

Sec. 10.19. Amendment of a special exception.

10.19.A. *Purpose.* This section provides a procedure for amending an approved special exception.

10.19.B. *Application requirements.*

1. See section 10.2.B. and 10.2.C.
2. In addition to the requirements of section 10.2.B. and 10.2.C. the applicant must provide:
 - a. A copy of the resolution or other document approving the special exception.
 - b. Documentation that the use is still in operation and in compliance with any conditions;
 - c. A recorded deed for the subject property, and certification of any subsequent transfers of interest in the property;
 - d. A narrative that documents that the amendment to this special exception will not be detrimental to the public safety, health or welfare or be injurious to other property or improvements in the area in which the property is located; and the amendment requested is compatible and harmonious with the other uses allowed in the district; and
 - e. A site plan revising the original site plan, if a site plan was included in the approval of the special exception.

10.19.C. *Review and recommendation by the County Administrator.* See section 10.2.D. and 10.2.E.

10.19.D. *Action by the BCC.* Final action shall be taken by the BCC at a public hearing. See section 10.5; public hearing notice, see section 10.6; public hearing procedures, see section 10.7.

10.19.E. *Standards to be considered for final action.* The BCC may approve an amendment to a special exception only if it finds that:

1. The special exception is not for a use regulated by Article 4, Division 8, or Article 4, Division 18, Land Development Regulations;
2. The special exception is in continuing use and in compliance with its original conditions, unless good cause is shown why those conditions are no longer applicable;
3. The amendment to the special exception will not be detrimental to the public safety, health or welfare or be injurious to other property or improvements in the area in which the property is located;
4. The amendment requested is compatible and harmonious with the uses allowed in the district; and
5. The amendment is not otherwise prohibited by the Comprehensive Growth Management Plan, the Land Development Regulations or General Ordinances of Martin County.

10.19.F. *Effect of approval of an amendment to the special exception.* The approval of an amendment shall allow the applicant to submit building permits in conformance with the terms and conditions of the approval, the Comprehensive Growth Management Plan, the Land Development Regulations or General Ordinances of Martin County.

10.2.B. *Application submittal for development approval.* Applications for development approval shall comply with the following described procedures:

1. *Initiation.* A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. *Acceptance of the application.* A development application will be received for processing on any working day.
3. *Verification of property ownership.* The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
 - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
 - b. The applicant must disclose the names and addresses of each and every person or entity with any legal or equitable interest in the property of the proposed development, including partners, members, trustees, and stockholders and every person or entity having more than a five percent interest in the property or proposed development.
 - c. The requirement found in section 10.2.b.3.b. does not apply to:
 - (i) Interests held under a publicly traded company; or
 - (ii) Individual members of a homeowners or property owners association, when association property is the subject of the proposed amendment; or
 - (iii) Minors, defined as any person who has not attained the age of 18; or
 - (iv) Mortgagees.
 - d. The applicant must list all other applications for which they have an interest as defined in subsections b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
 - e. Any development order, including applications for planned unit developments which was found to be complete based on false or incomplete disclosure will be subject to the cessation of processing of the application.
4. *Evidence of agent's authority to act.* An agent shall provide an executed and recordable power of attorney to act on behalf of the owner in making the application.
5. *Other application contents.* Unless otherwise specified in the LDR, an application shall be submitted in a form approved by the County Administrator and made available to the public. At a minimum, it shall include sufficiently detailed and documented information for staff to make the required findings of compatibility with adjacent land uses and consistency with the Comprehensive Plan, the LDR, and the Code.
6. *Fees.* Each application shall be accompanied by an application fee and a completeness determination fee as established by resolution of the BCC.
7. *Digital submissions.* Electronic submission of applications is strongly encouraged. Each application that is not submitted electronically shall be accompanied by an application scanning fee as established by resolution of the BCC.

10.2.C. *Application completeness determination.*

1. *Completeness timeframe.* Within seven working days of the validated receipt of an application, the County Administrator shall determine if the application is complete.
2. *Incomplete application.* If the County Administrator determines the application is not complete for processing, the applicant shall be provided with a written record of the application deficiencies. Appeal of this determination shall be to the Board of County Commissioners as provided in section 10.10. Incomplete applications, along with the application fee shall be returned to the applicant thereby terminating that particular application. The completeness review fee shall be retained. If the applicant elects to submit another application, the application shall be accompanied by an application fee and completeness determination fee pursuant to section 10.2.B.6.
3. *Complete application.* A determination of completeness shall not be interpreted as a determination of compliance with the requirements of the Comprehensive Plan, the LDR or the Code. When the application is determined to be complete, the County Administrator shall notify the applicant in writing that the application is complete and is being reviewed pursuant to the procedures and standards of this article.
4. *Withdrawal of the application.* An applicant, or the duly authorized agent, may withdraw an application at any time by providing a written request to the County Administrator. Such a withdrawal shall terminate that particular application.