

Exhibit E

Article 10 in the Land Development Regulations is amended as followed:

(All other sections in the Article not set forth below will remain unchanged)

Article 10 DEVELOPMENT REVIEW PROCEDURES

Sec. 10.1 General.

10.1.A. *Purpose and intent.* Martin County shall manage growth and development in a fiscally efficient manner which is consistent with the Land Development Regulations and Comprehensive Growth Management Plan. This article shall provide development review procedures which implement the goals, objectives and policies contained in the Martin County Comprehensive Growth Management Plan.

10.1.B. *Glossary.* For purposes of this article, the rules of interpretation of section 1.5, LDR, govern. In addition, the following words, terms and phrases shall have the meanings set forth below:

Active residential development means a residential development that has final site plan approval and is meeting all requirements of the development order, including the timetable.

Affordable housing development means a project that will contain units for which monthly rents or mortgage payments, including taxes, insurance and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households or persons indicated in F.S. § 420.0004. For renter-occupied housing, this percentage would include monthly contract rent and utilities.

Building permit means a permit issued pursuant to chapter 21, General Ordinances, Martin County Code.

Certificate of occupancy (C.O.) means an official document evidencing that a building satisfies the requirements of Martin County for the occupancy of a building pursuant to chapter 21, General Ordinances, Martin County Code.

Change of use means any change:

- a. From one permitted use category, as set forth in article 3, Zoning Districts, to another permitted use category, as set forth in article 3, Zoning Districts; or
- b. That increases the demand for parking; or
- c. That creates additional impervious area; or
- d. That generates more than 105 percent of the number of daily traffic trips or more than 15 peak hour traffic trips.

Code means the General Ordinances of Martin County, Florida.

Community Redevelopment Area (CRA) means an area designated as such by Martin County, pursuant to Comprehensive Plan Objective 4.2b.

County Administrator means the County Administrator of Martin County, or his/her designee.

County Attorney means the County Attorney of Martin County, or his/her designee.

Decision-maker means the entity having final approval of a development order as specified in section 10.2.B.2.

Development means the carrying out of any building activity, mining operation, the making of any material change in the redevelopment or modification of an existing use or appearance of any structure or land, which creates additional impacts, or the dividing of land into three or more lots, tracts or parcels, including planned unit developments and acknowledging all exceptions to subdivisions.

Development application means a request for development approval submitted to the Growth Management Director pursuant to this article. An application to amend the official zoning atlas or a variance shall also be considered a development application.

Development order means any written document granting, denying or granting with conditions an application for a building permit, site plan, plat, change to the zoning atlas, special exception, variance or clearing permit.

Development application within CRA means a request for development approval for land within one of the designated Community Redevelopment Areas within unincorporated Martin County.

Development applications for public access to environmentally sensitive lands means a request for development approval to enter and make use of a site managed by Martin County, or other governmental agency designated as the managing partner pursuant to a State of Florida or South Florida Water Management District approved management plan or other binding agreement.

Final site plan means a detailed plan drawn to scale proposed for a parcel of land that includes but is not limited to building footprints and square footage, proposed uses, preserve areas, landscape areas and buffers, stormwater areas, pedestrian paths and vehicular circulation.

Green development means a development that applies sustainable building construction and maintenance techniques and site standards to improve energy savings, water efficiency, reduce carbon dioxide (CO) emissions, improve environmental quality, and encourage sustainable stewardship of resources as defined by organizations, such as, but not limited to, the Florida Green Building Coalition, Inc. (FGBC); the United States Green Building Council (USGBC); or other recognized programs.

Growth Management Director means the director of the Martin County Growth Management Department, or his/her designee.

Industrial development means development intended for activities such as the manufacture, warehousing, assembly, packaging, processing, fabrication, storage or distribution of goods and materials.

LDR means the Martin County Land Development Regulations.

Life Science, Technology and Research (LSTAR) means the uses defined in section 3.83 of article 3, LDR, Martin County Code.

Master site plan means a conceptual plan drawn to scale, proposed for a parcel of land that illustrates but is not limited to building footprints and square footage, proposed uses, environmental and landscape areas and buffers, stormwater areas, pedestrian paths, vehicular circulation and phasing.

Mining Operation development means a development in which mining or a mining operation occurs. See Article 4, Division 8 for definition of mining and mining operation.

