Policy

This policy enables the construction of a single family home or multifamily unit prior to the completion of the supporting infrastructure. The infrastructure is completed along with or after the construction of the home or unit. Upon completion of the home and/or and the infrastructure necessary to support the structure, a Certificate of Occupancy will be issued by the Building Department. Participation in the At Risk Building Permit requires that the following conditions be strictly followed.

1. The home or unit shall be within a lot or parcel that is shown on a recorded plat.
2. The City’s Site Plan Review Committee reviewed and approved construction plans showing the phasing of the project.
3. A bond, letter or credit, cashier’s check or other such approved surety representing the value of furnishing and installing the infrastructure plus 120% shall be submitted by the Applicant and held by the City to ensure the completion of the infrastructure.
4. A “Builder’s At Risk Acknowledgement” form and fee is submitted to the Utility Systems Department.
5. The phasing of the infrastructure shall provide a complete, stand alone, and functioning system to support the home or unit. At a minimum, the infrastructure shall meet the following requirements:
   - Fire Protection System – Fire hydrants are tested and operational.
   - Water Supply System – Water supply lines are looped and system is certified by the appropriate permitting agency.
   - Wastewater Collection System – Testing is complete and passing.
   - Stormwater Management System – The stormwater conveyance and treatment system including pipes, manholes, inlets, drainage structures, structures, ponds, lakes, outfall structures, and outfall locations have been inspected and accepted by the Public Works/Engineering Department.
   - Roadway System – The subgrade, base, first lift of asphalt, and second lift of asphalt (if applied) have been inspected and accepted by the Public Works/Engineering Department.
   - Sediment and Erosion Control System – The BMP to maintain positive drainage and meet NPDES requirements (e.g., stabilization, inlet protection, turbidity barriers, silt fence, and the placement of 5 feet of sod behind the back of curb, etc.) shall be in place, inspected and accepted by the Public Works/Engineering Department.
   - Traffic Control System – Stop bars, stop signs, street names, pavement markings, and signage have been inspected and accepted by the Public Works/Engineering Department.
   - Sidewalk System – Sidewalks located within common areas of the development shall be completed along with the roadway. Sidewalks adjacent to homes or units shall be competed along with the construction of the home or unit. The sidewalk will be inspected and accepted by the Public Works/Engineering Department.
At Risk Building Permit
(Revised 3/9/15)

Process

1. Applicant shall prepare and record a plat that creates the lots or parcels for the homes or units.
2. Applicant shall prepare, submit, and obtain City approval of the phased construction plans.
3. Applicant shall prepare and submit a certified cost estimate for the value of furnishing and installing the public infrastructure, defined in the City Code, to the Public Works/Engineering Department.
4. Public Works/Engineering Department will work with the Applicant to provide the value of the surety.
5. Applicant shall prepare and submit a surety to ensure completion of the public infrastructure.
6. Applicant shall prepare a “Builder’s At Risk Acknowledgement” form and submit to the Utility System Department along with a non-refundable fee of $250 per housing unit.
7. Applicant shall submit a non-refundable fee of $250.00 per housing unit to the Public Works/Engineering Department.
8. Utility Systems Department will review and process the request within 6 business days. Projects meeting the requirements of this process will be approved and forwarded to the Public Works/Engineering Department for approval. A copy of the approved form will be returned to the applicant.
9. Utility Systems Department will notify the Building Department, Public Works/Engineering Department, and the Utility Customer Service Department, in writing, that a Building Permit using the at risk policy may be issued for the applicable home or unit.
10. Building Department, Public Works/Engineering Department and the Utility Department will conduct inspections of the home, unit, or infrastructure (as applicable) during the construction.
11. Applicant shall request a Certificate of Occupancy (CO) for the home or unit.
12. Building Department, Public Works/Engineering and Utility Systems Departments review inspections results and check to ensure that the construction or home or unit and infrastructure was completed in accordance with applicable permits as well as the At Risk Building Permit Policy. Once all departments find that the project is in compliance, a CO will be issued by the Building Department.
Builder’s At Risk Acknowledgement

Contractor/Qualifier: (Printed name of company or person applying for permit, “Applicant”)  

[Blank line]

Phone # Email Address

Legal Description: Lot Block Plat Name and/or Number

Subdivision Name: 

Subject Street Address: 

WHEREAS, the above referenced plat has been recorded in Plat Book ____________, at Page __________ of the official records of St. Lucie County; and

WHEREAS, Applicant has requested a building permit for the above referenced property; and

WHEREAS, certain infrastructure improvements (“Improvements”) necessary to serve the above referenced property have not been completed; and

WHEREAS, access to the subject lot may be restricted until the Improvements are completed, including access by emergency vehicles; and

WHEREAS, Applicant acknowledges that Applicant’s negligence, or negligence on the part of any of Applicant’s sub-contractors, to exercise every reasonable precaution possible to protect the integrity of Improvements will cause Applicant’s current and future At Risk Acknowledgement privileges to be revoked; and

WHEREAS, should City of Port St. Lucie (“City”) issue a building permit for the subject property, Applicant may be liable for damages or delay claims related to construction of the Improvements; and

WHEREAS, a nonrefundable processing fee is submitted herewith;

NOW, THEREFORE, Applicant hereby acknowledges as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.

2. In consideration for City issuing a building permit, Applicant hereby agrees to hold City, its agents, employees and affiliates, harmless from any and all manner of actions, causes of action, suits, damages, judgments, executions, claims for personal injury or property damage, demands or losses of any kind whatsoever, in law or in equity, which may arise as a result of Applicant’s commencement of construction prior to the completion of the Improvements, including, but not limited to, losses from the loss of workmanship and materials due to fire or other disasters whether man made or, natural, and/or losses due to delays in obtaining a final certificate of occupancy resulting in part or all from the failure to complete some or all of the Improvements.
3. Applicant agrees that all proposed homes shall be in locations and quantities as approved by the Site Plan Review Committee.

4. In consideration for City issuing a building permit, Applicant acknowledges that a Certificate of Occupancy (CO) will not be issued for the subject property until the Florida Department of Environmental Protection (FDEP) or the Port St. Lucie Utility Systems Department (PSLUSD) has certified the completion of the Improvements.

5. Applicant shall be responsible for the cost of any damages to City facilities for a maximum of one year after the issuance of a CO. The City will submit an itemized statement to the Applicant immediately after the damages are recognized.

6. Applicant agrees to remove any subcontractor or contractor on the project who is determined by the City to be negligent in regards to the improvements on site and who continues to damage or destroy the improvements which jeopardize the health, safety and welfare of the citizens.

7. Applicant confirms that all Roadways have completed subgrade and base course, and at least have the first lift of asphaltic concrete surface course, stop bars, stop signs, street names, pavement markings, and signage installed as approved by the City's Public Works/Engineering Department.

8. Sidewalk located within common areas of the development, BMP's to maintain positive drainage and meet NPDES requirements shall be in place, inspected and accepted by the Public Works/Engineering Department.
IN WITNESS WHEREOF, Applicant has executed this Acknowledgment on the date indicated below.

For Applicant By: (printed name) Signature: Date:

STATE OF FLORIDA
County of: __________________________

The foregoing instrument was acknowledged before me this ______ day of _______________, 20__, by ___________________________ of ___________________________. Said person ☐ is personally known to me, or ☐ produced other identification, to wit: __________________.

Notary Public

For City Administration Use:

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