

October 2, 2009

Dear Planning and Zoning Commission Members,

Attached you will find the draft language to Chapters 10 and 12 of the St. Lucie County Land development Code. In this draft you have the exact language that is in our Land Development Code as of today. The strike thru in the original language is what is proposed to be deleted. The changes made by the Planning and Zoning Commission are underlined in black, the changes in red with broken red underline are the changes Department Heads and staff have recently made.

The index will be corrected when the draft is finalized.

BACKGROUND:

The Planning and Zoning Commission made recommended changes to Chapters 10 and 12 in June of 2009. Growth Management staff has circulated those Chapters to County staff for one last review and edit. In addition GM staff had discovered that a number of sections in the existing versions of Chapters 10 and 12 appeared to be unaccounted for. As a result staff consulted with Clarion and Associates and will be forwarding a memo from them that explain where the different sections have either been moved to or assimilated elsewhere in the draft. It is intended that this information will be the basis for a workshop between staff and the Commission to finalize recommendations on the proposed changes that will be forwarded to Clarion for finalization into a draft for public review.

RECOMMENDATION:

Staff requests input from the Planning & Zoning Commission on the changes to Chapters 10 and 12 and the scheduling of workshops between Commissioners and Staff to compose a draft of Chapter 11.

If you have any questions please feel free to call or e-mail me.

Sincerely,



Dawn Milone

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CHAPTER X
NONCONFORMITIES AND HARDSHIP RELIEF

10.00.00 NONCONFORMITIES

10.00.01 PURPOSE

The purpose of this Section is to regulate and limit the continued existence of uses, lots, signs, and structures established prior to the effective date of this Code that do not conform to the provisions of this Code. Nonconformities may continue, but the provisions of this Section are intended to curtail substantial investment in nonconformities and to bring about their eventual elimination, when appropriate, in order to preserve the integrity of the zoning district.

10.00.02 NONCONFORMING USES

A. AUTHORITY TO CONTINUE

Nonconforming uses of land and nonconforming uses of structures may continue in accordance with the provisions of this Section.

B. ORDINARY REPAIR AND MAINTENANCE

Normal maintenance and repair of nonconforming uses may be performed.

C. EXPANSIONS

Nonconforming uses shall not be expanded. This prohibition shall be construed so as to prevent the:

1. Enlargement of nonconforming uses by additions to the structure in which such nonconforming uses are located, including enlargement of a conforming structure in which a nonconforming use is located, or
2. Occupancy of additional land, unless the provisions of this Code are met.

D. RELOCATION

The structure housing a nonconforming use may not be moved unless the use shall thereafter conform to the limitations of the zoning district into which it is moved.

E. CHANGE IN USE

A nonconforming use shall not be changed to any other use unless such use

1 conforms to the provisions of this Code, except in accordance with the procedure
2 set forth in this paragraph. A change to another nonconforming use shall be
3 permitted if and only if the proposed nonconforming use would not result in a
4 requirement for additional parking over that required for existing nonconforming
5 use, and in addition, the Board of County Commissioners:
6

- 7 1. Determines that the proposed nonconforming use is equally or more
8 appropriate to the district and the specific property involved than the
9 existing nonconforming use;
- 10 2. Determines that any adverse effect of the proposed nonconforming use
11 upon neighboring properties and residents will not be greater than that
12 created by the existing nonconforming use; and
13
- 14 3. Requires that the applicant meet appropriate conditions, limitations, and
15 requirements as are necessary to prevent or minimize adverse effects on
16 neighboring properties and residents.
17

18
19 F. TERMINATION

- 20
21 1. Abandonment or Discontinuance

22
23 ~~When a nonconforming use is discontinued or abandoned for twelve (12)~~
24 ~~months, then the nonconforming use may not be restored, unless the~~
25 ~~nonuse is due to circumstances beyond the property owners's control.~~

26
27 When a nonconforming use is discontinued or abandoned for twelve (12)
28 months in a twenty four (24) month period, then the nonconforming use
29 may not be restored, unless the nonuse is due to circumstances beyond
30 the property owners' control such as a **declared** natural disaster.

- 31
32
33 2. Damage or Destruction

34
35 ~~If a structure housing a nonconforming use is damaged or destroyed by~~
36 ~~fifty (50%) percent or more of the assessed value of the structure, then the~~
37 ~~nonconforming use of the structure may not be restored.~~

38
39 The nonconforming use of a structure may not be restored if it is damaged
40 or destroyed by fifty percent (50%) or more of its assessed value. Damage
41 estimates shall be documented by **the appropriate St. Lucie County**
42 **Certificate of Competency card holder for the type of work being**
43 **estimated.**

1 **G. EXISTING CONDITIONAL USES**

2 **1. A legally conforming use that exists on August 1, 1990 that is allowed as a**
3 **conditional use in a zoning district (see Section 3.01.03) shall not be**
4 **deemed a nonconforming use in that district, but shall without further**
5 **action be considered a conforming use.**

6 **2. A use existing prior to its present classification by this Code as a**
7 **conditional use in a zoning district (see Section 3.01.03) may change or**
8 **modify the lot area or the structure in which it is located only if the change**
9 **or modification conforms with the requirements in Chapter 11 for**
10 **conditional uses.**

11
12 **10.00.03 NONCONFORMING STRUCTURES**

13
14 **A. AUTHORITY TO CONTINUE**

15
16 A nonconforming structure devoted to a use permitted in the zoning district in
17 which it is located may be continued in accordance with the provisions of this
18 Code.

19
20 **B. ORDINARY REPAIR AND MAINTENANCE**

21
22 Normal maintenance and repair of nonconforming structures may be performed.

23
24 **C. EXPANSIONS**

25
26 Any expansion of a nonconforming structure shall be in conformance with the
27 provisions of this Code. This shall not prevent expansion as long as the
28 nonconformity is not increased. In the event that a structure is nonconforming
29 due to the fact that there is encroachment into a required minimum yard, as
30 defined in Section 7.04.00, expansion of the structure shall be allowed into that
31 minimum yard. However, no such expansion shall be allowed if it results in a
32 greater dimensional nonconformity than that which previously existed.

33
34 **D. RELOCATION**

35 A nonconforming structure that is moved shall thereafter conform to the
36 regulations of the zoning district in which it is located after such move.

37
38 **E. TERMINATION UPON DAMAGE OR DESTRUCTION**

39
40 **1. Any part of a nonconforming structure that is damaged or destroyed to the**
41 **extent of fifty (50%) percent or more of the assessed value of said**

1 structure shall not be restored unless that part conforms to the provisions
2 of this Code. Damage estimates shall be documented by the appropriate
3 St. Lucie County Certificate of Competency card holder for the type of
4 work being estimated.

- 5
6
7 2. If St. Lucie County or a portion thereof is declared a disaster area
8 by the Governor of the State of Florida or the President of the
9 United States, as a result of a hurricane, tornado, flood, or other
10 similar act of God, then the provisions of Chapter 10 shall be
11 hereby modified to allow within the declared disaster area the
12 replacement or reconstruction of structures on or in the location of
13 the original foundation, except that the any replacement
14 construction must comply with the applicable provisions of Section
15 6.05.00 and Section 13.00.00 of this Code, provided, this
16 modification to county regulations to allow the replacement or
17 reconstruction of nonconforming structures shall not ~~effect~~ affect
18 the application and enforcement of state or federal laws and
19 agency regulations regarding replacement or reconstruction of
20 nonconforming structures.
21
22

1 **10.00.04 NONCONFORMING LOTS OF RECORD**

2
3 A. LOTS OF RECORD CREATED PRIOR TO JULY 1, 1984

4
5 1. In any district, principal permitted structures and customary accessory
6 buildings may be erected on any single lot of record existing before July 1,
7 1984, notwithstanding limitations imposed by other provisions of this
8 Code. Such lot must be in separate ownership and not contiguous to
9 other lots in the same ownership. This provision shall apply even though
10 such lot fails to meet the requirements for area, or width, or frontage or
11 any combination of the three (3) that are generally applicable in the
12 district, provided that yard dimensions and requirements other than those
13 applying to area, or width, or frontage of the lot shall conform to the
14 regulations for the district in which such lot is located. Variance of yard
15 dimensions and requirements other than those applying to area, width,
16 and frontage shall be obtained only through action of the Board of
17 Adjustment. If however, the lot has no frontage as defined in Chapter 2,
18 then proof of recorded legal ingress and egress acceptable to the County
19 Attorney must be furnished before a building permit will be issued except
20 for nonresidential accessory structures in AR-1, AG-1, AG-2.5 and AG-5
21 zoning districts.

22
23 2. If two (2) or more lots or combinations of lots and portions of lots which
24 are contiguous to other lots were of single ownership and were of record
25 on July 1, 1984, and if all or part of the lots do not meet the requirements
26 established for lot width and area or frontage, the lands involved shall be
27 considered to be an undivided parcel for the purposes of this Code
28 provided however, that lots separated by an ingress/egress, access or
29 roadway easement that ~~was~~ were of record on July 1, 1984, but
30 specifically excluding any easement limited to utilities, drainage or other
31 non-access purpose, shall not be considered an undivided parcel for the
32 purpose of this section.

33
34 **B.** LOTS OF RECORD CREATED BETWEEN JULY 1, 1984 AND JANUARY,
35 1990

36
37 In any district, principal permitted structures and customary accessory
38 buildings may be erected on any single lot of record created in accordance
39 with the requirements of the St. Lucie County Zoning Ordinance between
40 July 1, 1984, and January 9, 1990, notwithstanding limitations
41 imposed by other provisions of this Code.

42
43 **10.00.05 NONCONFORMITIES RESULTING FROM THE EXERCISE OF THE**
44 **POWER OF EMINENT DOMAIN**

1 Any lot or parcel of land, or structure or other improvement located thereon, that is
2 made nonconforming with the land development code, on or after X DATE, as a result
3 of eminent domain proceedings instituted by the County or other condemning authority,
4 or through voluntary conveyance by such lot or parcel owner in lieu of formal eminent
5 domain proceedings, shall be deemed to be conforming for all purposes under the land
6 development code of the County without the necessity for a variance, but only to the
7 extent that such lot, parcel, structure, or other improvement was otherwise conforming
8 to said regulations at the time of such eminent domain or voluntary conveyance and
9 only so long as any such nonconformity is not expanded, increased, or enlarged in any
10 manner. Any structure or site improvement subject to this section may be rebuilt,
11 relocated, reconstructed, expanded or enlarged so long as such rebuilding, relocation,
12 reconstruction, expansion or enlargement does not further expand, increase, or enlarge
13 the nonconformity.

14
15

1 **10.01.00 VARIANCES**

2
3 **10.01.01 GENERAL VARIANCE PERMIT**

4
5 **A. AUTHORITY**

6
7 ~~Unless otherwise provided for in this Code, the Board of Adjustment shall~~
8 ~~have authority to grant variances from the dimensional requirements of~~
9 ~~this Code, in accordance with the standards and procedures set forth in~~
10 ~~this section.~~

11
12 Unless otherwise provided for in this Code, the Board of Adjustment
13 shall have authority to grant Variance Permits from the dimensional
14 requirements of this Code, or to erect, or increase the height of any
15 structure pursuant to Section 4.00.00, Airport Overlay Zones, ~~unless~~
16 ~~preempted by Federal or State Regulation,~~ in accordance with the
17 standards and procedures set forth in this Section. Variances in the
18 Towns, Villages and Countryside section of this code are subject to
19 regulation in Section 3.01.03.

20
21
22 **B. PURPOSE**

23
24 The purpose of a variance is to provide a mechanism when, owing to special
25 conditions, the literal enforcement of the provisions of this Code would impose
26 upon a landowner unnecessary hardship that can be mitigated without conferring
27 on the applicant any special privilege.

28
29 **C. INITIATION**

30
31 ~~A written petition for a variance is to be initiated by the owner of, or any person having~~
32 ~~contractual interest in, the property for which relief is sought.~~

33 **C. PROCEDURES**

34 **1. Submission and Review of Application**

35 The procedures and requirements for submission and review of an
36 application for a Variance Permit pursuant to this Section are established
37 in ~~Chapter 11~~ *Common Procedures*. An application shall be submitted to
38 the Growth Management Director or designee for review.

39 **2. Review by Growth Management Director**

1 Within thirty (30) working days after an application for a Variance Permit
2 is determined complete, the Growth Management Director or designee
3 shall review the application and support materials and prepare a staff
4 report recommending whether the application complies with the standards
5 in subsection (D) below, *Variance Permit Standards*.

6 3. Action by Board of Adjustment

7 a. After receipt of the staff report from the Growth Management
8 Director or designee, the scheduling of a public hearing and public
9 notification, the Board of Adjustment shall conduct a public hearing
10 on the application pursuant to *Chapter 11, Quasi-Judicial Hearings*.
11 At the public hearing, the Board of Adjustment shall consider the
12 application, the relevant support materials, the, staff report and any
13 evidence and statements offered by the applicant, Count Staff,
14 aggrieved or affected persons, and the public on the application.
15 Within thirty (30) days after the close of the hearing, the Board of
16 Adjustment shall approve, approve with conditions, or deny the
17 application for Variance Permit based on the standards in
18 subsection (D) below, *Variance Permit Standards*.

19 b. The decision of the Board of Adjustment shall be in the form of a
20 Resolution recorded in the public records of St. Lucie County, and
21 shall be mailed to the applicant(s), owner(s) and agent and filed
22 with the office of the Growth Management Director or designee in
23 accordance with *Chapter 11, Notification of Decision*.

24 D. VARIANCE PERMIT STANDARDS

25 A Variance Permit shall not be granted, unless it is demonstrated by competent
26 substantial evidence in each case, that the proposed variance meets all the
27 following standards:

28 1. Unnecessary Hardship

29 It arises from a condition that is unique and peculiar to the land, structures
30 or buildings involved; that the particular physical surroundings, the shape,
31 or topographical condition of the specific property involved, would result in
32 unnecessary hardship for the owner, lessee, or occupant, as distinguished
33 from a mere inconvenience, if the provisions of this Code are literally
34 enforced.

35 2. Condition Not Self-Created

1 The condition is not ordinarily found in the same zoning district, and the
2 condition is created by the regulations of this Code, and not by an action
3 or actions of the land owner or the applicant.

4 3. Not Adversely Affect Surrounding Lands in Neighborhood

5 It will not adversely affect surrounding lands or inure other property or
6 improvements in the neighborhood in which the subject property is
7 located, nor impair an adequate supply of light or air to adjacent property,
8 increase the danger of fire, create a hazard to air navigation, endanger the
9 public safety, or substantially diminish or impair property values within the
10 neighborhood.

11 4. No Significant Congestion on Streets

12 It does not substantially increase the congestion on public streets.

13 5. Minimum Variance

14 The variance granted is the minimum variance that will make possible the
15 reasonable use of the land, building or structure(s).

16 6. It conforms with the intent and purposes of this Code.

17 The variance conforms with the general intent and purposes of this Code.

18 7. Consistent with Comprehensive Plan

19 It is consistent with the St. Lucie County Comprehensive Plan.

20 8. Approval of Home Owners' Association (HOA) or Property Owners'
21 Association (POA)

22 It has the written approval of a mandatory HOA or POA associated with
23 the property.

24 9. Not adversely affect airspace or surfaces surrounding the airport.

25 A written non-hazard determination has been received after review from
26 the FAA and any mitigation required by the FAA has been incorporated in
27 the project.

28 E. VARIANCES FOR DISABILITY

29 A Variance may be granted that does not meet all requirements of D above if:

30 1. It is to accommodate a permanent disability; and

1 2. It is the homesteaded property of the disabled citizen or his/her caretaker.

2 F. LIMITATIONS ON GRANTING VARIANCES

3 In addition, a Variance Permit shall not be granted that will:

4 1. Height

5 Permit a building or structure to have a height in excess of one hundred
6 twenty percent (120%) of that permitted by Table 7-10 in Section 7.04.00;
7 Area, Yard, Height, and Open Space Requirements, or permit a lot width
8 or road frontage less than eighty percent (80%) of that permitted by said
9 Table 7-10, except:

10 a. In the case of nonconforming lots of record, a variance to construct
11 a permitted or authorized accessory structure on the lot shall be
12 governed by the provisions of Section 10.00.04, *Nonconforming*
13 *Lots of Record*; and

14 b. In the AG-1, AG-2.5, and AG-5 Agricultural Districts, road frontage
15 of less than sixty (60) feet may be permitted on parcels of ten (10)
16 acres or more in total area.

17 2. Not Contrary to Zone District Regulations

18 Permit the use of land or a structure contrary to the use provisions of
19 Section 3.01.03, *Zoning Districts*.

20 3. Hutchinson Island—Building Height Overlay Zone

21 Permit a variance from the provisions of Section 4.01.00, *Hutchinson*
22 *Island—Building Height Overlay Zone* that would authorize any building to
23 have a height in excess of one hundred twenty percent (120%) of the
24 maximum permitted by the particular zone in which it is located or to be in
25 excess of one hundred twenty five (125) feet, whichever is less.

26 4. Planned Development Open Space

27 Permit a reduction in the amount of open space required in a Planned
28 Development.

29 5. Airport Overlay Zone

30 A written non- hazard determination has been received after review from
31 the FAA and any mitigation required by the FAA has been incorporated in
32 the project.

33

1 G. CONDITIONS

2 The Board of Adjustment may impose conditions, limitations, and requirements
3 on a Variance Permit that are necessary to: carry out the purposes of this
4 Section and the purposes of this Code and the goals, objectives and policies of
5 the St. Lucie County Comprehensive Plan and prevent or minimize adverse
6 effects on other property in the neighborhood, consistent with the requirements of
7 Chapter 11 Conditions of Approval.

8 H. EXPIRATION AND EXTENSIONS

9 1. Valid for One (1) Year

10 No Variance Permit from the dimensional requirements of this Code, other
11 than variances granted for or in conjunction with a Final Development
12 Order as described in Chapter 11, Authorization Required Prior to
13 Undertaking Any Development Permit, shall be valid for a period longer
14 than twelve (12) months unless a Building Permit is issued. A Variance
15 Permit issued for, or in conjunction with a Final Development Order as
16 described in Chapter 11, Authorization Required Prior to Undertaking Any
17 Development Permit, shall expire upon the termination of that Final
18 Development Order unless the Final Development Order is extended or
19 otherwise determined to comply with the provisions of this Code.

20 2. Extension

21 The time limitations imposed on any Variance Permit by subsection (1)
22 above may be extended by the Board of Adjustment not more than one (1)
23 time, and for not more than twelve (12) months, upon application by the
24 applicant to the Growth Management Director or designee a minimum of
25 thirty (30) days prior to expiration and after a public hearing held in
26 accordance with the same procedures established for the original approval
27 of the Variance Permit.

28 I. AMENDMENT

29 A Variance Permit may be amended, extended, or modified only in accordance
30 with the procedures established for its original approval.

31 J. APPEAL

32 Any person aggrieved by a decision of the Board of Adjustment may, within thirty
33 (30) days after the rendition of the decision, appeal to the Circuit Court in the
34 Nineteenth Judicial Circuit in and for St. Lucie County, Florida, in accordance
35 with state law.

