As-Built Construction Plans

23 | The engineer's signature shall be sealed with the engineer's his-impression seal. A full  
24 | set of the required test reports and supporting data shall accompany the certification,  
25 | along with the As-Built Construction Plans that are consistent with the requirements of  
26 | Section 11.06.02(C), *Cost for Each Improvement*.<sup>214</sup>

27 | B. COUNTY ENGINEER'S REVIEW AND CONFIRMATION OF COMPLETED IMPROVEMENTS

28 | When an improvement has been certified by the developer's engineer as specified above in  
29 | Section 11.06.05(A), *Certification of Work by Developer's Engineer*, the County Engineer shall  
30 | review the construction, and supporting test/control data furnished by the developer's engineer. If  
31 | it complies with the requirements of this Section, the County Engineer shall confirm the  
32 | improvements have met the requirements of this Code, in writing, to the Board of County  
33 | Commissioners.

<sup>213</sup> NOTE: Certification form removed here. It should be placed in the Administrative Manual/DC Manual.

<sup>214</sup> NOTE: Language added by County staff and Consultant to clarify procedure in Code.

1 C. BOARD OF COUNTY COMMISSIONERS ACCEPTANCE OF IMPROVEMENTS

2 1. Improvements in a Public Right-of-Way

3 Upon confirmation from the County Engineer that improvements are acceptably  
4 completed, the Board of County Commissioners shall act on "conditionally accepting" for  
5 maintenance any improvements constructed on public right-of-way and easements.  
6 Acceptance shall be conditioned on a one (1) year and thirty (30) day period during which  
7 time the developer shall maintain all improvements and correct all deficiencies that occur.  
8 If the Board of County Commissioners "conditionally accepts" improvements for  
9 maintenance, the developer shall provide security consistent with the provisions of this  
10 Section.

11 2. Improvements in a Privately Maintained Road and Drainage Right-of-Way or Access  
12 Easement

13 a. Findings of Completion

14 Upon confirmation from the County Engineer that all improvements are  
15 acceptably completed, the Board of County Commissioners shall act on certifying  
16 the findings of completion.

17 b. Upon certification, the developer may request release of the remaining security  
18 for these improvements consistent with the requirement in Section 11.06.03(C)  
19 above, *Developer Installed Improvements*. The developer is not required to  
20 provide for a county maintained security for the purpose of assuring maintenance  
21 of the completed private infrastructure improvement.

22 D. DEVELOPER'S MAINTENANCE PERIOD OF IMPROVEMENTS IN A PUBLIC RIGHT-OF-WAY

23 The developer shall maintain all improvements identified in the Improvement Agreement, until  
24 final approval is received from the Board of County Commissioners, such time being for a period  
25 of at least one (1) year and thirty (30) days from the time construction is conditionally accepted by  
26 the Board. One (1) year from the date of "conditional acceptance" the developer shall contact the  
27 County Engineer for a joint inspection of the improvements with the developer's engineer. The  
28 developer shall correct all deficiencies in an approved manner, except those damages that are  
29 not a result of design or construction deficiencies. If the required corrective action cannot be  
30 completed by the one (1) year-and-thirty (30)-day expiration date, the County may provide notice  
31 to the developer that the required security will not be released until all necessary corrective  
32 actions have been completed and approved by the County. When all corrections have been  
33 made, the County Engineer shall inform the Board of County Commissioners. The Board of  
34 County Commissioners shall then act to release ~~of~~ the remaining development security, and  
35 accept the improvements on public right-of-way and easements for maintenance.<sup>215</sup>

36 E. LIMITATIONS AS TO COUNTY MAINTENANCE

37 Nothing in this Code shall be construed as meaning that the Board of County Commissioners  
38 shall take over for county maintenance any road, street, public parking or other public area, or  
39 drainage facility related thereto, except those designed and built in accordance with the  
40 requirements of this Code and other related County ordinances and regulations, and expressly  
41 taken over for county maintenance by specific Board of County Commissioners action. The  
42 assumption of maintenance by the county under the regulations set out in this Code shall not be

<sup>215</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

1 construed to mean the county shall assume operating or other costs of street lighting. Nothing in  
2 the regulations set out in this Code shall be construed as obliging the county to drain any land,  
3 except that which lies in the public right-of-way and drainage easements.

4 ~~11.05.06~~ 11.06.06 **MAINTENANCE OF IMPROVEMENTS**

5 A. A Maintenance Agreement and security shall be provided to assure the County that all required  
6 improvements shall be maintained by the developer according to the following requirements:

7 1. Maintenance Period

8 The period of maintenance shall be a minimum of one (1) year and thirty (30) days.<sup>216</sup>

9 2. Beginning of Maintenance Period

10 The maintenance period shall begin with the acceptance by St. Lucie County of the  
11 construction of the improvements.

12 3. Security

13 The security shall be in the amount of fifteen (15) percent of the construction cost of the  
14 improvements.<sup>217</sup>

15 4. Original of Maintenance Agreement

16 The original Maintenance Agreement shall be kept in the files of the Office of the County  
17 Attorney.

18 5. Monitoring

19 Monitoring of compliance with the agreement shall be the responsibility of the County  
20 Engineer.

21 6. Except as required under subsection (A)(2) of this subsection, *Beginning of Maintenance*  
22 *Period*, a Maintenance Agreement and security shall not be required for improvements  
23 that are not proposed to be maintained by the County or any other public entity.

24 B. ENTITY ESTABLISHED TO MAINTAIN IMPROVEMENTS WHEN NOT DEDICATED TO  
25 COUNTY

26 Whenever a proposed development provides for the creation of facilities or improvements that are  
27 not proposed for dedication to the County, a legal entity shall be created to be responsible for the  
28 ownership and maintenance of such facilities and/or improvements.

29 1. Condominiums

30 When the proposed development is to be organized as a condominium under the  
31 provisions of Chapter 718, Florida Statutes, common facilities and property shall be  
32 conveyed to the condominium's association pursuant to that law.

<sup>216</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

<sup>217</sup> NOTE: Language added by County staff and Consultant to make language in Code consistent.

- 1           2.       Owners' Association
- 2                       When no condominium is to be organized, an owners' association shall be created, and
- 3                       all common facilities and property shall be conveyed to that association.
- 4           3.       Entity Established by Covenants
- 5                       An organization established for the purpose of owning and maintaining common facilities
- 6                       not proposed for dedication to the County shall be created by covenants running with the
- 7                       land. Such covenants shall be recorded with the Final Plat. Such organization shall not
- 8                       be dissolved nor shall it dispose of any common facilities or open space by sale or
- 9                       otherwise without first offering to dedicate the same to St. Lucie County.
- 10          4.       No Development Order Approved Until Documents Establishing Owners' Association
- 11                       Approved by County Attorney
- 12                       No Development Order shall be issued for a development for which an owners'
- 13                       association is required until the documents establishing such association have been
- 14                       reviewed and approved by the County Attorney.