Minor change means a change that does not require an adjustment to key aspects of the site plan, such as landscape buffers, preserve areas, building footprints or stormwater areas.

Mixed-use development means a development which includes uses from both the residential category and non-residential category of uses.

Non-residential development means development that is not residential.

Permit-ready industrial development means a planned unit development located on lands with an industrial land use designation or located within a targeted business zoning district that have satisfied all requirements to be designated a permit ready project as specified in the Plan, LDR and Code.

Plan or Comprehensive Plan means the Martin County Comprehensive Growth Management Plan.

Planned unit development or PUD means a unified development that is planned, approved and controlled according to provisions of a binding written document negotiated between the developer and the County as a special PUD zoning district and approved at public hearing.

Plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision consistent with the approved final site plan and other information that demonstrates compliance with the requirements of all applicable sections of F.S. ch. 177 and the Martin County Land Development Regulations.

Residential development means a development intended to provide structures for human habitation.

Site means the total area within the property boundaries of a principal parcel to be developed, or contiguous parcels intended for development under a common scheme or plan.

Special exception means a use that was approved on a specific site by the Board of County Commissioners between July 17, 1973, and December 31, 1995 at an advertised public hearing in accordance with section 33-30, or section 35-5.8, Martin County Code.

Targeted industries businesses (TIB) means those uses as described on the State of Florida Targeted Industries List as produced and as updated by Enterprise Florida, Inc., and/or another State of Florida designated entity for economic development. Targeted businesses typically include: manufacturing facilities, finance and insurance services, wholesale trades, information industries, professional, scientific and technical services, management services, and administrative and support services.

Termination of an application means that a development application has been deemed null and void.

Sec. 10.2. Applications for development.

10.2.A. *Requirement of applications.* Martin County requires the following development applications, including, but not limited to: master site plan, final site plan, mining operation, plat, change to the zoning atlas, including planned unit development (PUD), amendment to special exception, development agreement, vested rights determination, administrative amendment, amendment to an approved master site plan, amendment to an approved final site plan, text amendment to the LDR, revocation of a development order, and variances.

10.2.B. *General requirements for all application types.*

1. Development applications shall be submitted in a form approved by the County Administrator and made available to the public. All items listed on the application checklist shall be provided.
2. Development applications shall demonstrate compliance with the Comprehensive Plan, the LDR and the Code prior to approval by the decision-maker.
3. Proof of ownership must be provided with each application. 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. The applicant has a continuing obligation to provide revised documents to reflect any changes regarding ownership to the information provided that may occur before and as of the date of the final action on the application.
4. An agent shall provide an executed and recordable power of attorney to act on behalf of the owner in making the application.
5. For master and final site plan applications, including PUDs, a draft unity of title in a form acceptable to the County Attorney for the property that is the subject of the application must be provided. Included shall be a provision that requires unity of title to be maintained by the owner of the property except that a portion of said property may be sold, transferred, devised or assigned to a governmental agency and ownership of a phase may be transferred upon final site plan and plat approval of each phase.

10.2.C. *Classification of development and thresholds for review.*

1. Proposed development shall be classified as either new development or as an addition to existing development. Development proposed on undeveloped land shall be new development. A proposed addition or redevelopment of existing development shall be classified as an addition to existing development.
2. Proposed development shall be further classified as minor or major as provided below. The decision-maker for minor development applications is the County Administrator. The decision-maker for major developments is the Board of County Commissioners.

Table 10.2.C.1 *Thresholds for Review*

| Density or Intensity of Proposed Development | Minor | Major |
|--|-------|-------|
| Residential development of 50 dwelling units or less | X | |
| Residential development of more than 50 dwelling units | | X |
| | | |
| Nonresidential development of 25,000 sq. ft. or less | X | |
| Nonresidential development of more than 25,000 sq. ft. | | X |
| Nonresidential development of 50 beds or rooms or less | X | |

| | | |
|---|---|----------|
| Nonresidential development of more than 50 beds or rooms | | X |
| | | |
| Industrial development of 100,000 sq. ft. or less | X | |
| Industrial development of more than 100,000 sq. ft. | | X |
| Industrial development of any size on a lot platted pursuant to an industrial site plan | X | |
| | | |
| <u>Mining operation development</u> | | <u>X</u> |
| | | |
| Life Science, Technology and Research (LSTAR) development | X | |
| | | |
| Targeted Industries Business (TIB) development of 100,000 sq. ft. or less | X | |
| Targeted Industries Business (TIB) development of more than 100,000 sq. ft. | | X |
| Targeted Industries Business (TIB) development of any size on a lot platted pursuant to an industrial site plan | X | |

Sec. 10.5. Application review process.