1
2
3
4 **10.01.02 STANDARDS FOR GRANTING VARIANCES**
5

6 ~~The Board of Adjustment shall not grant a variance unless it shall, in each case, make~~
7 ~~specific findings of fact based directly upon the particular evidence presented~~
8 ~~supporting written conclusions that:~~
9

- 10 A. ~~The variance requested arises from a condition that is unique and peculiar to the~~
11 ~~land, structures and buildings involved; that the particular physical surroundings,~~
12 ~~the shape, or topographical condition of the specific property involved, would~~
13 ~~result in unnecessary hardship for the owner, lessee, or occupant, as~~
14 ~~distinguished from a mere inconvenience, if the provisions of this Code are~~
15 ~~literally enforced; that it is a condition that is not ordinarily found in the same~~
16 ~~zoning district, and the condition is created by the regulations of this Code, and~~
17 ~~not by an action or actions of the property owner or the applicant;~~
18
19 B. ~~The granting of the variance will not impair or injure other property or~~
20 ~~improvements in the neighborhood in which the subject property is located, nor~~
21 ~~impair an adequate supply of light or air to adjacent property, substantially~~
22 ~~increase the congestion in the public streets, increase the danger of fire, create a~~
23 ~~hazard to air navigation, endanger the public safety, or substantially diminish or~~
24 ~~impair property values within the neighborhood;~~
25
26 C. ~~The variance granted is the minimum variance that will make possible the~~
27 ~~reasonable use of the land, building or structures; and~~
28
29 D. ~~The variance desired will not be opposed to the general spirit and intent of this~~
30 ~~Code or the St. Lucie County Comprehensive Plan~~
31

32 **10.01.02 VARIANCE PERMITS FROM FLOOD DAMAGE PREVENTION**
33 **REGULATIONS**

34 **A. APPLICABILITY**
35

- 36 1. The Board of Adjustment shall hear and decide applications for Variance
37 Permits from the requirements of Section 6.05.00, *Flood Damage*
38 *Prevention.*
39 2. Variance Permits from the flood damage prevention regulations may be
40 issued for the repair or rehabilitation of historic structures upon a
41 determination the proposed repair or rehabilitation will not preclude the

1 structure's continued designation as an historic structure and the variance
2 is the minimum to preserve the historic character and design of the
3 structure.

4 **B. PROCEDURES**

5 **1. Submission and Review of Application**

6 The procedures and requirements for submission and review of an
7 application for a Variance Permit from flood damage prevention
8 regulations pursuant to this Section are established in **Chapter 11,**
9 *Common Procedures*. An application shall be submitted to the Public
10 Works Director or designee for review.

11 **2. Review by Public Works Director**

12 Within thirty (30) working days after an application is determined
13 complete, the Public Works Director or designee shall review the
14 application and support materials and prepare a staff report
15 recommending whether the application complies with the standards in
16 subsection (C) below, *Standards for Variance Permit from Flood Damage*
17 *Prevention Regulations*.

18 **3. Action by Board of Adjustment**

19 **a.** After receipt of the staff report from the Public Works Director or
20 designee, the scheduling of a public hearing and public notification,
21 the Board of Adjustment shall conduct a public hearing on the
22 application pursuant to **Chapter 11, Quasi-Judicial Hearings**. At the
23 public hearing, the Board of Adjustment shall consider the
24 application, the relevant support materials, the staff report , and any
25 evidence and statements offered by the applicant, County Staff,
26 aggrieved or affected persons, and the public on the application.
27 Within a reasonable period of time after the close of the hearing,
28 the Board of Adjustment shall approve, approve with conditions, or
29 disapprove the application for Variance Permit from Flood Damage
30 Prevention Regulations based on the standards in subsection (C)
31 below, *Standards for Variance Permit from Flood Damage*
32 *Prevention Regulations*.

33 **b.** The decision of the Board of Adjustment shall be in the form of a
34 Resolution recorded in the public records of St. Lucie County, and
35 shall be mailed to the applicant(s), owner(s) and agent and filed
36 with the Office of the Public Works Director in accordance with
37 **Chapter 11, Notification of Decision**. In the notification, the Public
38 Works Director or designee shall specify the difference between the

1 base flood elevation and the elevation to which the structure is to
2 be built, and shall provide a statement that the cost of flood
3 insurance will be commensurate with the increased risk resulting
4 from the reduced lowest floor elevation.

5 c. The Public Works Director or designee shall maintain the records of
6 all appeal actions and report the approval of any Variance Permits
7 from the Flood Damage Prevention Regulations to the Federal
8 Emergency Management Agency upon request.

9 C. STANDARDS FOR VARIANCE PERMIT FROM FLOOD DAMAGE
10 PREVENTION REGULATIONS

11 A Variance Permit from Flood Damage Prevention Regulations shall not be
12 granted unless it is demonstrated by competent substantial evidence that the
13 proposed variance meets all the following standards:

14 1. Minimum Necessary

15 It is the minimum necessary, considering the flood hazard, to afford relief. In the
16 instance of an historical building, it is the minimum necessary so as not to destroy the
17 historic character and design of the building.

18 2. Exceptional Hardship

19 Failure to grant the variance would result in exceptional hardship.

20 3. No Increased Flood Heights, Additional Threat to Public Safety,
21 Extraordinary Public Expense, or Nuisance

22 Granting of the variance will not result in increased flood heights,
23 additional threats to public safety, extraordinary public expense, create a
24 nuisance, cause fraud on or victimization of the public, or conflict with
25 existing local laws or ordinances.

26 4. Complies with Flood Damage Prevention Regulations

27 It complies with the standards of Section 6.05.00, *Flood Damage*
28 *Prevention.*

29 5. Considers Other Relevant Technical factors

30 It considers all other technical and health and safety factors:

31 a. The danger that materials may be swept onto other lands to the
32 injury of others;

- 1 b. The danger to life and property due to flooding or erosion damage;
- 2 c. The susceptibility of the proposed facility and its contents to flood
3 damage and the effect of such damage on the individual owner;
- 4 d. The importance of the services provided by the proposed facility to
5 the community;
- 6 e. The necessity to the facility of a waterfront location, in the case of a
7 functionally dependent facility;
- 8 f. The availability of alternative locations, not subject to flooding or
9 erosion damage, for the proposed use;
- 10 g. The compatibility of the proposed use with existing and anticipated
11 development;
- 12 h. The relationship of the proposed use to the St. Lucie County
13 Comprehensive Plan and Floodplain Management Program for that
14 area;
- 15 i. The safety of access to the property in times of flood for ordinary
16 and emergency vehicles;
- 17 j. The expected heights, velocity, duration, rate of rise and sediment
18 transport of the floodwaters and the effects of wave action, if
19 applicable, expected at the site; and
- 20 k. The costs of providing governmental services during and after flood
21 conditions including maintenance and repair of public utilities and
22 facilities such as sewer, gas, electrical, and water systems, and
23 streets and bridges.

24 6. No Increase in Flood Levels during Base Flood Discharge

25 If issued for development in any designated floodway, it does not increase
26 flood levels during the base flood discharge.

27 D. CONDITIONS

28 The Board of Adjustment may impose conditions, limitations, and requirements
29 on a Variance Permit from the Flood Damage Prevention Regulations that are
30 necessary to carry out the purposes of this Section and the purposes of this
31 Code and the goals, objectives and policies of the St. Lucie County
32 Comprehensive Plan, and prevent or minimize adverse effects on other property

1 in the neighborhood, consistent with the requirements in Chapter 11, Conditions
2 of Approval.

3 E. EXPIRATION AND EXTENSIONS

4 1. Valid for One (1) Year

5 No Variance Permit from the Flood Damage Prevention Regulations shall
6 be valid for a period longer than twelve (12) months unless a Building
7 Permit is issued.

8 2. Extension

9 The time limitation imposed on any Variance Permit by subsection (1)
10 above may be extended by the Board of Adjustment not more than one (1)
11 time, and for not more than twelve (12) months, upon application by the
12 applicant to the Public Works Director or designee a minimum of thirty (30)
13 days prior to expiration and after a public hearing held in accordance with
14 the same procedures established for the original approval of the Variance
15 Permit.

16 F. AMENDMENT

17 A Variance Permit from the Flood Damage Prevention Regulations may be
18 amended, extended, or modified only in accordance with the procedures
19 established for its original approval.

20 G. APPEAL

21 Any person aggrieved by a decision of the Board of Adjustment may, within thirty
22 (30) days after the rendition of the decision, appeal to the Circuit Court in the
23 Nineteenth Judicial Circuit in and for St. Lucie County, Florida, in accordance
24 with state law.

25
26
27 ~~10.01.03~~ **LIMITATIONS ON GRANTING VARIANCES**

28
29 ~~A.~~ Variances shall not be granted that would:

30
31 ~~1.~~ Permit a building or structure to have a height in excess of one hundred
32 and twenty (120%) percent of that permitted by Table 1 in Section 7.04.00;
33 or permit a lot width or road frontage less than eighty (80%) percent of that
34 permitted by said Table, except:

35
36 ~~a.~~ In the case of nonconforming lots of record, provided, however, that

1 a variance to construct a permitted or authorized accessory
2 structure on such a lot shall be governed by the provisions of
3 Section 10.00.04; and

4
5 b. In the AG-1, AG-2.5 and AG-5 Agricultural Districts, road frontage
6 of less than sixty (60) feet may be permitted on parcels of ten (10)
7 acres or more in total area.

8
9 2. Permit the use of land or a structure contrary to the use provisions of
10 Section 3.01.00;

11
12 3. Permit a variance from the provisions of Section 4.01.00 that would
13 authorize any building to have a height in excess of one hundred and
14 twenty (120%) percent of the maximum permitted by the particular zone in
15 which it is located or to be in excess of one hundred and twenty five (125)
16 feet, whichever is less.

17
18 B. A variance to construct an accessory agricultural structure on agricultural
19 property lacking sufficient frontage shall be governed by the provisions of Section
20 10.01.07.

21
22 C. A variance from the requirements of Section 7.07.00, Stormwater Management,
23 shall be governed by the provisions of Section 10.01.08.

24
25 D. A variance from the requirements of Section 7.05.06, Driveways, shall be
26 governed by the provisions of Section 10.01.09.

27
28 E. A variance from the requirements of Section 6.05.00, Flood Damage Prevention,
29 shall be governed by the provisions of Section 10.01.10.

30
31 F. No variance from the dimensional requirements of Section 7.00.00, other than
32 variances granted for or in conjunction with a Final Development Order as
33 described under Section 11.02.00, shall be valid for a period longer than
34 twelve (12) months unless a building permit is issued. A variance issued for,
35 or in, conjunction with a Final Development Order as described under Section
36 11.02.00 shall expire upon the termination of that Final Development Order
37 unless the Final Development Order is extended or otherwise determined to
38 be compliant with the provisions of this Code.

39
40 **10.01.03 VARIANCE PERMIT FROM RIVERINE SHORELINE PROTECTION**
41 **REGULATIONS**

42 **A. VARIANCE OF TEN (10) FEET OR LESS**

43 **1. General**

1 The Environmental Resources Director or designee may approve a
2 Variance Permit of ten (10) feet or less from:

3 a. Section 6.02.02, *Shoreline Protection*, along the Indian River
4 Lagoon or other river or creek, excluding the St. Lucie River and its
5 tributaries, provided no such variance shall permit a vegetation
6 buffer of less than forty (40) feet.

7 b. The boundaries of Zones A and B along the St. Lucie River and its
8 tributaries, as required in Section 6.02.02(B), *St. Lucie River*
9 *Shoreline*.

10 2. Procedures

11 a. The procedures and requirements for submission and review of an
12 application for a Variance Permit from Riverine Protection
13 Regulations pursuant to this Section are established in **Chapter 11,**
14 *Common Procedures*. An application shall be submitted to the
15 Environmental Resources Director or designee for review.

16 b. Within thirty (30) days of the date the application is determined
17 complete, the Environmental Resources Director or designee shall
18 review the application and approve, approve with conditions, or
19 disapprove the application based on the standards of subsection C
20 below, *Standards for Variance Permit from Riverine Protection*
21 *Regulations*.

22 B. VARIANCE IN EXCESS OF TEN (10) FEET

23 1. GENERAL

24 A Variance Permit of greater than ten (10) feet from (1) Section 6.02.02,
25 *Shoreline Protection*, along the Indian River Lagoon or other river or
26 creek, excluding the St. Lucie River and its tributaries or (2) in the
27 boundaries of Zones A and B along the St. Lucie River and its tributaries,
28 as required in Section 6.02.02(B), *St. Lucie River Shoreline*, shall be
29 reviewed by the Board of County Commissioners pursuant to this
30 subsection.

31 2. Procedures

32 a. The procedures and requirements for submission and review of an
33 application for a Variance Permit from Riverine Shoreline Protection
34 Regulations pursuant to this subsection are established in **Chapter**
35 **11** *Common Procedures*. An application shall be submitted to the
36 Environmental Resources Director or designee for review.

1 **b.** Within thirty (30) days after an application is determined complete,
2 the Environmental Resources Director or designee shall review the
3 application and support materials and prepare a staff report
4 recommending whether the application complies with the standards
5 in subsection (C) below, *Standards for Variance Permit from*
6 *Riverine Protection Regulations.*

7 **c.** After development of the staff report by the Environmental
8 Resources Department, the Environmental Resources Director or
9 designee, shall provide for public notification and schedule the
10 public hearing.The Board of County Commissioners shall conduct a
11 public hearing on the application pursuant to Chapter 11, Quasi-
12 Judicial Hearings. At the public hearing, the Board of County
13 Commissioners shall consider the application, the relevant support
14 materials, the staff report, and any evidence and statements offered
15 by the applicant, County staff, adversely affected parties, and the
16 public on the application. Within thirty (30) days after the close of
17 the hearing, the Board of County Commissioners shall approve,
18 approve with conditions, or disapprove the application for Variance
19 Permit based on the standards in subsection (C) below, *Standards*
20 *for Variance Permit from Riverine Protection Regulations.*

21 **C.** **STANDARDS FOR VARIANCE PERMIT FROM RIVERINE PROTECTION**
22 **REGULATIONS**

23 A Variance Permit from the Riverine Shoreline Protection Regulations shall not
24 be granted unless it is demonstrated by competent substantial evidence that the
25 proposed variance meets all the following standards:

26 **1.** **Unnecessary Hardship**

27 It arises from a condition that the particular physical surroundings, the
28 shape, or topographical condition of the specific parcel of land involved,
29 would result in unnecessary hardship for the owner or developer, as
30 distinguished from a mere inconvenience, if the provisions of this Section
31 are literally enforced.

32 **2.** **Condition Created by Regulations, not Action of Owner/Developer**

33 The condition is created by the regulations of this Code, and not by an
34 action or actions of the owner, developer or applicant.

35 **3.** **Not Adversely Affect Surrounding Lands in Neighborhood**

1 It will not adversely affect surrounding lands or injure other property or
2 improvements in the neighborhood in which the subject parcel of land is
3 located.

4 4. Minimum Variance

5 The variance granted is the minimum variance that will make possible the
6 reasonable use of the land, building or structures.

7 5. Conforms to General Intent and Purposes of this Code

8 It conforms with the general intent and purposes of this Code.

9 6. Consistent with Comprehensive Plan

10 It is consistent with the St. Lucie County Comprehensive Plan.

11 7. Structures within Required Yards

12 It does not allow a structure within a required yard, unless a Variance
13 Permit is approved by the Board of Adjustment pursuant to Section
14 10.01.00, *Variance Permit*.

15 8. Variance Along St. Lucie River or Tributaries

16 If along the St. Lucie River or its tributaries, granting of the variance will
17 prevent erosion and siltation to a greater extent than not granting the
18 variance.

19 D. CONDITIONS

20 The Board of County Commissioners, Environmental Resources Director or
21 designee (whichever is appropriate) may impose conditions, limitations, and
22 requirements on a Variance Permit from the Riverine Shoreline Protection
23 Regulations as are necessary to carry out the purposes of this Section and the
24 purposes of this Code and the goals, objectives and policies of the St. Lucie
25 County Comprehensive Plan; and prevent or minimize adverse effects on other
26 property, consistent with the requirements of [Chapter 11](#), *Conditions of Approval*.

27 E. EXPIRATION AND EXTENSION

28 1. Valid for One (1) Year

29 No Variance Permit from the Riverine Shoreline Protection Regulations
30 shall be valid for a period longer than twelve (12) months unless a Building
31 Permit is issued.

1 2. Extension

2 The time limitation imposed on any Variance Permit from the Riverine
3 Shoreline Protection Regulations by subsection (1) above may be
4 extended by the Board of County Commissioners, Environmental
5 Resources Director or designee (whichever is appropriate) not more than
6 one (1) time, and for not more than twelve (12) months, upon application
7 by the applicant to the Board of County Commissioners or the
8 Environmental Resources Director or designee a minimum of thirty (30)
9 days prior to expiration.

10 F. AMENDMENT

11 A Variance Permit from Riverine Shoreline Protection Regulations may be
12 amended, extended, or modified only in accordance with the procedures
13 established for its original approval.

14
15
16 ~~10.01.04~~ ~~PROCEDURES FOR APPLICATION~~

17
18 ~~A.~~ ~~APPLICATION~~

19
20 ~~An application for a variance shall be filed with the Community Development~~
21 ~~Director, accompanied by a non-refundable fee, as established from time to time~~
22 ~~by the Board of County Commissioners to defray the actual cost of processing~~
23 ~~the application. The application shall be in such form and shall contain such~~
24 ~~information and documentation as shall be prescribed from time to time by the~~
25 ~~Director and shall contain at least the following:~~

- 26
27 ~~1. Name and address of applicant;~~
28
29 ~~2. Legal description, street address, and lot number and subdivision name, if~~
30 ~~any, of the property which is the subject of the application;~~
31
32 ~~3. The size of the subject property;~~
33 ~~4. The variance sought and the Section of this Code from which a variance is~~
34 ~~requested. Except for non-residential accessory structures in AG-1, AG-~~
35 ~~2.5 and AG-5, if the application is for 100% variance from road frontage~~
36 ~~requirements, proof of recorded legal access shall be furnished with the~~
37 ~~application;~~
38
39 ~~5. The purpose for the requested variance and a statement of the intended~~
40 ~~development of property if the variance is granted;~~
41

1 ~~6. A statement of the hardship imposed on the applicant by this Code; a~~
2 ~~statement setting forth reasons why this hardship is unique to the~~
3 ~~applicant, and why the same hardship is not imposed on other property in~~
4 ~~the neighborhood that is similarly situated; a statement of why the~~
5 ~~variance will not be materially detrimental or injurious to other property or~~
6 ~~improvements in the neighborhood in which the subject property is~~
7 ~~located; a statement of why the variance will not increase traffic, the~~
8 ~~danger of fire, or impair property values in the neighborhood; a statement~~
9 ~~of why the proposed variance is the minimum variance that will make~~
10 ~~possible a reasonable use of the land, building, and structures; and a~~
11 ~~statement explaining how the proposed variance is consistent with the~~
12 ~~general spirit and intent of this Code and the St. Lucie County~~
13 ~~Comprehensive Plan.~~

14
15 ~~7. If the variance is sought to erect or increase the height of any structure, to~~
16 ~~permit the growth of any tree, or to use property in the Airport Zones~~
17 ~~established in Section 4.00.00, the application shall be accompanied by a~~
18 ~~written determination from the Federal Aviation Administration (FAA Form~~
19 ~~7460) as to the effect of the proposal on the operation of air navigation~~
20 ~~facilities and the safe, efficient use of navigable airspace.~~

21
22 ~~B. FILING AN APPLICATION FOR APPROVAL OF A VARIANCE~~

23
24 ~~Within twenty (20) days after an application for approval of a variance is~~
25 ~~submitted, the Community Development Director shall determine whether the~~
26 ~~application is complete. If the Director determines that the application is not~~
27 ~~complete, he shall send a written statement specifying the application's deficiencies~~
28 ~~to the applicant by mail. The Director shall take no further action on the application~~
29 ~~unless the deficiencies are remedied.~~

30
31 ~~C. REVIEW OF THE APPLICATION~~

32
33 ~~1. Review by the Community Development Director~~

34
35 ~~When the Community Development Director determines an application for~~
36 ~~approval of a variance is complete, he shall review the application, make a~~
37 ~~recommendation, and submit it to the Board of Adjustment.~~

38
39 ~~2. Review by the Airport Director and the FDOT~~

40
41 ~~a. If the variance is sought to erect or increase the height of any~~
42 ~~structure, to permit the growth of any tree, or to use property in the~~
43 ~~Airport Zones established in Section 4.00.00, the Community~~
44 ~~Development Director shall determine whether the application for~~
45 ~~approval of a variance is complete. Once the application is~~

1 complete, the Director shall furnish a copy of the application to the
2 St. Lucie County Airport Director and to the Florida Department of
3 Transportation Aviation Office, 605 Suwanee Street, MS-46,
4 Tallahassee, Florida, within ten (10) days of the determination of
5 administrative variance permit completeness for advice as to the
6 aeronautical effects of the variance.

7
8 ~~b. Upon receipt of the comments of the Airport Director and the~~
9 ~~FDOT, the Community Development Director shall review the~~
10 ~~application, make a recommendation, and submit it to the Board of~~
11 ~~Adjustment. If the Airport Director does not respond to the~~
12 ~~application within fifteen (15) days and the Department of~~
13 ~~Transportation does not respond within forty five (45) days after~~
14 ~~receipt, the Director shall review the application, make a~~
15 ~~recommendation, and submit it to the Board of Adjustment.~~

16
17
18 **10.02.00 ADMINISTRATIVE VARIANCE PERMITS**

19 **10.02.01 APPLICABILITY**

20 This Section sets out the procedures and standards for Administrative Variances
21 under this Code. They are identified below.

22 A. Dimensional Standards

23 The Growth Management Director or designee shall review and decide
24 applications for the following types of Administrative Variance Permits to the
25 dimensional standards of this Code:

26 1. Ten Percent (10%) of Minimum Dimensional Standard

27 A variation by up to ten percent (10%) of any minimum dimensional
28 standard of this Code not otherwise referenced in [Chapter 10](#).

29 2. Height in Airport Overlay Zone

30 A variation from the height requirements of Section 4.01.00, *Airport*
31 *Overlay Zones*, up to one hundred twenty percent (120%) of the maximum
32 allowed [where the FAA has issued a no hazard determination](#).

33 3. [Encroachment of Airport Zone Runway Safety Areas](#)

34
35 [Any variation impacting the Airport runway safety / clear zone areas shall](#)
36 [not be approved](#).

1
2 **B. Accessory Agricultural Structures**

3 The Public Works Director or designee shall review and decide applications for
4 an Administrative Variance Permit to construct an accessory agricultural
5 structure on a parcel lacking frontage.

6 **C. MINIMUM YARD SETBACKS FOR RV PARKS**

7
8 **1. Application Procedures**

9
10 **a. A person desiring to decrease any required minimum yard setback in any**
11 **existing Mobile Home Park by replacing a pre-existing structure after the**
12 **effective date of this Ordinance (Ordinance 06-013) by no more than two-**
13 **thirds of the minimum standard shall apply for a variance on a form**
14 **provided by the Building Code Administrator or designee.**

15
16 **b. An application fee in accordance with Chapter 11. Except as otherwise**
17 **provided herein, the application fee shall be waived for completed**
18 **applications received by the Building Official on or before December 31,**
19 **2006.**

20
21
22 **c. The application shall be in such a form and contain such information and**
23 **documentation as shall be prescribed from time to time by the Building**
24 **Code Administrator or his/her designee, but shall contain at least the**
25 **following:**

26
27 **1. Name and address of applicant.**

28
29 **2. Legal description of the property which is subject of the application.**

30
31
32 **3. Size of the subject property.**

33
34 **4. A certified boundary survey or a scaled plot plan, as deemed**
35 **necessary by the Building Code Administrator or his/her designee for**
36 **the subject property showing the location of the proposed Mobile**
37 **Home and any accessory structure, or Single Family Residence and**
38 **any accessory structure, along with all setback and distance**
39 **measurements to all adjacent structures, site improvements and utility**
40 **services.**

41
42 **d. Within a reasonable period of time, not to exceed thirty (30) days after receipt**

1 of an application or receipt of additional information pursuant to Chapter 10,
2 the Building Code Administrator or designee, shall examine the
3 application or information submitted and notify the applicant of apparent
4 errors or omissions, and request such additional information as may be
5 necessary for the processing of the application.

6
7 e. Within thirty (30) working days after an application has been determined to
8 be complete, the Building Code Administrator or designee shall either
9 grant the variance, grant the variance with conditions or deny the variance
10 with reasons clearly stated.

11
12 f. Any person aggrieved by a decision of the Building Code Administrator or
13 designee may appeal the decision within thirty (30) days after the
14 rendition of such decision to the Board of Adjustment pursuant to
15 procedures set forth in Chapter 11 of this Code.

16 17 2. General Standards for Issuance

18
19 The Building Code Administrator or designee shall grant the requested variance if
20 all of the applicable following standards are satisfied:

21
22 a. Demonstration that the Mobile Home Park was in legal existence upon the
23 effective date of this Ordinance (Ordinance No. 06-013).

24
25 b. Demonstration that the placement of the proposed structure will meet the
26 intent of all separation standards as required for all Mobile Home parks, any
27 other applicable provision of this Code, Florida Building Codes or the fire
28 code(s) and that the requested variance is the minimum necessary to locate
29 the proposed structure on the property.

30
31 c. Demonstrate that a similar structure existed on the subject property at the
32 proposed location of the new structure on the effective date of this
33 Ordinance (Ordinance No. 06-013.)

34
35 d. Demonstration that the placement of the proposed structure, if a mobile home,
36 will not be located closer than ten (10) ft (3 m) side to side, eight (8) ft (2.4 m)
37 end to side, or six (6) ft (1.8 m) end to end horizontally from any other mobile
38 home, manufactured home, single family detached dwelling or community
39 building unless the exposed composite walls and roof of either structure are
40 without openings and constructed of materials that will provide a one-hour fire
41 rating or the structures are separated by a one-hour fire-rated barrier.

42
43
44 e. Demonstration that the placement of the proposed structure, if an accessory
45 structure, if located immediately adjacent to a site line is constructed entirely of

1 materials that do not support combustion and provided that such buildings or
2 structures are not less than three (3) ft (0.9 m) from an accessory building or
3 structure on an adjacent site. An accessory building or structure constructed of
4 combustible materials shall be located no closer than five (5) ft (1.5 m) from
5 the site line of an adjoining site.

6
7
8 f. The literal application of the provisions of the Code for required minimum yard
9 setback will result in an undue hardship on the property owners and would
10 otherwise prohibit the use of the petitioned property as others are used in the
11 surrounding neighborhood.

12
13 g. The variance requested will not result in any encroachment into any
14 access/utility easement or other common area.

15
16 h. The variance requested will not conflict with any other provision of this Code.

17
18 3. Conditions on Variances.

19
20 The Building Code Administrator or his/her designee shall attach such conditions,
21 limitations and requirements to the variance as are necessary to effectuate the purpose
22 of this section.

- 23
24
25 1. The Building Code Administrator or designee shall review and
26 decide applications for an Administrative Variance Permit to
27 decrease the minimum yard setback by no more than percent
28 (50%) in any existing Recreational Vehicle Park established prior to
29 the effective date of Ordinance 94-007.

30 D. DRIVEWAY REGULATIONS

31 The County Engineer or designee shall review and decide applications for an
32 Administrative Variance Permit from Section 7.05.06, Driveways:

- 33 1. For a variation from the minimum standards no greater than twenty
34 percent (20%); or
- 35 2. For a variation from the minimum standards that will allow one (1)
36 driveway on a lot of record when it is demonstrated no other road
37 frontage or road access exists.
- 38 3. If a mandatory Home Owners' Association (HOA) or Property
39 Owners' Association (POA) is associated with the property, a letter
40 from the HOA or POA in support of the Administrative Variance is
41 required.

1
2 **10.01.05 ACTION OF BOARD OF ADJUSTMENT**
3

4 ~~A. Upon notification that an application for a variance is complete, the Board of~~
5 ~~Adjustment shall place the application on the agenda of a regularly scheduled~~
6 ~~meeting for a public hearing in accordance with Section 11.00.03. In reviewing~~
7 ~~the application for variance approval, the Board of Adjustment shall use the~~
8 ~~standards in Section 10.01.02. The Board may require the applicant to meet~~
9 ~~certain conditions before approval of the variance.~~

10
11 ~~B. Within a reasonable time of the hearing, the Board of Adjustment shall issue its~~
12 ~~decision approving, approving with conditions, or denying through resolution the~~
13 ~~requested variance.~~

14
15 ~~C. The Board of Adjustment may place reasonable conditions, limitations, and~~
16 ~~requirements upon the granting of any variance as may be necessary to ensure~~
17 ~~compliance with the intent of this Code. Such conditions, limitations, or~~
18 ~~requirements may be placed on the granting of any variance to prevent or~~
19 ~~minimize adverse effects upon other property in the neighborhood which might~~
20 ~~otherwise result from the reductions in standards being requested, including but~~
21 ~~not limited to conditions, limitations, or requirements on the size, intensity of use,~~
22 ~~bulk, and location of any structure; landscaping; lighting; the provision of~~
23 ~~adequate ingress and egress, and the duration of the variance. Such conditions,~~
24 ~~limitations, or requirements shall be set forth expressly in the resolution granting~~
25 ~~the variance.~~

26
27 ~~D. Any variance from the provisions of Section 4.00.00, Airport Overlay Zone, will be~~
28 ~~so conditioned as to require the owner of the structure or tree in question to~~
29 ~~install, operate, and maintain, at the owner's expense, such markings and lights~~
30 ~~as required by Section 333.07(3), Florida Statutes, in accordance with the~~
31 ~~standards published in Chapter 14-60, FAC, Rules of the Department of~~
32 ~~Transportation. If deemed proper by the Board of Adjustment, this condition may~~
33 ~~be modified to require the owner to permit St. Lucie County at its own expense,~~
34 ~~to install, operate, and maintain the necessary markings and lights.~~

35
36 ~~E. The decision of the Board of Adjustment shall be mailed to the petitioner and filed~~
37 ~~with the Office of the Community Development Director in accordance with Section~~
38 ~~11.00.04(F).~~
39

40 **10.02.02 PROCEDURES**

41 **A. SUBMISSION AND REVIEW OF APPLICATION**

42 The procedures and requirements for submission and review of an application for
43 an Administrative Variance Permit pursuant to this Section are established in

1 Chapter 11, Common Procedures. An application shall be submitted to the
2 appropriate County Official or designee identified in Chapter 10, Applicability,
3 responsible for reviewing and deciding the application.

4 B. ACTION BY APPROPRIATE COUNTY OFFICIAL

5 Within thirty (30) working days after the application is determined complete, the
6 appropriate County Official or designee responsible for review, shall review and
7 approve, approve with conditions, or disapprove the application based on the
8 standards of Chapter 10, Administrative Variance Permit Standards.

9
10
11 ~~10.01.06 EXTENSIONS OF VARIANCE APPROVALS~~

12
13 ~~The time limitations imposed on any Variance by Section 10.01.03(F) may be extended by~~
14 ~~the Board of Adjustment not more than one (1) time, and for not more than twelve (12)~~
15 ~~months, upon application by the applicant and after a public hearing held in accordance~~
16 ~~with Section 10.01.05.~~

17
18 10.02.03 ADMINISTRATIVE VARIANCE PERMIT STANDARDS

19 A. DIMENSIONAL STANDARDS

20 1. Ten Percent (10%) of Minimum

21 An Administrative Variance Permit for a variation of up to ten percent
22 (10%) of a minimum dimensional standard established by this Code and
23 not otherwise referenced in Chapter 10 shall not be granted unless it is
24 demonstrated by competent substantial evidence that the following
25 standards are met:

- 26 a. The Administrative Variance is of a technical nature and is required
27 to compensate for some unusual aspect of the site or the proposed
28 development that is not shared by landowners in general;
- 29 b. The Administrative Variance is consistent with the purpose and
30 intent expressed for the zoning district in which it is located;
- 31 c. The Administrative Variance is consistent with the purposes of
32 other relevant provisions of this Code;
- 33 d. The Administrative Variance eliminates an unnecessary
34 inconvenience to the applicant, is not inconsistent with the
35 character of development in the surrounding area, and will not
36 result in incompatible land uses; and

1 e. Any adverse impacts from the Administrative Variance will be
2 mitigated, to the maximum extent feasible.

3 f. If a mandatory Home Owners' Association (HOA) or Property
4 Owners' Association (POA) is associated with the property, a letter
5 from the HOA or POA in support of the Administrative Variance is
6 required.

7 g. The decision of the Growth Management Director or designee shall
8 be mailed to the applicant and surrounding property owners within
9 five hundred (500) feet of the applicant's property. If any of the
10 surrounding property owners files a formal appeal of the Growth
11 Management Director's or designee decision the applicant will then
12 be required to file for a variance to be heard by the County Board
13 of Adjustment in accordance with the provisions of Chapter 11.
14 Appeals of Decision of Administrative Official.

15 h. The applicant will be required to pay all notification costs
16 associated with the application.

17 2. Airport Overlay Zone

18 An Administrative Variance Permit for a variation from the height
19 requirements of Section 4.01.00, Airport Overlay Zones, of up to one
20 hundred twenty percent (120%) of the maximum allowed, shall not be
21 granted, unless it is demonstrated by competent substantial evidence that
22 the following standards are met:

23 a. The Administrative Variance is required to compensate for some
24 unusual aspect of the site or the proposed development that is not
25 shared by landowners in general;

26 b. The Administrative Variance is consistent with the purpose and
27 intent expressed for the zoning district in which it is located;

28 c. The Administrative Variance is consistent with the purposes of
29 other relevant provisions of this Code;

30 d. The Administrative Variance eliminates an unnecessary
31 inconvenience to the applicant, is not inconsistent with the
32 character of development in the surrounding area, and will not
33 result in incompatible land uses; and

34 e. Any adverse impacts from the Administrative Variance will be mitigated, to
35 the maximum extent feasible.

1 f. Anyone applying for a height variance under Chapter 10 must
2 provide documentation to the Airport Director or designee that the FAA
3 has reviewed their application and has made a determination that the
4 proposed structure or building is not a hazard. Additionally, the applicant
5 must comply with all special or additional conditions imposed by the FAA
6 as contained in the in non-hazard determination, if applicable.

7
8 g. Any variation impacting the Airport runway safety/ clear zone areas shall
9 not be approved.

10
11
12 **B. ACCESSORY AGRICULTURAL STRUCTURES**

13 An Administrative Variance Permit for an accessory agriculture structure shall be
14 approved if it is demonstrated by competent substantial evidence that the
15 following standards are met:

16 **1. Parcel Classified Agricultural Land**

17 The parcel is classified as agricultural land for purposes of ad valorem tax
18 assessment.

19 **2. Proposed Structure Part of Existing Productive Agricultural Operation**

20 The proposed structure will be constructed as a part of an existing productive
21 agricultural operation.

22 **3. Use is Accessory**

23 The proposed structure and use will be accessory to the already existing
24 agricultural structures and uses.

25 **4. The property owner(s) shall sign a notarized statement to the effect that**
26 **the proposed structure is accessory to agricultural uses and shall not be**
27 **converted to non-agriculture principle use without meeting the minimum**
28 **road frontage requirements of the Zoning District.**

29 **C. MINIMUM YARD SETBACKS FOR RV PARKS**

30 An Administrative Variance Permit to decrease the minimum yard setback in any
31 existing Recreational Vehicle Park established prior to the effective date of
32 Ordinance 94-007 by no more than fifty percent (50%) of the minimum yard
33 setback shall be approved if it is demonstrated by competent substantial
34 evidence that the following standards are met:

35 **1. In Existence on Appropriate Date**

1 The Recreational Vehicle Park was in existence on the effective date of
2 Ordinance 94-007.

3 2. Adjacent Structures Legal

4 The existing structure(s) on the adjacent properties have been constructed
5 without, or in violation of, prior permit approvals, and these violations have
6 been granted conforming status consistent with Section 7.10.16(Q)(2).

7 3. Placement of Structures Complies with Separation Standards

8 The placement of the proposed structure will meet the intent of all
9 separation standards as required for all Recreational Vehicle Parks,
10 Mobile Home Parks, any other applicable provisions of this Code, or the
11 Florida Building Code.

12 4. Undue Hardship

13 The literal application of the provisions of Section 7.10.16(Q) will result in
14 an undue hardship on the property owners and would otherwise prohibit
15 the use of the property as others are used in the surrounding
16 neighborhood.

17 5. Minimum Variance

18 The requested Administrative Variance is the minimum necessary to
19 locate the proposed dwelling unit on the property.

20 6. Encroachment into Accessibility Easement or Common Area

21 The requested Administrative Variance will not result in any encroachment
22 into any access/utility easement or other common area.

23 7. Encroachment into Yard Setback

24 The requested Administrative Variance does not result in an
25 encroachment of any more than fifty percent (50%) into any required yard
26 setback area.

27 8. Not Conflict with Code

28 The requested Administrative Variance will not conflict with any other
29 provisions of this Code.

30 D. DRIVEWAY REGULATIONS

31 1. Variation from Section 7.05.06

1 An Administrative Variance Permit from Section 7.05.06, *Driveways*, for a
2 variation from the minimum standards of no greater than twenty percent
3 (20%) shall be approved if it is demonstrated by competent substantial
4 evidence that the following standards are met:

5 a. The Administrative Variance arises from a condition that is unique
6 and peculiar to the land involved and that is created by this Code
7 and not by the actions of the property owner;

8 b. A literal interpretation of the provisions of Section 7.05.06,
9 *Driveways*, would deprive the applicant of rights commonly enjoyed
10 by similar properties;

11 c. The granting of the Administrative Variance will not adversely
12 impact or be injurious to surrounding properties;

13 d. The Administrative Variance will not substantially increase traffic
14 congestion and will not endanger the public safety;

15 e. The Administrative Variance is the minimum variance that will make
16 possible the reasonable use of the land, building, and structures;
17 and

18 f. The Administrative Variance is consistent with the St. Lucie
19 County Comprehensive Plan.

20 g. The Administrative variance shall require a mandatory letter from
21 the Home Owners' Association (HOA) or Property Owners'
22 Association (POA) in support of the Administrative Variance.

23
24 8. One(1) Driveway for Lot of Record

25 An Administrative Variance Permit from Section 7.05.06, *Driveways*, for a
26 variation from the minimum standards that will allow one (1) driveway on a
27 lot of record shall be approved when it is demonstrated by competent
28 substantial evidence that no other road frontage or road access exists for
29 the lot.

30 E. AIRPORT OVERLAY ZONE ONLY

31 An Administrative Variance from Section 4.00.00, *Airport Overlay Zone*, should
32 also be conditioned to ensure markings and lights as required by Section
33 333.07(3), Florida Statutes, and that the markings and lights comply with the
34 standards published in Chapter 14-60, FAC, and are installed, operated, and

1 maintained on the structure subject to the Administrative Variance Permit.

22.

3

4

5 ~~10.01.07~~ ~~APPEALS FROM THE BOARD OF ADJUSTMENT~~

6

7 ~~Any person aggrieved by a decision of the Board of Adjustment may, within thirty (30)~~
8 ~~days after the rendition of such decision, appeal to the courts of the State of Florida for~~
9 ~~relief in accordance with general law.~~

10

10.02.04 CONDITIONS

11

A. GENERAL

12

The appropriate County Official or designee reviewing the Administrative
13 Variance may impose conditions, limitations, and requirements on an
14 Administrative Variance Permit as is necessary to carry out the purposes of this
15 Section and the purposes of this Code and the goals, objectives, and policies of
16 the St. Lucie County Comprehensive Plan, and prevent or minimize adverse
17 effects on other property, consistent with the requirements of [Chapter 11](#),
18 Conditions of Approval.

19

20

10.02.05 NOTIFICATION

21

The decision of the appropriate County Official or designee shall be mailed to the
22 applicant and filed in the Office of the County Official making the decision pursuant to
23 [Chapter 11](#) Notification of Decision.