10.5.A. *Purpose.* The purpose of this section is to describe the procedures for processing various applications including master site plan, final site plan, plat, changes to the zoning atlas, including planned unit developments (PUD), amendments to special exceptions, development agreements, vested rights determination, non-administrative and administrative amendments, text amendments to the LDR, revocation of a development order and other miscellaneous applications.

10.5.B. *General procedures for applications.*

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. *Applications.*
 - a. Applications shall be submitted on a form approved by the County Administrator and made available to the public. Applications shall provide the information required in the checklist for the type of application being submitted.
 - b. If there is no approved form, the applicant may submit a letter with the required information.
 - c. At a minimum, an application shall include sufficiently detailed and documented information for staff to make the required findings of compliance with the Plan, the LDR, and the Code.
 - d. Development applications shall be available to the public.
4. *Fees.*
 - a. Payment of a fee established by resolution of the BCC shall be required. Each application type shall be accompanied by an application fee and a completeness determination fee as established by resolution of the BCC. Additional fees may be required including, but not limited to, recording fees, inspection fees, impact fees, and capital facility connection charges.
 - b. The County Administrator may impose fees for the review of applications by consultants or experts who conduct code compliance review to assist staff in the review of an application. The costs of that review shall be borne by the applicant and shall be limited to specifically identified reasonable expenses incurred in the review.
 - c. In the event that a proposed major development is to include both a master site plan and a final site plan, a consolidated master site plan and final site plan may be processed concurrently and pay one application fee.

5. *Digital submissions.* Electronic submission of applications is required. Each application that is not submitted electronically shall be accompanied by an application scanning fee as established by resolution of the BCC.
6. *Scheduling of meetings.* The County Administrator shall schedule meetings with the applicant and County staff that may be involved in the review of the application. The applicant shall be notified reasonably in advance of the meeting of the time, date and place by the County Administrator.
7. *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.
8. *Misrepresentation.* If evidence of misrepresentation, fraud, deceit, a deliberate error, or omission is discovered during the application review, the review of the application shall be terminated and the application will be subject of a new determination of completeness prior to any further review.
9. *Outstanding financial obligations.* All outstanding financial obligations owed to the County, including, but not limited to, code enforcement fees, fines, and liens; demolition costs and liens; hauling fees and inspection fees shall be paid prior to the issuance of a development order by the County. For development applications located within any of the County's Community Redevelopment Areas all outstanding financial obligations owed to the County, including, but not limited to, code enforcement fees, fines, and liens; demolition costs and liens, hauling fees and inspection fees shall be paid prior to the issuance of any building permits by the County.
10. *Termination of an application.* An application may be terminated due to an applicant's failure to respond to a staff report within the timeframes established in section 10.5.F. No further processing of the application shall occur.

10.5.C. *Pre-application meeting.*

1. *In general.* A pre-application meeting between the applicant and County staff is recommended for all applications for new development and redevelopment.
2. A pre-application meeting shall be mandatory where the site proposed for development has one or more of the following conditions:
 - a. Wetlands, either presently existing or which existed in 1982 or at any time thereafter.
 - b. Native upland vegetation, either presently existing or which was removed without permitting since February 1990.
 - c. Any evidence of adverse impacts to wetlands or uplands on the subject property.
 - d. Wellfields within a well field protection zone.
 - e. Contamination from regulated substances previously stored on the site.
 - f. Proposed storage of regulated substances.
 - g. Proposed excavation of a water body.
 - h. Location within the coastal high hazard area.
 - i. Location within a designated environmentally sensitive habitat area.
 - j. Presence of habitat for rare, endangered and threatened species and species of special concern.
 - k. Location within a designated special flood hazard area, as shown on the Martin County Flood Insurance Rate Maps.
 - l. Location within 250 feet of the St. Lucie Estuary, the Indian River Lagoon or the Loxahatchee River.
 - m. Location with a CRA.
3. A pre-application meeting shall also be mandatory where the proposed use involves any of the following:
 - a. Sanitary landfill.
 - b. Solid waste transfer station.