24

25

~~10.01.08 – 10.01.12 (RESERVED)~~

26

10.02.06 EXPIRATION AND EXTENSION

27

An Administrative Variance Permit shall be valid for twelve (12) months. The time
28 limitations imposed on any Administrative Variance Permit may be extended by the
29 County Official approving the Administrative Variance Permit not more than one (1)
30 time, and for not more than twelve (12) months, upon application by the applicant to the
31 County Official who approved the permit. The extension must be requested a minimum
32 of thirty (30) days prior to expiration.

33

34

35 ~~10.01.13~~ ~~ADMINISTRATIVE VARIANCES TO CONSTRUCT AN ACCESSORY~~
36 ~~AGRICULTURAL STRUCTURE~~

37

1 ~~A. APPLICATION PROCEDURES~~

- 2
- 3 ~~1. A person desiring to construct an accessory agricultural structure on a~~
4 ~~parcel lacking frontage shall apply for a variance on a form provided by~~
5 ~~the Public Works Director.~~
- 6
- 7 ~~2. An application fee in accordance with Section 11.12.00.~~
- 8
- 9 ~~3. The application shall be in such form and contain such information and~~
10 ~~documentation as shall be prescribed from time to time by the Public~~
11 ~~Works Director, but shall contain at least the following:~~
- 12
- 13 ~~a. Name and address of applicant.~~
- 14
- 15 ~~b. Legal description of the property which is the subject of the~~
16 ~~application.~~
- 17
- 18 ~~c. Size of the subject property.~~
- 19
- 20 ~~d. Description of the existing agricultural operation.~~
- 21
- 22 ~~e. Description of proposed accessory structure and proposed use.~~
- 23
- 24 ~~f. Proof that the parcel is classified as agricultural land for purposes~~
25 ~~of ad valorem tax assessment.~~
- 26
- 27 ~~4. Within a reasonable period of time not to exceed thirty (30) days after~~
28 ~~receipt of an application or receipt of additional information pursuant to~~
29 ~~this Section, the Public Works Director shall examine the application or~~
30 ~~information and notify the applicant of any apparent errors or omissions,~~
31 ~~and request such additional information as may be necessary for the~~
32 ~~processing of the application.~~
- 33
- 34 ~~5. Within thirty (30) working days after an application has been determined to~~
35 ~~be complete, the Public Works Director shall either grant the variance or~~
36 ~~deny the variance, with reasons clearly stated.~~
- 37
- 38 ~~6. Any person aggrieved by a decision of the Public Works Director may~~
39 ~~within thirty (30) days after the rendition of such decision appeal to the~~
40 ~~Board of Adjustment pursuant to procedures set forth in Section 11.11.00~~
41 ~~of this Code.~~

42

43 ~~B. GENERAL STANDARDS FOR ISSUANCE~~

44

45 ~~The Public Works Director shall grant the requested variance if all of the following~~

standards are satisfied:

1. ~~The parcel is classified as agricultural land for purposes of ad valorem tax assessment.~~
2. ~~The proposed structure will be constructed as a part of an existing productive agricultural operation.~~
3. ~~The proposed structure and use will be accessory to the already existing agricultural structures and uses.~~

10.02.07 APPEAL

Any final action by the appropriate County Official or designee in accordance with this Section may, within thirty (30) days after the rendition of such decision, be appealed to the Board of Adjustment in accordance with the provisions of [Chapter 11, Appeals of Decision of Administrative Official.](#)

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

~~A. APPLICATION PROCEDURES~~

1. ~~A person desiring to decrease any required minimum yard setback in any existing Recreational Vehicle Park on the effective date of this Ordinance (Ordinance 94-007) by no more than fifty (50) percent of the minimum standard shall apply for a variance on a form provided by the Public Works Director.~~
2. ~~An application fee in accordance with Section 11.12.00.~~
3. ~~The application shall be in such a form and contain such information and documentation as shall be prescribed from time to time by the Public Works Director, but shall contain at least the following:~~
 - ~~a. Name and address of applicant.~~
 - ~~b. Legal description of the property which is subject of the application.~~
 - ~~c. Size of the subject property.~~
 - ~~d. A certified boundary survey for the subject property showing the location of the proposed RV, Mobile Home, or Single Family~~

1 Residence, along with all setback and distance measurements to
2 all adjacent structures, site improvements and utility services.

3
4 ~~e. In those cases where the application submitted is for a variance~~
5 ~~from the requirements of Section 7.10.16(Q)(2), proof that the~~
6 ~~existing structure(s) on the adjacent property(ies) is the cause for~~
7 ~~this application. The applicant must show that the adjacent~~
8 ~~structure(s) were constructed without with proper Local~~
9 ~~Government permits or in violation of those permits and as a result~~
10 ~~of the provisions of Section 7.10.16(Q)(2) has subsequently been~~
11 ~~granted existing nonconforming status.~~

12
13 ~~4. Within a reasonable period of time, not to exceed thirty (30) days after~~
14 ~~receipt of an application or receipt of additional information pursuant to~~
15 ~~this Section, the Public Works Director shall examine the application or~~
16 ~~information submitted and notify the applicant of apparent errors or~~
17 ~~omissions, and request such additional information as may be necessary~~
18 ~~for the processing of the application.~~

19
20 ~~5. Within thirty (30) working days after an application has been determined to~~
21 ~~be complete, the Public Works Director shall either grant the variance,~~
22 ~~grant the variance with conditions or deny the variance with reasons~~
23 ~~clearly stated.~~

24
25 ~~6. Any person aggrieved by a decision of the Public Works Director may~~
26 ~~appeal the decision within thirty (30) days after the rendition of such~~
27 ~~decision to the Board of Adjustment pursuant to procedures set forth in~~
28 ~~Section 11.11.00 of this code.~~

29
30 ~~B. GENERAL STANDARDS FOR ISSUANCE~~

31
32 ~~The Public Works Director shall grant the requested variance if all of the~~
33 ~~applicable following standards are satisfied:~~

34
35 ~~1. Demonstration that the Recreational Vehicle Park was in legal existence~~
36 ~~upon the effective date of this ordinance (Ordinance 94-007)~~

37
38 ~~2. Demonstration that the existing structure(s) on the adjacent properties~~
39 ~~have been constructed without, or in violation of, prior permit approvals~~
40 ~~and that these violations have been granted conforming status consistent~~
41 ~~with Section 7.10.16(Q)(2) of this Code.~~

42
43 ~~3. Demonstration that the placement of the proposed structure will meet the~~
44 ~~intent of all separation standards as required for all Recreational Vehicle~~
45 ~~Parks, Mobile Home parks, any other applicable provision of this Code, or~~

1 ~~the Standard Building Code and that the requested variance is the~~
2 ~~minimum necessary to locate the proposed dwelling unit of the property.~~

3
4 ~~4. The literal application of the provisions of Section 7.10.16(Q) will result in~~
5 ~~an undo hardship on the property owners and would otherwise prohibit the~~
6 ~~use of the petitioned property as others are used in the surrounding~~
7 ~~neighborhood.~~

8
9 ~~5. The variance requested will not result in any encroachment into any~~
10 ~~access/utility easement or other common area.~~

11
12 ~~6. The variance requested does not result in an encroachment of any more~~
13 ~~than fifty (50) percent into any required yard setback area.~~

14
15 ~~7. The variance requested will not conflict with any other provision of this~~
16 ~~Code.~~

17
18 ~~C. CONDITIONS ON VARIANCES~~

19
20 ~~The Public Works Director shall attach such conditions, limitations and~~
21 ~~requirements to the variance as are necessary to effectuate the purpose of this~~
22 ~~section.~~

23
24 ~~B. For Mobile Home Parks.~~

25 ~~—~~

26 ~~1. Application Procedures.~~

27 ~~—~~

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

33
34 ~~b. An application fee in accordance with Section 11.12.00. Except as otherwise~~
35 ~~provided herein, the application fee shall be waived for completed applications~~
36 ~~received by the Building Official on or before December 31, 2006.~~

37
38
39 ~~e. The application shall be in such a form and contain such information and~~
40 ~~documentation as shall be prescribed from time to time by the Building Code~~
41 ~~Administrator or his/her designee, but shall contain at least the following:~~

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

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

4
5
6 ~~3. Size of the subject property.~~

7
8 ~~4. A certified boundary survey or a scaled plot plan, as deemed necessary by the~~
9 ~~Building Code Administrator or his/her designee for the subject property showing~~
10 ~~the location of the proposed Mobile Home and any accessory structure, or Single~~
11 ~~Family Residence and any accessory structure, along with all setback and~~
12 ~~distance measurements to all adjacent structures, site improvements and utility~~
13 ~~services.~~

14
15
16 ~~d. Within a reasonable period of time, not to exceed thirty (30) days after receipt of an~~
17 ~~application or receipt of additional information pursuant to this Section, the Building~~
18 ~~Code Administrator or his/her designee, shall examine the application or information~~
19 ~~submitted and notify the applicant of apparent errors or omissions, and request such~~
20 ~~additional information as may be necessary for the processing of the application.~~

21
22 ~~e. Within thirty (30) working days after an application has been determined to be~~
23 ~~complete, the Building Code Administrator or his/her designee shall either grant the~~
24 ~~variance, grant the variance with conditions or deny the variance with reasons clearly~~
25 ~~stated.~~

26
27 ~~f. Any person aggrieved by a decision of the Building Code Administrator or his/her~~
28 ~~designee may appeal the decision within thirty (30) days after the rendition of such~~
29 ~~decision to the Board of Adjustment pursuant to procedures set forth in Section~~
30 ~~11.11.00 of this Code.~~

31
32
33 ~~2. General Standards for Issuance. The Building Code Administrator or~~
34 ~~designee shall grant the requested variance if all of the~~
35 ~~applicable following standards are satisfied:~~

36
37 ~~a. Demonstration that the Mobile Home Park was in legal existence upon the~~
38 ~~effective date of this Ordinance (Ordinance No. 06-013).~~

39
40 ~~b. Demonstration that the placement of the proposed structure will meet the~~
41 ~~intent of all separation standards as required for all Mobile Home parks,~~
42 ~~any other applicable provision of this Code, Florida Building Codes or the~~

1 fire code(s) and that the requested variance is the minimum necessary to
2 locate the proposed structure on the property.

3
4 e. ~~Demonstrate that a similar structure existed on the subject property at the~~
5 ~~proposed location of the new structure on the effective date of this~~
6 ~~Ordinance (Ordinance No. 06-013.)~~

7
8 d. ~~Demonstration that the placement of the proposed structure, if a mobile~~
9 ~~home, will not be located closer than ten (10) ft (3 m) side to side, eight (8)~~
10 ~~ft (2.4 m) end to side, or six (6) ft (1.8 m) end to end horizontally from any~~
11 ~~other mobile home, manufactured home, single family detached dwelling~~
12 ~~or community building unless the exposed composite walls and roof of~~
13 ~~either structure are without openings and constructed of materials that will~~
14 ~~provide a one-hour fire rating or the structures are separated by a one-~~
15 ~~hour fire-rated barrier.~~

16
17
18 e. ~~Demonstration that the placement of the proposed structure, if an~~
19 ~~accessory structure, if located immediately adjacent to a site line is~~
20 ~~constructed entirely of materials that do not support combustion and~~
21 ~~provided that such buildings or structures are not less than three (3) ft (0.9~~
22 ~~m) from an accessory building or structure on an adjacent site. An~~
23 ~~accessory building or structure constructed of combustible materials shall~~
24 ~~be located no closer than five (5) ft (1.5 m) from the site line of an~~
25 ~~adjoining site.~~

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

30
31
32 g. ~~The variance requested will not result in any encroachment into any~~
33 ~~access/utility easement or other common area.~~

34
35 h. ~~The variance requested will not conflict with any other provision of this~~
36 ~~Code.~~

1 ~~3. *Conditions on Variances.* The Building Code Administrator or his/her designee shall~~
2 ~~attach such conditions, limitations and requirements to the variance as are necessary to~~
3 ~~effectuate the purpose of this section.~~

4
5

6 ~~10.01.15 - 10.01.16 (RESERVED)~~

7
8
9

~~10.01.17 ADMINISTRATIVE VARIANCES FROM REQUIREMENTS OF
STORMWATER MANAGEMENT~~

1 ~~A. APPLICATION PROCEDURES~~

2
3 ~~Upon showing that an increase or decrease in the rate, volume and quality of~~
4 ~~surface runoff shall not impact adversely the water resources of the County, any~~
5 ~~person required to obtain a stormwater permit pursuant to Section 7.07.00 may~~
6 ~~apply for an administrative variance on a form provided by the County Engineer.~~

7
8 ~~1. An application fee as established by resolution of the Board of County~~
9 ~~Commissioners shall accompany the application for administrative~~
10 ~~variance.~~

11
12 ~~2. The application shall be in such form and contain such information and~~
13 ~~documentation as shall be prescribed from time to time by the County~~
14 ~~Engineer but shall contain at least the following:~~

15
16 ~~a. Name and address of applicant.~~

17
18 ~~b. Legal description of the property which is the subject of the~~
19 ~~application.~~

20
21 ~~c. All information and documentation that is required for permit~~
22 ~~application.~~

23
24 ~~d. All information and documentation that will justify the variance.~~

25
26 ~~3. Within a reasonable period of time not to exceed thirty (30) calendar days~~
27 ~~after receipt of an application or receipt of additional information pursuant~~
28 ~~to this section, the County Engineer shall examine the application or~~
29 ~~information and notify the applicant of any apparent error or omission, and~~
30 ~~request such additional information as may be necessary for the~~
31 ~~processing of the application.~~

32
33 ~~4. Within thirty (30) working days after an application has been determined to~~
34 ~~be complete, the County Engineer shall either grant the variance or deny~~
35 ~~the variance, with reasons clearly stated.~~

36
37 ~~5. Any person aggrieved by a decision of the County Engineer may, within~~
38 ~~thirty (30) calendar days after the rendition of such decision, appeal to the~~
39 ~~Board of Adjustment pursuant to Section 11.11.00.~~

40
41 ~~B. GENERAL STANDARDS FOR ISSUANCE~~

42
43 ~~1. The variance requested arises from a condition that is unique and peculiar~~
44 ~~to the land, structures, and buildings involved; that the particular physical~~
45 ~~surroundings, the shape or topographical condition of the specific property~~

1 involved, would result in unnecessary hardship for the owner, lessee, or
2 occupant, as distinguished from a mere inconvenience, if the provisions of
3 this Code are literally enforced; and the condition is created by the
4 regulations of this Code, and not by an action or actions of the property
5 owner or the applicant.

6
7 2. The granting of the variance will not impair or injure other property or
8 improvement in the neighborhood in which the subject property is located
9 or endangered the public safety.

10
11 3. The variance granted is the minimum variance that will make possible the
12 reasonable use of the land, buildings, or structures.

13
14 4. The variance desired will not be opposed to the general spirit and intent of
15 this Code or the St. Lucie County Comprehensive Plan.

16
17 **10.01.18 - 10.01.20 (RESERVED)**

18
19
20 **10.01.21 ADMINISTRATIVE VARIANCES FROM REQUIREMENTS OF DRIVEWAY**
21 **REGULATIONS**

22
23
24 A. The County Engineer may approve variances from any dimensional requirement
25 pursuant to Section 7.05.06, Driveways, provided that no variance shall permit a
26 dimension less than eighty (80) percent of that required by Section 7.05.06,
27 except that in the case of a lot of record and upon demonstration that no other
28 road frontage or road access exists, a variance permitting one driveway for such
29 lot may be granted.

30
31 B. The County Engineer shall not approve a variance except upon specific written
32 findings of fact based directly upon the particular facts submitted to him showing
33 that:

34
35 1. A literal interpretation of the provisions of this article would deprive the
36 applicant of rights commonly enjoyed by similar properties;

37
38 2. The granting of the variance will not be detrimental or injurious to
39 surrounding properties, will not substantially increase traffic congestion
40 and will not endanger the public safety;

41
42 3. The variance is the minimum variance that will make possible the
43 reasonable use of the land, building, and structures; and

44
45 4. The variance requested arises from a condition that is unique and peculiar

1 to the land involved and that is created by this Code and not by the
2 actions of the property owner.

3
4 ~~C. An appeal may be initiated by any person aggrieved by a decision of the County
5 Engineer.~~

6
7 ~~1. A Notice of Appeal must be filed with the Board of County Commissioners
8 and the County Engineer within ten (10) days after rendition of such
9 decision.~~

10
11 ~~2. The filing of such notice will require the County Engineer to forward to the
12 Board of County Commissioners any and all records concerning the
13 appeal.~~

14
15 ~~3. The Board of County Commissioners shall consider the appeal at a
16 regularly scheduled meeting within a reasonable time after a notice of
17 appeal is filed. The Board may reverse, affirm or modify the decision
18 subject to the requirements of subsection 2.~~

19
20 ~~**10.01.22 - 10.01.24 (RESERVED)**~~

21
22
23
24 ~~**10.01.25 SPECIAL PROVISIONS WHERE VARIANCE IS SOUGHT TO
25 REQUIREMENTS OF FLOOD DAMAGE PREVENTION**~~

26
27 ~~**A. GENERALLY**~~

28
29 ~~1. The Board of Adjustment as established by St. Lucie County shall hear
30 and decide appeals and requests for variances from the requirements of
31 Section 6.05.00, Flood Damage Prevention.~~

32
33 ~~2. The Board of Adjustment shall hear and decide appeals when it is alleged
34 there is an error in any requirement, decision, or determination made by
35 the Public Works Director in the enforcement or administration of Section
36 6.05.00.~~

37
38 ~~3. Variances may be issued for the repair or rehabilitation of historic
39 structures upon a determination that the proposed repair or rehabilitation
40 will not preclude the structure's continued designation as a historic
41 structure and the variance is the minimum to preserve the historic
42 character and design of the structure.~~

43
44 ~~**B. APPLICATION PROCEDURES**~~

- 1 ~~1. A person desiring a variance from the requirements of Section 6.05.00,~~
2 ~~Flood Damage Prevention shall apply for a variance on a form provided by~~
3 ~~the Public Works Director.~~
- 4
5 ~~2. An application fee as established by resolution of the Board of County~~
6 ~~Commissioners shall accompany the application.~~
- 7
8 ~~3. The application shall be in such form and contain such information and~~
9 ~~documentation as shall be prescribed from time to time by the Public~~
10 ~~Works Director, but shall contain at least the following:~~
 - 11 ~~a. Name and address of applicant.~~
 - 12
13 ~~b. Legal description of the property which is the subject of the~~
14 ~~application.~~
 - 15
16 ~~c. Size of the subject property.~~
 - 17
18 ~~d. The purpose for the requested variance and a statement of the~~
19 ~~intended development of property if the variance is granted.~~
 - 20
21 ~~e. A statement of the hardship imposed on the applicant by this Code~~
22 ~~and a statement of why the variance will not be materially~~
23 ~~detrimental or injurious to other property or improvements in the~~
24 ~~neighborhood in which the subject property is located.~~
- 25
26
27 ~~4. Within a reasonable period of time not to exceed thirty (30) days after~~
28 ~~receipt of an application or receipt of additional information pursuant to~~
29 ~~this Section, the Public Works Director shall examine the application or~~
30 ~~information and notify the applicant of any apparent errors or omissions,~~
31 ~~and request such additional information as may be necessary for the~~
32 ~~processing of the application.~~
- 33
34 ~~5. Within thirty (30) working days after an application has been determined to~~
35 ~~be complete by the Public Works Director, he shall review the application,~~
36 ~~make a recommendation, and submit it to the Board of Adjustment.~~
- 37
38 ~~6. Upon notification that an application for a variance is complete, the Board~~
39 ~~of Adjustment shall place the application on the agenda of a regularly~~
40 ~~scheduled meeting for a public hearing in accordance with Section~~
41 ~~11.00.03. In reviewing the application for variance approval, the Board of~~
42 ~~Adjustment shall use the standards in Section 10.01.10(C) below. The~~
43 ~~Board may require the applicant to meet certain conditions before~~
44 ~~approval of the variance.~~
- 45

- 1 ~~7. Within a reasonable time of the hearing, the Board of Adjustment shall~~
2 ~~issue its decision approving, approving with conditions, or denying the~~
3 ~~variance.~~
4
5 ~~8. The decision of the Board of Adjustment shall be mailed to the petitioner~~
6 ~~and filed with the Office of the Public Works Director in accordance with~~
7 ~~Section 11.00.0(4)(F).~~
8
9 ~~9. Any applicant to whom a variance is granted shall be given written notice~~
10 ~~specifying the difference between the base flood elevation and the~~
11 ~~elevation to which the structure is to be built and stating that the cost of~~
12 ~~flood insurance will be commensurate with the increased risk resulting~~
13 ~~from the reduced lowest floor elevation.~~
14
15 ~~10. Any person aggrieved by the decision of the Board of Adjustment, or any~~
16 ~~taxpayer may appeal such decision to a court of competent jurisdiction as~~
17 ~~provided by the Florida Statutes.~~
18
19 ~~11. The Public Works Director shall maintain the records of all appeal actions~~
20 ~~and report any variances to the Federal Emergency Management Agency~~
21 ~~upon request.~~

22
23 ~~G. GENERAL STANDARDS FOR ISSUANCE~~
24

25 ~~In passing upon such applications, the Board of Adjustment shall consider all~~
26 ~~technical evaluations, all relevant factors, all standards specified in Section~~
27 ~~6.05.00, and:~~
28

- 29 ~~1. The danger that materials may be swept onto other lands to the injury of~~
30 ~~others;~~
31
32 ~~2. The danger to life and property due to flooding or erosion damage;~~
33
34 ~~3. The susceptibility of the proposed facility and its contents to flood damage~~
35 ~~and the effect of such damage on the individual owner;~~
36
37 ~~4. The importance of the services provided by the proposed facility to the~~
38 ~~community;~~
39
40 ~~5. The necessity to the facility of a waterfront location, in the case of a~~
41 ~~functionally dependent facility;~~
42
43 ~~6. The availability of alternative locations, not subject to flooding or erosion~~
44 ~~damage, for the proposed use;~~
45

- 1 ~~7. The compatibility of the proposed use with existing and anticipated~~
2 ~~development;~~
3
4 ~~8. The relationship of the proposed use to the Comprehensive Plan and~~
5 ~~floodplain management program for that area;~~
6
7 ~~9. The safety of access to the property in times of flood for ordinary and~~
8 ~~emergency vehicles;~~
9
10 ~~10. The expected heights, velocity, duration, rate of rise and sediment~~
11 ~~transport of the floodwaters and the effects of wave action, if applicable,~~
12 ~~expected at the site; and,~~
13
14 ~~11. The costs of providing governmental services during and after flood~~
15 ~~conditions including maintenance and repair of public utilities and facilities~~
16 ~~such as sewer, gas, electrical, and water systems, and streets and~~
17 ~~bridges.~~

18
19 ~~D. ABILITY TO IMPOSE SPECIAL CONDITIONS~~

20
21 ~~Upon consideration of the factors listed above and the purposes of Section 6.05.00,~~
22 ~~the Board of Adjustment may attach such conditions to the granting of variances as~~
23 ~~it deems necessary to further the purposes of Section 6.05.00.~~

24
25 ~~E. VARIANCES WITHIN DESIGNATED FLOODWAYS~~

26
27 ~~Variances shall not be issued within any designated floodway if any increase in~~
28 ~~flood levels during the base flood discharge would result.~~

29
30 ~~F. CONDITIONS FOR VARIANCES~~

31
32 ~~1. Variances shall only be issued upon a determination that the variance is~~
33 ~~the minimum necessary, considering the flood hazard, to afford relief; and~~
34 ~~in the instance of a historical building, a determination that the variance is~~
35 ~~the minimum necessary so as not to destroy the historic character and~~
36 ~~design of the building.~~

37
38 ~~2. Variances shall only be issued upon:~~

- 39
40 ~~a. a showing of good and sufficient cause;~~
41
42 ~~b. a determination that failure to grant the variance would result in~~
43 ~~exceptional hardship; and,~~
44
45 ~~c. a determination that the granting of a variance will not result in~~

1 increased flood heights, additional threats to public safety,
2 extraordinary public expense, create nuisance, cause fraud or
3 victimization of the public, or conflict with existing local laws or
4 ordinances.
5
6

7 ~~10.01.26 - 10.01.29 (RESERVED)~~
8

9
10
11 ~~10.01.30 VARIANCES FROM RIVERINE SHORELINE PROTECTION~~
12 ~~REGULATIONS~~
13

14 ~~A. VARIANCES ALONG THE INDIAN RIVER LAGOON SYSTEM~~
15

16 ~~The Community Development Director may approve a variance to the minimum~~
17 ~~fifty (50) foot vegetation buffers required in Section 6.02.02 along the Indian~~
18 ~~River Lagoon or other river or creek, excluding the St. Lucie River and its~~
19 ~~tributaries, provided that no such variance shall permit a vegetation buffer of less~~
20 ~~than forty (40) feet.~~
21

22 ~~B. VARIANCES ALONG THE ST. LUCIE RIVER SYSTEM~~
23

24 ~~The Community Development Director may approve a variance of a maximum of~~
25 ~~ten (10) feet in the boundaries of Zones A and B along the St. Lucie River and its~~
26 ~~tributaries, as required in Section 6.02.02(B).~~
27

28 ~~C. INDIAN RIVER LAGOON/ST. LUCIE RIVER SYSTEM VARIANCE REQUESTS IN~~
29 ~~EXCESS OF TEN (10) FEET.~~
30

31 ~~A variance of greater than ten (10) feet as permitted by paragraphs 1 and 2~~
32 ~~above may only be granted by the Board of County Commissioners. Such a~~
33 ~~request for a variance may only be initiated by filing a written request with the~~
34 ~~County Administrator, or designee. Upon receipt of the request and within a~~
35 ~~reasonable period of time, a public hearing shall be scheduled before the Board.~~
36 ~~The public hearing shall be subject to the formal notice and advertisement~~
37 ~~requirements set out in Sections 11.00.03 and 11.00.04. The Community~~
38 ~~Development Director shall be required to submit a report to the Board on such a~~
39 ~~request including a recommendation for or against the requested vegetation~~
40 ~~buffer, based on applicable zoning or site data, the purposes listed in the~~
41 ~~introduction of this Section, and any other applicable information.~~
42

43 ~~D. STANDARDS FOR GRANTING VARIANCES~~
44

45 ~~The Board of County Commissioners shall not grant a variance to permit a~~

1 ~~vegetation buffer of less than forty (40) feet unless it shall, in each case, make~~
2 ~~specific findings of fact based directly upon the particular evidence presented~~
3 ~~supporting written conclusions that:~~

- 4
- 5 1. ~~The variance requested arises from a condition that the particular physical~~
6 ~~surroundings, the shape, or topographical condition of the specific parcel~~
7 ~~of land involved, would result in unnecessary hardship for the owner or~~
8 ~~developer, as distinguished from a mere inconvenience, if the provisions~~
9 ~~of this Section are literally enforced, and the condition is created by the~~
10 ~~regulations of this Section, and not by an action or actions of the owner,~~
11 ~~developer or applicant;~~
 - 12
 - 13 2. ~~The granting of the variance will not impair or injure other property or~~
14 ~~improvements in the neighborhood in which the subject parcel of land is~~
15 ~~located;~~
 - 16
 - 17 3. ~~The variance granted is the minimum variance that will make possible the~~
18 ~~reasonable use of the land, building or structures; and~~
 - 19
 - 20 4. ~~The variance desired will not be opposed to the general spirit and intent of~~
21 ~~this ordinance or the St. Lucie County Comprehensive Plan.~~

22

23 ~~E. ADDITIONAL STANDARDS FOR ST. LUCIE RIVER SYSTEM VARIANCE~~

24

25 ~~In addition to the standards in paragraph 4 above, a variance along the St. Lucie~~
26 ~~River or its tributaries shall be granted only when existing conditions on or~~
27 ~~adjacent to the property are such that granting of the variance will prevent~~
28 ~~erosion and siltation to a greater extent than not granting the variance.~~

29

30 ~~F. LIMITATIONS ON VARIANCES~~

31

32 ~~Variances shall not be granted that would permit any structure within any~~
33 ~~required yard, unless otherwise approved by the Board of Adjustment pursuant to~~
34 ~~Section 10.01.00 of this Code.~~

35

36

37 ~~**10.01.31 - 10.01.34 (RESERVED)**~~

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43 ~~**10.02.00 TRANSFERABLE DEVELOPMENT RIGHTS (RESERVED)**~~

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CHAPTER XII

DECISION MAKING AND ADMINISTRATIVE BODIES

12.00.00. Board of County Commissioners

12.01.00. Environmental Control Board; Environmental Officer; Environmental Control Hearing Board

12.01.01. Regulations and Requirements.

12.02.00. Planning and Zoning Commission

- 12.02.01. Powers and Duties.
- 12.02.02. Membership: Appointment, Removal, Terms, Vacancies and Qualifications.
- 12.02.03. Chairman and Vice-Chairman.
- 12.02.04. Secretary.
- 12.02.05. Office of the Growth Management Director.
- 12.02.06. Quorum and Necessary Vote.
- 12.02.07. Meetings, Hearings, and Procedures.

12.03.00. Local Planning Agency

- 12.03.01. Duties and Responsibilities.
- 12.03.02. Designation and Establishment.
- 12.03.03. Organization Rules and Procedures.
- 12.03.04. Public Meetings and Records.

12.04.00. Board of Adjustment

- 12.04.01. Powers and Duties.
- 12.04.02. Membership: Appointment, Removal, Terms, Vacancies, and Qualifications.
- 12.04.03. Chairman and Vice-Chairman.
- 12.04.04. Secretary.
- 12.04.05. Office of the Growth Management Director.
- 12.04.06. Quorum and Necessary Vote.
- 12.04.07. Meetings, Hearings, and Procedures.

12.05.00. Office of the County Administrator

12.05.01. Jurisdiction, Authority, and Duties.

12.06.00. Office of the Growth Management Director

12.06.01. Jurisdiction, Authority, and Duties.

12.07.00. Office of the Public Works Director

12.07.01. Jurisdiction, Authority, and Duties.

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12.08.00. Office of the County Engineer

12.08.01. Jurisdiction, Authority, and Duties.

12.09.00. Development Review Committee

12.09.01. Duties and Responsibilities.

12.09.02. Membership.

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CHAPTER XII DECISION MAKING AND ADMINISTRATIVE BODIES

12.00.00 BOARD OF COUNTY COMMISSIONERS (BOCC)

The Board of County Commissioners shall have the following powers and duties under this Code:

- A. ~~The powers to initiate, review, and adopt amendments to the Official Zoning Atlas as provided in Section 11.06.00;~~
- B. ~~The powers to initiate, review, and adopt amendments to the text of this Code as provided in Section 11.06.00;~~
- C. ~~The powers to review and grant, grant with conditions, or deny Preliminary Site Plans and Final Site Plans, as provided in Section 11.02.00;~~
- D. ~~The power to review and grant or deny plat applications, as provided in Section 11.03.00;~~
- E. ~~The powers to review and determine whether a Class A Mobile Home can be defined as a detached single-family dwelling, as provided in Section 11.05.02;~~
- F. ~~The powers to review and grant, grant with conditions, or deny conditional uses as provided in Section 11.07.00;~~
- G. ~~The powers to review and grant or deny applications for development agreements, as provided in Section 11.08.00;~~
- H. ~~The powers to interpret boundaries of the various zoning districts on the Official Zoning Atlas, as provided in Section 1.06.02.~~
- I. ~~The power to establish a schedule of fees in order to cover the costs of technical and administrative activities required by this Code as provided in Section 11.12.00;~~
- J. ~~The power to hear and decide appeals initiated by any person, officer, board, or bureau of St. Lucie County aggrieved by a decision by the County Administrator with respect to the Vested Rights and Adequate Public Facilities provisions of this Code as provided in Section 11.09.00 and Chapter V.~~
- K. ~~When sitting as the Environmental Control Board, the power to hear and decide appeals initiated by any person, officer, board, or bureau of St. Lucie County aggrieved by any decision, order, determination or interpretation of any administrative official of the County with respect to the Vegetation Protection and~~

1 ~~Preservation, Mangrove Alteration and Selective Trimming, Sea Turtle~~
2 ~~Protection, Coastal Area Protection, Wellfield Protection, Wetland Protection,~~
3 ~~and Native Upland Habitat Protection provisions of this Code as provided in~~
4 ~~Section 11.11.00.~~
5

6 **12.00.01 POWERS AND DUTIES**

7 The Board of County Commissioners shall have the following powers and duties under
8 this Code:
9

10 A. ZONING

11 1. Initiate, review, and adopt or disapprove:

12 a. Amendments to the text of this Code and general amendments to
13 the Official Zoning Atlas, as provided in [Chapter 11.](#)

14 b. Site-specific amendments to the Official Zoning Atlas, as provided
15 in [Chapter 11.](#)

16 2. Review and decide:

17 a. Planned Development Districts, as provided in [Chapter 11.](#)

18 1. Master Development Plan

19 2. Plan Development Agreement

20 b. Conditional Use Permits, as provided in [Chapter 11.](#)

21 c. Major Site Plans, as provided in [Chapter 11.](#)

22 3. Review and determine whether a Class “A” Mobile Home can be
23 defined as a detached single-family dwelling, as provided in [Chapter 11.](#)

24 4. Review and approve, approve with conditions or disapprove
25 Development Agreements, as provided in [Chapter 11.](#)

26 B. PLATS (SUBDIVISION)

27 Review and approve, approve with conditions, or deny:

28 a. Subdivision Master Plans, as provided in [Chapter 11.](#)

29 b. Final Plats, as provided in [Chapter 11.](#)

- 1 c. Right-of-Way Abandonment and Plat Vacation, as provided in
2 Chapter 11.

3 C. OTHER TYPES OF DEVELOPMENT PERMITS

4 Review and decide:

- 5 a. Variance Permits from Riverine Shoreline Protection Regulations in
6 excess of ten (10) feet, as provided in Chapter 10.
- 7 b. Mining Permits, as provided in Chapter 11.

8 D. APPEALS

- 9 1. Hear and decide appeals by an applicant on a decision of the Growth
10 Management Director or designee on a Vested Rights Special Use Permit,
11 as provided in Chapter 11.
- 12 2. Hear and decide appeals by an applicant on a decision of the County
13 Engineer or designee on Driveway Permits, as provided in Chapter 11.
- 14 3. Hear and decide appeals by an applicant on a decision of the County
15 Administrator or designee on Adequate Public Facilities decisions, as
16 provided in Chapter 5.
- 17 4. When sitting as the Environmental Control Board, hear and decide
18 appeals initiated by any person, officer, board, or bureau of St. Lucie
19 County aggrieved by any decision, order, determination or interpretation of
20 any administrative official of the County with respect to the Vegetation
21 Protection and Preservation, Mangrove Alteration and Selective Trimming,
22 Sea Turtle Protection, Coastal Area Protection, Wellfield Protection,
23 Wetland Protection, and Native Upland Habitat Protection provisions of
24 this Code, as provided in Chapter 11.

25 E. OTHER POWERS AND DUTIES

26 Establish a schedule of fees in order to cover the costs of technical and
27 administrative activities required by this Code, as provided in Chapter 11.

1 **12.01.00 ENVIRONMENTAL CONTROL BOARD; ENVIRONMENTAL OFFICER;**
2 **ENVIRONMENTAL CONTROL HEARING BOARD**

3
4 **12.01.01 REGULATIONS AND REQUIREMENTS**

- 5
6 A. ~~The regulations and requirements governing the Environmental Control Board~~
7 ~~shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and~~
8 ~~Compiled Laws.~~
9
10 B. ~~The regulations and requirements governing the Environmental Control Officer~~
11 ~~shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and~~
12 ~~Compiled Laws.~~
13
14 C. ~~The regulations and requirements governing the Environmental Control Hearing~~
15 ~~Board shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code~~
16 ~~and Compiled Laws.~~

17
18
19
20 **12.01.00 PLANNING AND ZONING COMMISSION (P&Z)**

21 **12.01.01 POWERS AND DUTIES**

22 The Planning and Zoning Commission shall have the following powers and duties under
23 this Code:

24 **A. ZONING**

25 **1. Initiate, review, and recommend for adoption or denial to the Board of**
26 **County Commissioners:**

27
28 **a. Amendments to the text of this Code or general amendments to the**
29 **Official Zoning Atlas, as provided in [Chapter 11](#).**

30 **b. Applications for site-specific amendments to the Official Zoning**
31 **Atlas, as provided in [Chapter 11](#).**

32 **2. Review and recommend for approval, approval with conditions, or denial**
33 **to the Board of County Commissioners:**

34 **a. Applications for Planned Unit Development Districts, as provided in**
35 **[Chapter 11](#);**

36 **b. Applications for Conditional Use Permits, as provided in [Chapter 11](#)**
37

1 **B. PLATS (SUBDIVISION)**

2 Review and recommend for approval, approval with conditions, or denial:

- 3 a. Subdivision Master Plans, as provided in [Chapter 11](#).

4 **C. OTHER POWERS AND DUTIES**

- 5 1. Serve in an advisory capacity to the Board of County Commissioners and
6 review, report, and prepare studies and investigations as requested by the
7 Board;
- 8 2. Make its special knowledge and expertise available upon reasonable
9 written request and authorization by the Board of County Commissioners
10 to any official, department, board, commission, or agency of a city, county,
11 state, or the federal government.;
- 12 3. Adopt rules of procedure that are not in conflict with the provisions of this
13 Code;
- 14 4. Serve as the St. Lucie County Local Planning Agency pursuant to the
15 general laws of the State, and Chapter 59-1805, Laws of Florida, 1959, as
16 amended by County Ordinance No. 71-5.

17 **12.01.02 MEMBERSHIP**

18 **A. COMPOSITION**

19 The Planning and Zoning Commission shall be composed of nine (9) members,
20 who shall be appointed by the Board of County Commissioners. In addition, one
21 (1) School Board Member shall be appointed by the School Board to serve as an
22 ex officio, non-voting member of the Planning and Zoning Commission.

23 **B. APPOINTMENT**

24 Each one of the five (5) County Commissioners shall individually appoint one (1)
25 member of the Planning and Zoning Commission whose term shall coincide with
26 the term of the Commissioner who appointed that member. The Board of County
27 Commissioners shall jointly appoint the other four (4) members whose initial
28 terms shall be established by resolution of the Board of County Commissioners.
29 Members appointed jointly by the Board of County Commissioners shall not
30 serve more than two (2) consecutive full four (4) year terms. Members
31 individually appointed by one (1) County Commissioner may serve more than two
32 (2) consecutive full four-year terms. A member appointed jointly by the Board of
33 County Commissioners who has served eight (8) consecutive years or more may
34 be appointed to a subsequent term beginning one (1) or more years after the
35 expiration date of the previous term.

1 C. TERMS; COMPENSATION; EXPENSES

2 All members of the Planning and Zoning Commission shall be appointed for a
3 term of four (4) years. Due to the need to stagger terms to guarantee continuity
4 on the Planning and Zoning Commission, the initial terms of some members may
5 be less than four (4) years. Members shall serve without compensation, but may
6 receive travel and other necessary expenses while on official business of the
7 Planning and Zoning Commission outside St. Lucie County.

8 D. QUALIFICATIONS

9 All members of the Planning and Zoning Commission shall be registered voters
10 and residents of St. Lucie County for at least two (2) years preceding
11 appointment.