- c. Recycling facility.
- d. Composting facility.
- e. Chipping and mulching facility.
- f. Wastewater or water treatment facility.
- g. Public bathing place, including public swimming pools.
- h. Salvage or junk yard.
- i. Incinerator.
- j. Biohazardous waste processing.
- k. Electric power generating facility.
- l. Septic tank.
- m. Private water supply well.
- n. Storage facility for regulated hazardous substances.
- o. Any use that is applying for expedited review in accordance with section 10.5.E.3.
- p. Any truck stop/travel center.
- q. Any fuel manufacturing facility, including biofuels.
- r. Any biofuel facility.
- s. A master plan or a final site plan associated with a planned unit development.
- t. A Mining Operation

Sec. 10.13. Effect of and monitoring of a development order.

- 10.13.A. *Effect of a development order.* The effect of the issuance of a development order is limited to the specific terms and conditions of the order. Nothing herein shall be interpreted as granting or implying any rights to any uses or development beyond the specific terms, conditions and limitations of the order.
- 10.13.B. *Effect of a development order for a final site plan.* Issuance of a final site plan approval shall authorize the applicant to proceed with a pre-construction meeting and to submit building permit applications in accordance with the terms and conditions of the approval and the Comprehensive Plan, the LDR, and the Code. Permission to initiate construction of site improvements shall not be granted or building permits issued until all required documents are approved and all applicable conditions of approval satisfied.
- 10.13.C. *Model construction.* An applicant may request a building permit to construct a model subsequent to an approved final site plan and before submitting the plat for review and approval, consistent with Article 4, Division 21, LDR.
- 10.13.D. *Monitoring for continued compliance of development orders.*
- 1. *Final site plans.* The County Administrator shall monitor all unbuilt development approved as final site plans for progress toward completion. When the County Administrator determines that the development is not proceeding within its timetable, or that the scheduled phases for development have lapsed, this information shall be noted in a project status report by the County Administrator.
 - a. *Monitoring of residential development orders.* The County Administrator shall compare the timetables of developments with expected population projections so that development approvals are consistent with a fiscally feasible strategy for planning and construction of public facilities.
 - b. *Exception for single-family lot development.* Single-family lot development which is in compliance with the standards of the article 5, Adequate Public Facilities Standards of the LDR, shall not be included in the project status report.
 - c. *Project status reports.* When the County Administrator determines that the development is not proceeding within its timetable, or that the scheduled phases for development have lapsed, this

information shall be noted in a project status report by the County Administrator. The report shall be provided to the owner. Upon review of the project status report, an owner may wish to request a time extension, in accordance with applicable law, section 10.15 or under the provisions of this subsection. The review of the project status report shall be, as follows:

- (i) *LPA recommendation.* The LPA shall consider the project status report. The LPA may make recommendations on the findings of the report for the BCC's consideration.
 - (ii) *BCC consideration.* The County Administrator shall present the project status report and LPA conclusions and recommendations to the BCC at a regularly scheduled public meeting. The BCC may accept, modify, postpone or reject the project status report.
- 2. *Major developments and PUDs.* As part of the conditions of approval, all development orders for major applications, including PUDs, shall require the applicant to provide annual status reports to the County Administrator to ensure that development occurs according to the terms of the development order. The monitoring report shall be due in the first quarter of each year until all required infrastructure is completed and required securities provided. In addition, the annual reports for Mining Operation development shall include record ("as-built") drawings, signed and sealed by a Professional Surveyor or Mapper licensed in the State of Florida, documenting all work done since the approval of the Mining Operation development.
- 3. *Continuing compliance requirements.* A development order shall be amended in accordance with section 10.5. to reflect subsequent changes and modifications while it remains valid and development has not been completed. In addition, the owner of the property shall comply with the following continuing compliance requirements:
 - a. Notice of change of ownership, including, but not limited to, changes due to mortgage foreclosure and bankruptcy, shall be submitted to the County Administrator within 60 days of any change, except for subdivision single-lot sales included in a development order;
 - b. The owner shall be responsible for compliance with the terms of the development order until all authorized development has been completed, all conditions and requirements are satisfied, and the last certificate of occupancy has been issued.