12 E. VACATION OF SEAT

13 Absence from two (2) consecutive meetings or three (3) regularly scheduled
14 meetings of the Planning and Zoning Commission in any calendar year shall
15 vacate the seat of the member, unless the member requests in writing and the
16 absence is excused by the Planning and Zoning Commission or its Chairperson.
17 A majority of the Planning and Zoning Commission members may overrule the
18 Chairperson's decision on this matter. An excused absence and the reason for
19 the absence shall be duly entered in the minutes of the Planning and Zoning
20 Commission.

21 F. REMOVAL

22 Any member of the Planning and Zoning Commission may be removed for cause
23 by the Board of County Commissioners, at any time, provided the Board provides
24 the member written charges of the cause for removal, a reasonable period of
25 time before a public meeting on the matter, and provides the member an
26 opportunity to appear at the public meeting and respond or rebut the written
27 charges. A County Commissioner may remove the member the Commissioner
28 individually appointed to the Planning and Zoning Commission any time, at will.

29 G. FILLING VACANCY

30 A vacancy created on the Planning and Zoning Commission pursuant to Sections
31 12.02.02(E) and (F), or upon the resignation of a member, shall be filled as
32 follows:

- 33 1. If the member was jointly appointed by the Board of County
34 Commissioners, the vacancy shall be filled by joint appointment of the
35 County Commissioners;

1 2. If the member was individually appointed by a County Commissioner, that
2 Commissioner shall appoint a new person to fill the vacancy;

3 3. Appointments to fill any vacancy shall be for the remainder of the
4 unexpired term.

5
6 H. CONFLICT

7 No member of the Planning and Zoning Commission shall vote upon any matter
8 in which the member has a personal, private, or professional interest and which
9 inures to the member's special gain or the special gain of any principal by whom
10 the member is retained.

11 I. REPRESENTATION BEFORE COMMISSION

12 No member of the Planning and Zoning Commission shall appear for or
13 represent any person in any matter before the Planning and Zoning Commission
14 other than the member.

15 **12.01.03 CHAIRPERSON AND VICE-CHAIRPERSON**

16 A. ELECTION

17 At the first regular meeting scheduled for January of each year, the members of
18 the Planning and Zoning Commission shall elect one (1) of their members as
19 Chairperson and one (1) of their members as Vice-Chairperson.

20 B. DUTIES OF CHAIRPERSON

21 The Chairperson shall preside at all meetings and hearings of the Planning and
22 Zoning Commission, decide points of order, and appoint any committees that are
23 deemed necessary.

24 C. DUTIES OF VICE-CHAIRPERSON

25 The Vice-Chairperson shall preside at all meetings and hearings of the Planning
26 and Zoning Commission, and decide points of order in the absence of the
27 Chairperson.

28 D. ABSENCE OF CHAIRPERSON AND VICE-CHAIRPERSON

29 The members of the Planning and Zoning Commission may select an additional
30 person who shall preside over meetings in the absence of the Chairperson and
31 Vice-Chairperson.

1 E. THE VICE-CHAIRPERSON ASSUMES CHAIR

2 In the event the Chairperson vacates the seat before the end of the term, for
3 whatever reason, the Vice-Chairperson will assume the Chairperson position for
4 the balance of the term and a new Vice-Chairperson shall be elected by the
5 Planning and Zoning Commission.

6 **12.01.04 STAFF**

7 The Growth Management Director or designee and staff shall provide necessary
8 professional support to the Planning and Zoning Commission, which will include a
9 Secretary, with the approval of the Board of County Commissioners [Chapter 12](#)
10 Meetings, Hearings, and Procedures

11 **12.01.05 MEETINGS, HEARINGS AND PROCEDURES**

12 A. REGULAR MEETINGS

13 A regular meeting of the Planning and Zoning Commission shall be scheduled
14 each month, except that November and December meetings may be combined.

15 B. SPECIAL MEETINGS

16 Special meetings of the Planning and Zoning Commission may be called by the
17 Chairperson of the Planning and Zoning Commission, if at least twenty-four (24)
18 hours written notice of the special meeting is given to each member of the
19 Planning and Zoning Commission.

20 C. MEETINGS OPEN TO PUBLIC

21 All meetings and hearings of the Planning and Zoning Commission shall be open
22 to the public.

23 D. CONTINUANCE OF REGULAR MEETING

24 The Planning and Zoning Commission may continue a regular meeting if all
25 business cannot be completed on that day. The time and place of the meeting's
26 resumption shall be stated by the presiding officer at the time of continuance.

27 E. LACK OF QUORUM

28 In the event that less than a quorum is present at any proceeding of the Planning
29 and Zoning Commission, the proceeding shall be rescheduled within a
30 reasonable period of time. The Growth Management Director or designee shall
31 notify, in writing, all parties and such other interested persons as may be
32 designated of the time, place, and date of the rescheduled proceeding.

1 **F. RECORDS ARE OPEN TO PUBLIC**

2 All records of the Planning and Zoning Commission shall be public records open
3 to inspection at reasonable times and upon reasonable notice in accordance with
4 Section 119.01 et seq., Florida Statutes, the Public Records Act.

5 **12.01.06 QUORUM AND NECESSARY VOTE**

6 **A. GENERAL**

7 No business shall be transacted by the Planning and Zoning Commission without
8 a quorum. A quorum shall consist of at least a majority of the voting members of
9 the Planning and Zoning Commission.

10 **B. RECOMMENDATION AND DECISION**

11 All recommendations and decisions of the Planning and Zoning Commission
12 shall require the affirmative vote of a majority of the voting members present,
13 unless otherwise stated in this Code.

14 **12.01.07 RECORDS**

15 The Secretary, with the aid of the Growth Management Director or designee, shall
16 maintain all records of the Planning and Zoning Commission proceedings and the
17 correspondence of the Commission.

18

1 **12.02.00 PLANNING AND ZONING COMMISSION**

2
3 **12.02.01.1 POWERS AND DUTIES**

4
5 The Planning and Zoning Commission shall have the following powers and duties under
6 this Code:

7
8 A. ~~The powers to initiate, review, and recommend for approval or disapproval to the~~
9 ~~Board of County Commissioners, applications for amendments to the Official~~
10 ~~Zoning Atlas as provided by Section 11.06.00.~~

11
12 B. ~~The powers to initiate, review, and recommend for approval or disapproval to the~~
13 ~~Board of County Commissioners, amendments to the text of this Code as~~
14 ~~provided in Section 11.06.00.~~

15
16 C. ~~The powers to review and recommend for approval, approval with conditions, or~~
17 ~~disapproval to the Board of County Commissioners applications and Preliminary~~
18 ~~Site Plans for Planned Developments as provided by Section 11.02.00.~~

19
20 D. ~~The powers to review and recommend for approval, approval with modifications,~~
21 ~~or disapproval to the Board of County Commissioners, applications for~~
22 ~~conditional use permits as provided in Section 11.07.00.~~

23
24 E. ~~The powers to serve in an advisory capacity to the Board of County~~
25 ~~Commissioners and review, report, and prepare studies and investigations as~~
26 ~~requested by that Board.~~

27
28 F. ~~The powers to make its special knowledge and expertise available upon~~
29 ~~reasonable written request and authorization by the Board of County~~
30 ~~Commissioners to any official, department, board, commission, or agency of a~~
31 ~~city, county, state, or the federal government.~~

32
33 G. ~~The powers to adopt rules of procedure that are not in conflict with the provisions~~
34 ~~of this Code.~~

35
36 H. ~~The Planning and Zoning Commission shall serve as the St. Lucie County Local~~
37 ~~Planning Agency more particularly described in Section 12.03.00 of the Code.~~

38
39 **12.02.02 MEMBERSHIP: APPOINTMENT, REMOVAL, TERMS,**
40 **VACANCIES AND QUALIFICATIONS**

41
42 A. ~~The Planning and Zoning Commission shall be composed of not less than five (5)~~
43 ~~nor more than nine (9) members, who shall be appointed by the Board of County~~
44 ~~Commissioners.~~

45
46 B. ~~All members of the Planning and Zoning Commission shall be registered voters~~

1 and residents of St. Lucie County for at least two (2) years preceding
2 appointment.

3
4 ~~C. All members of the Planning and Zoning Commission shall be appointed for a
5 term of four (4) years without compensation, but may receive travel and other
6 necessary expenses while on official business of the Planning and Zoning
7 Commission outside St. Lucie County. Due to the need to stagger terms to
8 guarantee continuity on the Planning and Zoning Commission, the initial terms of
9 some members may be less than four (4) years.~~

10
11 ~~D. Each one of the five (5) County Commissioners shall individually appoint one
12 member of the Planning and Zoning Commission whose term shall coincide with
13 the term of the Commissioner who appointed that member. The Board of County
14 Commissioners shall collectively appoint the other four (4) members whose initial
15 terms shall be established by resolution of the Board of County Commissioners.
16 Members collectively appointed by the Board of County Commissioners shall not
17 serve more than two consecutive full four year terms. Members individually
18 appointed by one County Commissioner may serve more than two consecutive
19 full four year terms. Even though a collectively appointed member's term expires
20 less than four years from December 29, 1988, a collectively appointed member
21 who has served eight (8) consecutive years or more on the Planning and Zoning
22 Commission shall not be eligible for reappointment to another consecutive term.
23 However, a collectively appointed member who has served eight (8) consecutive
24 years or more may be appointed to a subsequent term beginning one or more
25 years after the expiration date of the previous term.~~

26
27 ~~E. Absence from two (2) consecutive meetings of the Planning and Zoning
28 Commission shall vacate the seat of that member, unless such absence is
29 excused by the Planning and Zoning Commission or the Chairman of the
30 Planning and Zoning Commission. If a majority of the Planning and Zoning
31 Commission members disagree with the Chairman's decision on this matter, they
32 may overrule it. Such excuse must be duly entered upon the minutes.~~

33
34 ~~F. Any member of the Planning and Zoning Commission may be removed for cause
35 by the Board of County Commissioners at any time, provided, however, that
36 before such removal such member shall be provided written charges and given
37 an opportunity to appear in his defense at a public meeting.~~

38
39 ~~G. In the case of a vacancy created under 12.02.02(E), 12.02.02(F), or upon the
40 resignation of a member, the Board of County Commissioners shall collectively
41 appoint the member to fill the vacancy, if the member was one of four collectively
42 appointed by the Board. If the member was individually appointed by one County
43 Commissioner, that Commissioner shall fill the vacancy. Appointments to fill any
44 vacancy shall be for the remainder of the unexpired term.~~

45
46 ~~H. No member of the Planning and Zoning Commission shall vote upon any matter~~

1 in which he has a personal, private, or professional interest and which inures to
2 his special gain or the special gain of any principal by whom he is retained.

3
4 ~~I. No member of the Planning and Zoning Commission shall appear for or~~
5 ~~represent any person in any matter before the Planning and Zoning Commission~~
6 ~~other than himself.~~

7
8 **12.02.03 CHAIRMAN AND VICE-CHAIRMAN**

9
10 ~~A. At the first regular meeting in January each year, the members of the Planning~~
11 ~~and Zoning Commission shall elect one (1) of their number as Chairman and one~~
12 ~~(1) of their number as Vice Chairman.~~

13
14 ~~B. The Chairman shall preside at all meetings and hearings of the Planning and~~
15 ~~Zoning Commission, decide points of order, and appoint any committees that are~~
16 ~~deemed necessary.~~

17
18 ~~C. The Vice Chairman shall preside at all meetings and hearings of the Planning~~
19 ~~and Zoning Commission, and decide points of order in the absence of the~~
20 ~~Chairman.~~

21
22 ~~D. The members of the Planning and Zoning Commission may select an additional~~
23 ~~person who shall preside over meetings in the absence of the Chairman and Vice~~
24 ~~Chairman.~~

25
26 **12.02.04 SECRETARY**

27
28 ~~A. At the first regular meeting in January of each year, the members of the Planning~~
29 ~~and Zoning Commission shall select one (1) of their number or an employee of~~
30 ~~the Community Development Director as a Secretary.~~

31
32 ~~B. The Secretary, with the aid of the Community Development Director, shall keep~~
33 ~~minutes of the proceedings of the Planning and Zoning Commission, and shall~~
34 ~~maintain all records of Commission proceedings and the correspondence of the~~
35 ~~Commission.~~

36
37 **12.02.05 OFFICE OF THE COMMUNITY DEVELOPMENT DIRECTOR**

38
39 ~~The Community Development Director and his staff shall provide necessary~~
40 ~~professional support to the Planning and Zoning Commission, with the approval of the~~
41 ~~Board of County Commissioners.~~

42
43 **12.02.06 QUORUM AND NECESSARY VOTE**

44
45 ~~A. No business shall be transacted by the Planning and Zoning Commission without~~
46 ~~a quorum. A quorum shall consist of at least a majority of the members of the~~

1 ~~Planning and Zoning Commission.~~

2
3 ~~B. All recommendations and decisions of the Planning and Zoning Commission~~
4 ~~shall require the affirmative vote of a majority of the members present, unless~~
5 ~~otherwise stated in this Ordinance.~~

6
7 **~~12.02.07 MEETINGS, HEARINGS, AND PROCEDURES~~**

8
9 ~~A. A regular meeting of the Planning and Zoning Commission shall be held each~~
10 ~~month, except that November and December meetings may be combined.~~

11
12 ~~B. Special meetings of the Planning and Zoning Commission may be called by the~~
13 ~~Chairman of the Planning and Zoning Commission, if at least twenty-four (24)~~
14 ~~hours notice of the special meeting is given to each member of the Planning and~~
15 ~~Zoning Commission.~~

16
17 ~~C. All meetings and hearings of the Planning and Zoning Commission shall be open~~
18 ~~to the public.~~

19
20 ~~D. The Planning and Zoning Commission may continue a regular meeting if all~~
21 ~~business cannot be completed on that day. The time and place of the meeting's~~
22 ~~resumption shall be stated by the presiding officer at the time of continuance.~~

23
24 ~~E. In the event that less than a quorum is present at any proceeding of the Planning~~
25 ~~and Zoning Commission, the proceeding shall be rescheduled within a~~
26 ~~reasonable period of time. The Secretary shall notify in writing all parties and~~
27 ~~such other interested persons as may be designated the time, place, and date of~~
28 ~~the rescheduled proceeding.~~

29
30 ~~F. All records of the Planning and Zoning Commission shall be public records open~~
31 ~~to inspection at reasonable times and upon reasonable notice in accordance with~~
32 ~~Section 119.01 et seq. Florida Statutes, the Public Records Act.~~

1
2 **12.02.00 LOCAL PLANNING AGENCY**

3
4
5 **12.02.01 DUTIES AND RESPONSIBILITIES**

6
7 The Local Planning Agency, in accordance with the Local Government Comprehensive
8 Planning and Land Development Regulation Act, Florida Statutes 163.3174, shall:

- 9
10 A. Be the agency responsible for the preparation of the St. Lucie Comprehensive
11 Plan and shall make recommendations to the Board of County Commissioners
12 regarding the adoption of such plan or element or portion thereof. During the
13 preparation of the plan and prior to any recommendation to the Board of County
14 Commissioners, the Local Planning Agency shall hold at least one (1) public
15 hearing, with due public notice, on the proposed plan or element or portion
16 thereof. The Board of County Commissioners, in cooperation with the Local
17 Planning Agency, may designate any agency, committee, department, or person
18 to prepare the St. Lucie County Comprehensive Plan or any element thereof, but
19 final recommendation of the adoption of such plan to the Board of County
20 Commissioners shall be the responsibility of the Local Planning Agency.
21
22 B. Monitor and oversee the effectiveness and status of the St. Lucie County
23 Comprehensive Plan and recommend to the Board of County Commissioners
24 such changes in the St. Lucie County Comprehensive Plan as may be required
25 from time to time, including preparation of the periodic reports required by Florida
26 Statutes 163.3191.
27
28 C. Review proposed Land Development Regulations, Land Development Codes, or
29 amendments thereto, and make recommendations to the Board of County
30 Commissioners as to the consistency of the proposal with the adopted St. Lucie
31 County Comprehensive Plan, or element or portion thereof.
32
33 D. Perform any other functions, duties, and responsibilities assigned to it by the
34 Board of County Commissioners or by general or special law.
35

36 **12.02.02 DESIGNATION AND ESTABLISHMENT**

37
38 Pursuant to, and in accordance with Florida Statutes 163.3174, (Local Government
39 Comprehensive Planning and Land Development Regulation Act) the St. Lucie County
40 Planning and Zoning Commission is hereby designated and established as the Local
41 Planning Agency for the unincorporated territory of the County.
42

43 **12.02.03 ORGANIZATION RULES AND PROCEDURES**

44
45 Members of the Local Planning Agency shall continue to be appointed and follow such
46 rules of procedure, methods of choosing officers, setting of public meetings, providing of

1 financial support, and accomplishing its duties as provided in Chapter 59-1805, Laws of
2 Florida, 1959, as amended by County Ordinance No. 71-5.

3
4 **12.02.04 PUBLIC MEETINGS AND RECORDS**

5
6 All meetings of the Local Planning Agency shall be public meetings and all agency
7 records shall be public records. The Local Planning Agency shall encourage public
8 participation.

9
10 **12.04.00 BOARD OF ADJUSTMENT**

11
12 **12.04.01 POWERS AND DUTIES**

13
14 ~~The Board of Adjustment shall have the following powers and duties under this Code:~~

15
16 ~~A. The power to authorize variances from the dimensional, floodplain, and airport
17 height requirements of this Code, in accordance with the provisions in Section
18 10.01.00.~~

19
20 ~~B. The powers to hear and decide appeals initiated by any person, officer, board, or
21 bureau of St. Lucie County aggrieved by any decision, order, determination, or
22 interpretation of any administrative official of the County with respect to the
23 provisions of this Code, except for appeals with respect to Wellfield Protection,
24 Vegetation Protection and Preservation, Mangrove Alteration and Selective
25 Trimming, Sea Turtle Protection, Coastal Area Protection, Wetland Protection,
26 Native Upland Habitat Protection, Adequate Public Facilities, and Vested Rights,
27 as provided in Section 11.11.00.~~

28
29 ~~C. The powers to make its special knowledge and expertise available upon
30 reasonable written request and authorization by the Board of County
31 Commissioners to any official, department, board, commission, or agency of a
32 city, county, state, or federal government.~~

33
34 ~~D. The powers to adopt rules of procedure that are not in conflict with the provisions
35 of this Code.~~

36
37 ~~**12.04.02 MEMBERSHIP: APPOINTMENT, REMOVAL, TERMS,
38 VACANCIES, AND QUALIFICATIONS**~~

39
40 ~~A. The Board of Adjustment shall be composed of five (5) members. Each one of
41 the five (5) County Commissioners shall individually appoint one member whose
42 term shall coincide with the term of the Commissioner who appointed that
43 member.~~

44
45 ~~B. All members of the Board of Adjustment shall be registered voters and residents
46 of St. Lucie County for at least two (2) years preceding appointment.~~

1
2 ~~C. Members shall be appointed for a term of four (4) years without compensation,~~
3 ~~but may receive travel and other necessary expenses while on official business~~
4 ~~of the Board of Adjustment outside St. Lucie County. Due to the fact that the~~
5 ~~terms of members coincide with the term of the County Commissioners~~
6 ~~appointing that member, the initial terms of some members may be less than four~~
7 ~~(4) years.~~

8
9 ~~D. Members of the Board of Adjustment may serve more than two (2) consecutive~~
10 ~~full four year terms.~~

11
12 ~~E. Absence from two (2) consecutive meetings of the Board of Adjustment shall~~
13 ~~vacate the seat of that member, unless such absence is excused by the Board of~~
14 ~~Adjustment or the Chairman of the Board of Adjustment. If a majority of the~~
15 ~~Board of Adjustment members disagree with the Chairman's decision on this~~
16 ~~matter, they may overrule it. Such excuse must be duly entered on the minutes.~~

17
18 ~~F. Any member of the Board of Adjustment may be removed for cause by the Board~~
19 ~~of County Commissioners, provided, however, that before such removal such~~
20 ~~member shall be provided written charges and given an opportunity to appear in~~
21 ~~his defense at a public meeting.~~

22
23 ~~G. In the case of a vacancy created under 12.05.02(E), 12.05.02(F), or upon the~~
24 ~~resignation of a member, the County Commissioner who initially appointed that~~
25 ~~member shall fill the vacancy. Appointments to fill any vacancy shall be for the~~
26 ~~remainder of the unexpired term.~~

27
28 ~~H. No member of the Board of Adjustment shall vote upon any matter in which he~~
29 ~~has a personal, private, or professional interest and which inures to his special~~
30 ~~gain or the special gain of any principal by whom he is retained.~~

31
32 ~~I. No member of the Board of Adjustment shall appear for or represent any person~~
33 ~~in any matter before the Planning and Zoning Commission other than himself.~~

34
35 **12.04.03 CHAIRMAN AND VICE-CHAIRMAN**

36
37 ~~A. At the first regular meeting in January of each year, the members of the Board of~~
38 ~~Adjustment shall elect one (1) of their number as Chairman and one (1) of their~~
39 ~~number as Vice Chairman.~~

40
41 ~~B. The Chairman shall preside at all meetings and hearings of the Board of~~
42 ~~Adjustment, decide points of order, and appoint any committees that are deemed~~
43 ~~necessary.~~

44
45 ~~C. The Vice Chairman shall preside at all meetings and hearings of the Board of~~
46 ~~Adjustment and decide points of order in the absence of the Chairman.~~

1
2 ~~D. The members of the Board of Adjustment may select an additional person who~~
3 ~~shall preside over meetings in the absence of the Chairman and Vice Chairman.~~

4
5 ~~E. The presiding officer may administer oaths to witnesses at Board of Adjustment~~
6 ~~hearings and meetings.~~

7
8 **12.04.04 SECRETARY**

9
10 ~~A. At the first regular meeting in January of each year, the members of the Board of~~
11 ~~Adjustment shall elect one (1) of their number or an employee of the Community~~
12 ~~Development Director as a Secretary.~~

13
14 ~~B. The Secretary, with the aid of the Community Development Director, shall keep~~
15 ~~minutes of the proceedings of the Board of Adjustment and shall maintain all~~
16 ~~records of Board of Adjustment meetings, hearings, and proceedings, and the~~
17 ~~correspondence of the Board.~~

18
19 **12.04.05 OFFICE OF THE COMMUNITY DEVELOPMENT DIRECTOR**

20
21 ~~The Community Development Director and his staff shall provide necessary~~
22 ~~professional support to the Board of Adjustment, with the approval of the Board of~~
23 ~~County Commissioners.~~

24
25 **12.04.06 QUORUM AND NECESSARY VOTE**

26
27 ~~A. No meeting shall be held without a quorum. A quorum shall consist of three (3)~~
28 ~~members.~~

29
30 ~~B. The affirmative vote of three (3) members will be required for the Board of~~
31 ~~Adjustment to reverse decisions of the administrative official and to allow~~
32 ~~variances. All other recommendations and decisions of the Board of Adjustment~~
33 ~~shall require the affirmative vote of the majority of members present.~~

34
35 **12.04.07 MEETINGS, HEARINGS, AND PROCEDURES**

36
37 ~~A. Regular meetings of the Board of Adjustment shall be held each month, or as~~
38 ~~determined by the Chairman.~~

39
40 ~~B. Special meetings may be called by the Chairman of the Board of Adjustment,~~
41 ~~provided that twenty-four (24) hours notice of the such meeting is given to each~~
42 ~~member of the Board of Adjustment.~~

43
44 ~~C. All proceedings of the Board of Adjustment shall be open to the public.~~

45
46 ~~D. The Board of Adjustment may continue a regular meeting if all business cannot~~

1 ~~be completed on that day. The time and place of the meeting's resumption shall~~
2 ~~be stated by the presiding officer at the time of continuance.~~

3
4 ~~E. In the event that less than a quorum is present at any proceeding of the Board of~~
5 ~~Adjustment, the proceeding shall be rescheduled within a reasonable period of~~
6 ~~time. The Secretary shall notify in writing all parties and such other interested~~
7 ~~persons as may be designated the time, place, and date of the rescheduled~~
8 ~~proceeding.~~

9
10 ~~F. All records of the Board of Adjustment shall be public records open to inspection~~
11 ~~at reasonable times and upon reasonable notice in accordance with Section~~
12 ~~119.01 et seq. Florida Statutes, the Public Records Act.~~

13
14 **12.03.00 BOARD OF ADJUSTMENT (BOA)**

15 **12.03.01 POWERS AND DUTIES**

16 The Board of Adjustment shall have the following powers and duties under this Code:

17 **A. Variances**

18 Review and decide a Variance Permit from the dimensional, floodplain, and
19 airport height requirements of this Code, as provided in [Chapter 10](#).

20 **B. APPEALS**

21 Hear and decide appeals by an applicant:

- 22 1. On an interpretation of this Code by the appropriate Director(s) or designee, as
23 provided in [Chapter 11](#);
- 24 2. On a decision by the appropriate County Official(s) or designee on
25 Administrative Variance Permits, as provided in [Chapter 10](#);
- 26 3. On a decision of the Public Works Director or designee on a Temporary Use
27 Permit, as provided in [Chapter 11](#);
- 28 4. On a decision of the Public Works Director or designee on a Certificate of
29 Zoning Compliance, as provided in [Chapter 11](#);
- 30 5. On a decision of the Growth Management Director or designee on Minor Site
31 Plans, as provided in [Chapter 11](#).
- 32 6. On a decision of the Public Works Director or designee on a Building Permit, as
33 provided in [Chapter 11](#);

1 7. On a decision of the Public Works Director or designee on a Sign Permit, as
2 provided in [Chapter 11](#);

3 8. On a decision of the Airport Director or designee on an Airport Zone Permit, as
4 provided in [Chapter 11](#);

5 9. On a decision of the Public Works Director or designee in the enforcement or
6 administration of Section 6.05.00, *Flood Damage Prevention*.

7 **C. OTHER POWERS AND DUTIES**

8 1. Make its special knowledge and expertise available upon reasonable written
9 request and authorization by the Board of County Commissioners to any
10 official, department, board, commission, or of a city, county, state, or federal
11 government agency;

12 2. Adopt rules of procedure that are not in conflict with the provisions of this Code.

13 **12.03.02 MEMBERSHIP**

14 **A. COMPOSITION**

15 The Board of Adjustment shall be composed of five (5) members. Each one of
16 the five (5) County Commissioners shall individually appoint one (1) member
17 whose term shall coincide with the term of the Commissioner who makes the
18 appointment.

19 **B. QUALIFICATIONS**

20 Members of the Board of Adjustment shall be registered voters and residents of
21 St. Lucie County for at least two (2) years preceding appointment.

22 **C. TERMS; COMPENSATION; EXPENSES**

23 Members of the Board of Adjustment shall be appointed for a term of four (4)
24 years. Because a member's term coincides with the term of the County
25 Commissioner appointing the member, the initial term of some members may be
26 less than four (4) years. Members shall serve without compensation, but may
27 receive travel and other necessary expenses while on official business of the
28 Board of Adjustment outside St. Lucie County.

29 **D. TERMS**

30 Members of the Board of Adjustment may serve more than two (2) consecutive
31 full four (4) year terms.

1 E. VACATION OF SEAT

2 Absence from two (2) consecutive meetings or three (3) regularly scheduled
3 meetings of the Board of Adjustment in any calendar year shall vacate the seat of
4 the member, unless the member requests and the absence in writing is excused
5 by the Board of Adjustment or its Chairperson. A majority of the Board of
6 Adjustment members may overrule the Chairperson's decision on this matter. An
7 excused absence and the reason for the absence shall be duly entered in the
8 minutes of the Board of Adjustment.

9 F. REMOVAL

10 Any member of the Board of Adjustment may be removed for cause by the Board
11 of County Commissioners, at any time, provided the Board provides the member
12 written charges of the cause for removal a reasonable period of time before a
13 public meeting on the matter, and provides the member an opportunity to appear
14 at the public meeting and respond or rebut the written charges.

15 G. FILLING VACANCY

16 If a vacancy occurs on the Board of Adjustment under [Chapter 12](#) or upon the
17 resignation of a member, the County Commissioner who originally appointed the
18 member creating the vacancy, shall appoint the new member to fill the vacancy.
19 Appointments to fill any vacancy shall be for the remainder of the unexpired term.

20 H. CONFLICT

21 No member of the Board of Adjustment shall vote upon any matter in which the
22 member has a personal, private, or professional interest and which inures to the
23 member's special gain or the special gain of any principal by whom the member
24 is retained.

25 I. REPRESENTATION BEFORE BOARD OF ADJUSTMENT

26 No member of the Board of Adjustment shall appear for or represent any person
27 in any matter before the Board of Adjustment other than the member.

28 **12.03.03 CHAIRPERSON AND VICE-CHAIRPERSON**

29 A. ELECTION

30 At the first regularly scheduled meeting in January of each year, the members of
31 the Board of Adjustment shall elect one (1) of their members as Chairperson and
32 one (1) of their members as Vice-Chairperson.

1 **B. DUTIES OF CHAIRPERSON**

2 The Chairperson shall preside at all meetings and hearings of the Board of
3 Adjustment, decide points of order, and appoint any committees that are deemed
4 necessary.

5 **C. DUTIES OF VICE-CHAIRPERSON**

6 The Vice-Chairperson shall preside at all meetings and hearings of the Board of
7 Adjustment and decide points of order in the absence of the Chairperson.

8 **D. ABSENCE OF CHAIRPERSON AND VICE-CHAIRPERSON**

9 The members of the Board of Adjustment shall select an additional person who
10 shall preside over meetings in the absence of the Chairperson and Vice-
11 Chairperson.

12 **E. THE VICE-CHAIRPERSON ASSUMES CHAIR**

13 In the event the Chairperson vacates the seat before the end of the term, for
14 whatever reason, the Vice-Chairperson will assume the Chairperson position for
15 the balance of the term and a new Vice-Chairperson shall be elected by the
16 Board of Adjustment.

17 **F. ADMINISTER OATHS**

18 The presiding officer or notary may administer oaths to witnesses at Board of
19 Adjustment hearings and meetings.

20 **12.03.04 STAFF**

21 The Growth Management Director or designee and staff shall provide necessary
22 professional support to the Board of Adjustment, which will include a Secretary, with the
23 approval of the Board of County Commissioners.

24 **12.03.05 MEETINGS, HEARINGS, AND PROCEDURES**

25 **A. REGULAR MEETINGS**

26 Regular meetings of the Board of Adjustment shall be scheduled each month, or
27 as determined by the Chairperson.

28 **B. SPECIAL MEETINGS**

29 Special meetings may be called by the Chairperson, provided that twenty-four
30 (24) hours notice of the meeting is given to each member of the Board of
31 Adjustment.

1 **C. ALL PROCEEDINGS OPEN TO PUBLIC**

2 All proceedings of the Board of Adjustment shall be open to the public.

3 **D. CONTINUANCE OF MEETINGS**

4 The Board of Adjustment may continue a regular meeting if all business cannot
5 be completed on that day. The time and place of the meeting's resumption shall
6 be stated by the presiding officer at the time of continuance.

7 **E. MEETING RE-SCHEDULED IF LACK OF QUORUM**

8 In the event that less than a quorum is present at any proceeding of the Board of
9 Adjustment, the proceeding shall be rescheduled within a reasonable period of
10 time. The Secretary shall notify in writing, all parties and such other interested
11 persons as may be designated, the time, place, and date of the rescheduled
12 proceeding.

13 **F. PUBLIC RECORDS**

14 All records of the Board of Adjustment shall be public records open to inspection
15 at reasonable times and upon reasonable notice in accordance with Section
16 119.01 et seq., Florida Statutes, the Public Records Act.

17 **12.03.06 QUORUM AND NECESSARY VOTE**

18 **A. GENERAL**

19 No meeting of the Board of Adjustment shall be held without a quorum. A quorum
20 shall consist of three (3) members.

21
22 **B. VOTE**

23 The affirmative vote of three (3) members of the Board of Adjustment shall be
24 required to approve a Variance Permit, or four (4) members to reverse decisions
25 of the Growth Management Director, the County Engineer, the Public Works
26 Director, or any other administrative official or designee of the County. All other
27 recommendations and decisions of the Board of Adjustment shall require the
28 affirmative vote of the majority of members present.

1
2 **12.05.00 OFFICE OF THE COUNTY ADMINISTRATOR**

3
4 **12.05.01 JURISDICTION, AUTHORITY, AND DUTIES**

5
6 In addition to the jurisdiction, authority and duties which may be conferred to the County
7 Administrator by other provisions, he shall have the following powers and duties under
8 this Code.

9
10 ~~A. The County Administrator shall grant or deny appeals petitions with regard to the~~
11 ~~Vested Rights and Adequate Public Facilities in accordance with Section~~
12 ~~11.09.00 and Chapter V of this Code.~~

13
14 ~~C. THE COUNTY ADMINISTRATOR SHALL NEGOTIATE DEVELOPMENT~~
15 ~~AGREEMENTS IN ACCORDANCE WITH SECTION 11.08.00. SECTION 11~~

16 **12.04.00 COUNTY ADMINISTRATOR**

17 **12.04.01 JURISDICTION; POWERS AND DUTIES**

18 In addition to the jurisdiction, authority, and duties that may be conferred on the County
19 Administrator or designee by other provisions, the County Administrator or designee
20 shall have the following powers and duties under this Code.

21 **APPEALS**

22 Review and decide the following appeals:

- 23 a. Adequate Public Facilities (Chapter V)
24 b. Vested Rights Special Use Permits (~~Chapter 11~~).

25 ~~D. DEVELOPMENT AGREEMENTS~~

26 ~~Review Development Agreements in accordance with Section 11.04.00~~

1
2
3

12.06.00 OFFICE OF THE COMMUNITY DEVELOPMENT DIRECTOR

DRAFT

1
2 **12.06.01 JURISDICTION, AUTHORITY, AND DUTIES**

3
4 ~~In addition to the jurisdiction, authority, and duties which may be conferred on the~~
5 ~~Community Development Director by other provisions, he shall also have the following~~
6 ~~powers and duties under this Code.~~

7
8 ~~A. The Community Development Director shall issue, vegetation removal,~~
9 ~~wastewater and sewage disposal compliance, airport height permits, and~~
10 ~~wetlands permits in accordance with the procedures in Section 11.05.00.~~

11
12 ~~B. The Community Development Director shall grant or deny applications for~~
13 ~~Certificates of Capacity Exemption, and Certificates of Capacity Variances in~~
14 ~~accordance with the procedures in Section 5.00.00.~~

15
16 ~~C. The Community Development Director shall grant or deny applications for a~~
17 ~~Vested Rights Special Use Permit in accordance with the procedures in Section~~
18 ~~11.09.00 of this Code.~~

19
20 ~~D. The Community Development Director, whenever a use is not specifically listed~~
21 ~~in Section 3.01.03 or in the administrative use regulations, shall make a~~
22 ~~determination as to whether the proposed use is a use permitted by this Code, in~~
23 ~~accordance with Section 3.01.01.~~

24
25 ~~E. The Community Development Director shall serve as staff planner to the~~
26 ~~Planning and Zoning Commission and the Board of County Commissioners,~~
27 ~~including the provision of aid and technical assistance in:~~

28
29 ~~1. The initiation, processing, and review of applications for amendment to the~~
30 ~~Official Zoning Atlas as provided in Section 11.06.00;~~

31
32 ~~2. The initiation, processing, and review of applications for amendment to the~~
33 ~~text of the Code as provided in Section 11.06.00;~~

34
35 ~~3. The processing and review of applications for Planned Developments as~~
36 ~~provided in Section 11.02.00;~~

37
38 ~~4. The processing and review of applications for conditional use permits as~~
39 ~~provided in Section 11.07.00 of this Code;~~

40
41 ~~5. The processing and review of site plans as provided in Section 11.02.00;~~

42
43 ~~6. The processing and review of applications requesting a Class A Mobile~~
44 ~~Home be defined as a detached single family dwelling, as provided in~~
45 ~~Section 11.05.02.~~

1 ~~F. The Community Development Director shall serve as staff planner to the Board~~
2 ~~of Adjustment, including the processing and provision of technical assistance in~~
3 ~~the review of variances, as provided in Section 10.01.00.~~

4 ~~G. The Community Development Director shall maintain the Official Zoning Atlas.~~

5
6 ~~H. The Community Development Director shall, whenever requested to do so by~~
7 ~~the Board of County Commissioners, conduct or cause to be conducted, with the~~
8 ~~assistance of other county departments if necessary, investigations, reports,~~
9 ~~surveys, studies, maps, charts, and recommendations with respect to matters~~
10 ~~before the Board of County Commissioners, the Planning and Zoning~~
11 ~~Commission, or the Board of Adjustment.~~

12
13
14 **12.05.00 GROWTH MANAGEMENT DIRECTOR (GMD)**

15 **12.05.01 JURISDICTION; POWERS AND DUTIES**

16 In addition to the jurisdiction, authority, and duties that may be conferred on the Growth
17 Management Director or designee by other provisions, the Growth Management
18 Director or designee shall also have the following powers and duties under this Code:

19 **A. ZONING**

20 **1. Review and make decisions on:**

21 **a. Administrative Variance Permits, as provided in [Chapter 10](#).**

22 **b. Minor Site Plans, as provided in [Chapter 11](#).**

23 **c. Interpret boundaries of the various zoning districts on the Official**
24 **Atlas, as provided in Section 1.06.02**

25 **2. Whenever a use is not specifically listed in Section 3.01.03 or in the**
26 **administrative use regulations, make a determination as to whether the**
27 **proposed use is a use permitted by this Code, in accordance with Section**
28 **3.01.01.**

29 **B. DEVELOPMENT AGREEMENTS**

30 **Review Development Agreements in accordance with [Chapter 11](#).**

31 **C. INTERPRETATIONS**

32 **Interpret the provisions of this Code, as provided in Section 1.06.02.**

1 D. VESTED RIGHTS

2 Review and make decisions on Vested Rights Special Use Permits, as provided
3 in [Chapter 11](#).

4 E. ADMINISTRATIVE VARIANCES

5 Review and make decisions on Administrative Variances, as provided in [Chapter](#)
6 [10](#).

7 F. OTHER POWERS AND DUTIES

8 1. Review and make decisions on Certificates of Capacity Exemption and
9 Certificates of Capacity Variances, as provided in Section 5.02.00;

10 2. Serve as staff planner to the Board of County Commissioners, the
11 Planning and Zoning Commission, and the Board of Adjustment, including
12 the provision of aid and technical assistance in:

13
14 a. The initiation, processing, and review of applications for text
15 amendments and general amendments to the Official Zoning
16 Atlas, as provided in [Chapter 11](#).

17 b. The initiation, processing, and review of applications for site-
18 specific amendments to the Official Zoning Atlas, as provided in
19 [Chapter 11](#).

20 c. The processing and review of applications for Planned
21 Development Districts, as provided in [Chapter 11](#).

22 d. The processing and review of applications for Conditional
23 Use Permits, as provided in [Chapter 11](#).

24 e. The processing and review of Major Site Plans, as provided in
25 [Chapter 11](#).

26 f. The processing and review of applications requesting a Class "A"
27 Mobile Home be defined as a detached single-family dwelling, as
28 provided in [Chapter 11](#).

29 g. The processing and review of Subdivision Master Plans, as
30 provided in [Chapter 11](#).

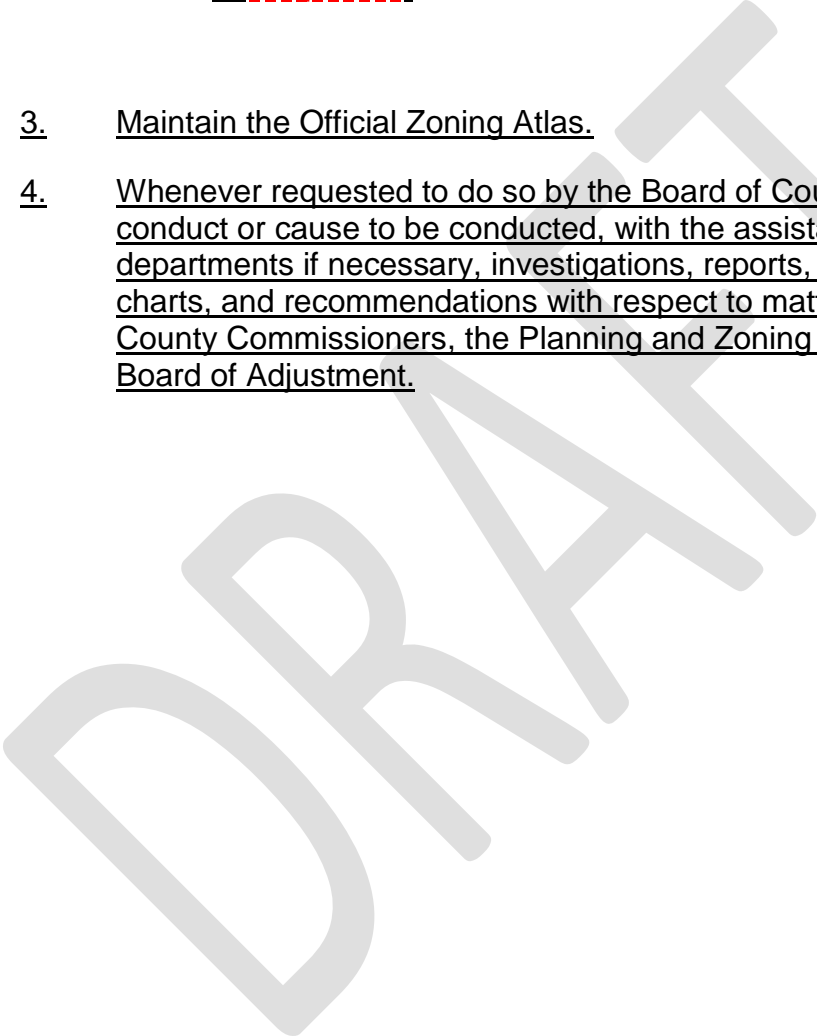
31 h. The processing and review of appeals.

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- i. The processing and review of developments of regional impact, as provided in [Chapter 11](#).
- j. The processing and review of development agreements, as provided in [Chapter 11](#).
- k. The processing and review of Variance Permits, as provided in [Chapter 10](#).

3. Maintain the Official Zoning Atlas.

4. Whenever requested to do so by the Board of County Commissioners, conduct or cause to be conducted, with the assistance of other county departments if necessary, investigations, reports, surveys, studies, maps, charts, and recommendations with respect to matters before the Board of County Commissioners, the Planning and Zoning Commission, or the Board of Adjustment.



1 **12.07.00 OFFICE OF THE PUBLIC WORKS DIRECTOR**

2
3 **12.07.01 JURISDICTION, AUTHORITY, AND DUTIES**

4
5 ~~In addition to the jurisdiction, authority, and duties which may be conferred on the~~
6 ~~Public Works Director by other provisions, he shall also have the following powers and~~
7 ~~duties under this Code.~~

8
9 ~~A. The Public Works Director shall receive, review, and approve Certificates of~~
10 ~~Zoning Compliance in accordance with the procedures in Section 11.05.00.~~

11
12 ~~B. The Public Works Director shall issue building and sign permits in accordance~~
13 ~~with the procedures in Section 11.05.00.~~

14
15 ~~C. The Public Works Director shall have the power to authorize an administrative~~
16 ~~variance to construct an accessory agricultural structure in accordance with~~
17 ~~Section 10.01.07.~~

18
19 ~~D. The Public Works Director shall review and approve, approve with conditions, or~~
20 ~~deny applications for Minor Replats and Lot Splits, in accordance with Section~~
21 ~~11.03.04.~~

22
23 ~~E. The Public Works Director, or his designee, shall serve as the Building Official as~~
24 ~~called for under the Standard Building Code described in Section 13.00.01.~~

25
26
27 **12.06.00 PUBLIC WORKS DIRECTOR**

28 **12.06.01 JURISDICTION: POWERS AND DUTIES**

29 In addition to the jurisdiction, authority, and duties which may be conferred on the
30 Public Works Director, County Engineer or designee by other provisions, the Public
31 Works Director, County Engineer or designee shall also have the following powers
32 and duties under this Code.

33 **A. ZONING**

34 **1. Review and approve, approve with conditions, or deny Temporary Use**
35 **Permits as provided Chapter 11.**

36 **2. Review and ~~decide~~ approve an Administrative Variance Permit to**
37 **construct an accessory agricultural structure, as provided in Chapter 10**

38 **3. Review and ~~decide~~ approve an Administrative Variance Permit for the**
39 **minimum yard setback for RVs and mobile home parks as provided in**

40 **Chapter 10.**

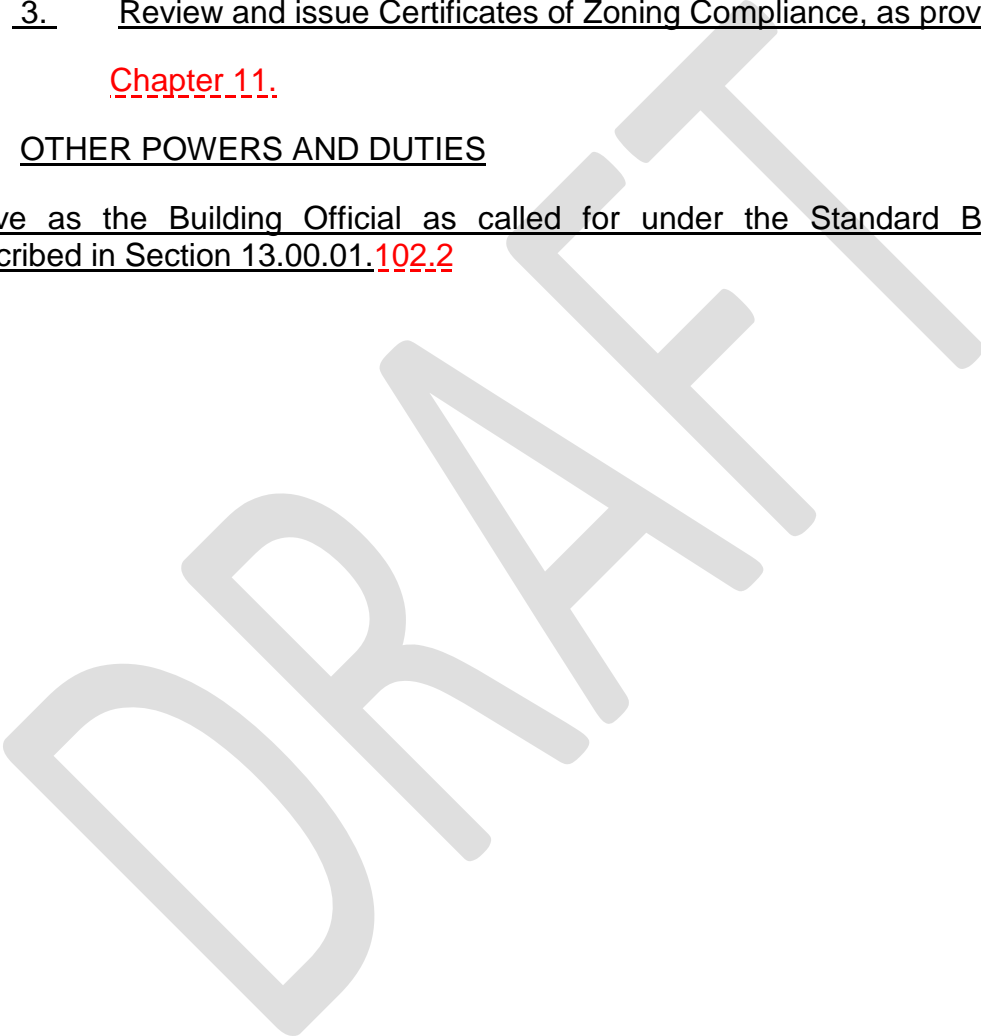
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B. OTHER TYPES OF DEVELOPMENT PERMITS

- 1. Review and approve Building Permits, as provided in [Chapter 11](#).
- 2. Review and ~~decide~~ approve Sign Permits, as provided in [Chapter 11](#).
- 3. Review and issue Certificates of Zoning Compliance, as provided in [Chapter 11](#).

C. OTHER POWERS AND DUTIES

Serve as the Building Official as called for under the Standard Building Code described in Section 13.00.01. ~~102.2~~



1 **12.08.00** **OFFICE OF THE COUNTY ENGINEER**

2
3 **12.08.01** **JURISDICTION, AUTHORITY, AND DUTIES**

4
5 ~~In addition to the jurisdiction, authority and duties which may be conferred on the~~
6 ~~County Engineer by other provisions, he shall have the following powers and duties~~
7 ~~under this Code.~~

8
9 ~~A. The County Engineer shall authorize variances from the requirements of the~~
10 ~~driveway and stormwater management provisions of this Code in accordance~~
11 ~~with Sections 10.01.08 and 10.01.11.~~

12
13 ~~B. The County Engineer shall issue driveway, mining and stormwater management~~
14 ~~permits in accordance with the procedures in Sections 11.05.03, 11.05.07, and~~
15 ~~11.05.11.~~

16
17 ~~C. The County Engineer shall approve the final acceptance of development~~
18 ~~improvements in accordance with Section 11.04.00 of this Code.~~

19
20 **12.07.00** **COUNTY ENGINEER**

21 **12.07.01** **JURISDICTION; POWERS AND DUTIES**

22 ~~In addition to the jurisdiction, authority and duties that may be conferred on the County~~
23 ~~Engineer or designee by other provisions, the County Engineer or designee shall have~~
24 ~~the following powers and duties under this Code.~~

25 A. ZONING

- 26 . 1. Review and decide Administrative Variance Permits from the driveway
27 standards, as provided in Chapter 10.

28 B. OTHER TYPES OF DEVELOPMENT PERMITS

- 29 1. Review and decide Driveway Permits, as provided in Section 11.03.04

- 30 2. Review and present mining permit applications to the Board of County
31 Commissioners as provided in Chapters 6 and 11.

- 32
33 3. Right of Way (ROW) permits

34
35 C. PLATS (SUBDIVISION)

- 36 1. Review and make recommendations on Preliminary Plats (and
37 construction plans), as provided in Chapter 11.

1 2. Review and approve Lot Splits, as provided in Chapter 11.

2 **D. OTHER POWERS AND DUTIES**

3 Present for Board approval the final acceptance of required transportation infrastructure
4 improvements in accordance with development orders.

5
6 **12.08.00 COUNTY SURVEYOR**

7
8 **12.08.01 JURISTITION; POWERS AND DUTIES**

9
10 In addition to the jurisdiction, authority and duties that may be conferred on the County
11 Surveyor or designee by other provisions, the County Surveyor or designee shall have
12 the following powers and duties under this code.

13
14 1. Review final plats and recommend approval or denial to the Board of County
15 Commissioners. This authority would be in conformance with the requirements of
16 Chapter 177.08, Florida Statues.

17 2. The County Surveyor or designee shall have the authority to review and approve
18 Lot Splits as provided in Chapter 11.

19
20 3. Review and make recommendations on Preliminary Plats.

21
22 4. Review and approve all legal descriptions which have been prepared for the
23 conveyance of land and or grant of easements to St. Lucie County.

24
25
26 **12.09.00 DEVELOPMENT REVIEW COMMITTEE**

27
28 **12.09.01 DUTIES AND RESPONSIBILITIES**

29
30 ~~The Development Review Committee shall be responsible for the review of all site plan~~
31 ~~and development review applications in accordance with Section 11.00.00 of the Code.~~

32
33 **12.09.02 MEMBERSHIP**

34
35 ~~The Review Committee shall include representatives for the County Administrator, the~~
36 ~~Community Development Director, the County Engineer, the County Utilities Director,~~
37 ~~and the St. Lucie County - Ft. Pierce Fire Marshal's Office, and other such offices and~~
38 ~~agencies as deemed necessary by the Community Development Director.~~

39
40 **12.09.00 ENVIROMENTAL RESOURCES DIRECTOR (ERD)**

1 **12.09.01** **POWERS AND DUTIES**

2 In addition to the jurisdiction, authority, and duties that may be conferred upon the
3 Environmental Resources Director or designee by other provisions, the Environmental
4 Resources Director or designee shall have the following jurisdiction, powers and duties
5 under this Code:

- 6 A. Variances from Riverine Shoreline Protection Standards of ten (10) feet or less,
7 as provided in **Chapter 10.**
- 8 B. Vegetation Removal Permits or Exemptions as provided in **Chapter ?.**
- 9 C. Vegetation Mitigation **Plans** as provided in **Chapter ?.**

10 **12.10.00** **COUNTY ATTORNEY**

11 **12.10.01** **JURISDICTION; POWERS AND DUTIES**

12 In addition to the jurisdiction, authority, and duties that may be conferred upon the
13 County Attorney by other provisions, the County Attorney or designee shall have the
14 following jurisdiction, powers, and duties under this code:

15 **A. REVIEW AND APPROVE FORM OF REVIEW BOARD MATERIALS**

16 To review and approve as to form all written findings of fact, conclusions of law,
17 development orders, ordinances and other documents drafted by the County
18 Departments, the Board of County Commissioners, the Planning and Zoning
19 Commission, the Board of Adjustment, the Environmental Control Board, or the
20 Environmental Control Hearing Board, in connection with any requirement of
21 this Code.

22 **B. REVIEW AND APPROVE FORM OF OTHER RELATED MATERIALS**

23 To review as to form all development agreements, planned development agreements,
24 easements, declarations of covenants, letters of credit, performance bonds or such
25 other documentation in connection with any requirement of this Code.

26 **C. COUNSEL**

27 To counsel the Board of County Commissioners, Planning and Zoning
28 Commission, Board of Adjustment, Environmental Control Board, Environmental
29 Control Hearing Board, County Administrator, Growth Management Director,
30 County Engineer, Public Works Director, and the County departments in regard
31 to the legal issues which may arise in the review of applications for development
32 approval and the general implementation of this Code.

1 **12.11.00 AIRPORT DIRECTOR**

2 **12.11.01 DUTIES AND POWERS**

3 In addition to the jurisdiction, authority, and duties that may be conferred upon the
4 Airport Director or designee by other provisions, the Airport Director or designee shall
5 have the following jurisdiction, powers and duties under this Code:

6 Airport Zone Permits, as provided in [Chapter 11](#).

8 **12.12.00 UTILITIES DIRECTOR**

9 **12.12.01 DUTIES AND POWERS**

10 In addition to the jurisdiction, authority, and duties that may be conferred upon the
11 Utilities Director or designee by other provisions, the Utilities Director or designee shall
12 have the following jurisdiction, powers and duties under this Code:

13 [Water and Wastewater Availability](#), as provided in [Chapter 11](#).

14 **12.13.00 HEARING OFFICER**

15 **12.13.01 CREATION AND APPOINTMENT**

16 The Board of County Commissioners shall confirm one (1) or more hearing officers to
17 hear and consider such matters as may be required to be conducted by a hearing
18 officer under any provision of this Code or as may be determined to be appropriate.
19 Such hearing officer(s) shall serve at the pleasure of the Board for such period as is
20 determined by the Board. Such hearing officers shall be compensated at a rate to be
21 determined by the Board. Whoever shall accept an appointment as a hearing officer
22 shall, for a period of one (1) year from the date of termination as holder of such office,
23 not act as agent or attorney in any proceeding, application or other matter before any
24 decision-making body of the County in any matter involving land that was the subject of
25 a proceeding which was pending during the time served as a hearing officer.

26 **12.13.02 MINIMUM QUALIFICATIONS**

27 A hearing officer shall have the following minimum qualifications:

28 **A. GENERAL**

29 Demonstrated knowledge of administrative, environmental, and land use law and
30 procedures.

1 **B. HOLD NO APPOINTED OR ELECTED OFFICE IN COUNTY**

2 Hold no other appointed or elected public office or position in the County during
3 the period of appointment.

4 **12.13.03 JURISDICTION, POWERS AND DUTIES**

5 A hearing officer shall have the following powers and duties:

6 **A. Issue subpoenas and compel attendance of witnesses and documents**

7 To issue subpoenas to compel the attendance of witnesses and production of
8 documents, and to administer oaths to witnesses appearing at hearings.

9 **B. Perform other tasks directed by Board of County Commissioners**

10 To perform such other tasks as the Board of County Commissioners may assign.

11 **12.14.00 DEVELOPMENT REVIEW COMMITTEE (DRC)**

12 **12.14.01 POWERS AND DUTIES**

13 In addition to the jurisdiction, authority, and duties that may be conferred upon the
14 Development Review Committee (DRC) by other provisions, the DRC shall have the
15 following jurisdiction, powers and duties under this Code:

16 **A. ZONING**

17 **1. Review and make recommendations on:**

- 18 a. Site specific amendments to the Official Zoning Atlas, as provided in
19 Chapter 11.
- 20 b. Planned Development Districts, as provided in Chapter 11.
- 21 c. Developments of Regional Impact
- 22 d. Conditional Use Permits, as provided in Chapter 11.
- 23 e. Minor Site Plans, as provided in Chapter 11.
- 24 f. Major Site Plans, as provided in Chapter 11.
- 25 g. Subdivision Sketch Plans, as provided in Chapter 11.
- 26 h. Subdivision Master Plans, as provided in Chapter 11 and

1 i. Comprehensive Plan Amendments, as provided in [Chapter ?](#).

2 B. PLATS (SUBDIVISION)

3 1. Review and decide Preliminary Plats (and construction plans), as provided
4 in [Chapter 11](#).

5 12.14.02 MEMBERSHIP

6 The DRC—Development Review Committee (DRC) shall consist of a staff member,
7 designated by the department head, from each of the following departments: the Growth
8 Management Department, the Engineering Department, the Public Works Department,
9 the Utilities Department, the St. Lucie County - Ft. Pierce Fire Marshal's Office,
10 Environmental Resources Department, Code Compliance, and other such offices and
11 agencies as are deemed necessary by the Director.

12 12.14.03 CHAIRPERSON

13 The Growth Management Director or designee shall serve as Chairperson of the DRC.
14 The Chairperson shall be in charge of all proceedings before the DRC and shall take
15 such action as shall be necessary to procure the order and the integrity of proceedings
16 of the DRC.

17 12.14.04 RULES OF PROCEDURE

18 The DRC shall, by a majority vote of the entire membership, adopt rules and regulations
19 governing its procedure, as it may consider necessary or advisable.

21 12.15.00 Environmental Control Board

22 The regulations and requirements governing the Environmental Control Board
23 shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and
24 Complied Laws.

25 12.16.00 Environmental Control Hearing Board

26 The regulations and requirements governing the Environmental Control Hearing
27 Board shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and
28 Compiled Laws.

29 12.17.00 Environmental control Officer

1 The regulations and requirements governing the Environmental Control Officer or
2 designee shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code
3 and Compiled Laws.

4 **12.18.00** **SPECIAL MASTER**

5 The regulations and requirements governing the Special Master shall be in
6 accordance with [Chapter 11](#), *Land Use and Dispute Resolution Special Master*
7 *Process.*

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