Application for Environmental Waivers and Exceptions
Growth Management Department
Environmental Division

PART 1: APPLICANT INFORMATION

A. OWNER(S) OF LAND
Name, Title & Company (if applicable)

Proposed Development Name (if applicable)
Mailing Address
City, State, Zip
Telephone       Fax       E-mail Address

B. AGENT AUTHORIZED TO SECURE WAIVER (if applicable)
Name
Title and Company
Address
City, State, Zip
Telephone       Fax       E-mail Address

PART 2: PROJECT DESCRIPTION

Description of Project (include proposed impacts to wetland and buffer):

________________________________________________________________________
________________________________________________________________________

FOR MARTIN COUNTY USE ONLY

Application Received by: ______________________ Date: ______________________
Application Reviewed by: ______________________ Date: ______________________
Waiver #: ______________________ Entered by: ______________________
Development Review Project #: ______________________
PART 3: SITE INFORMATION

Street Address, Road, or Driving Directions: ____________________________________________________________
_________________________________________________________________________________________
_________________________________________________________________________________________
Parcel Control Number: ___________________________ Parcel Acreage: ________________________________
Subdivision Name (if applicable): ________________________________________________________________
Legal Description of Property: ______________________________________________________________________
_________________________________________________________________________________________

PART 4: TYPE OF WAIVER OR EXCEPTION REQUESTED (Check at least one)

Single Family Homes

☐ Buffer Reduction for Lot of Record (Section 4.3.A., LDR)
☐ Retaining Wall at Upland Edge of Buffer (Section 4.3.A.3., LDR)
☐ Reduction or Elimination of Construction Setback (Section 4.3.A.7., LDR)
☐ Water Access (Sections 4.3.B.1. and 4.3.E., LDR)
(Complete Parts 5 and 7 of this application form)

☐ Access to Uplands (Section 4.3.B.2., LDR)
☐ Elimination of All Reasonable Use (Section 4.3.I., LDR)
(Complete Parts 6 and 7 of this application form)

☐ Modification of dune preservation zone boundary (Section 4.107.C., LDR)
(Complete Parts 6 and 7 of this application form and comply with Section 4.107.C., LDR)

Development Review Projects

☐ Retaining Wall at Upland Edge of Buffer (Section 4.3.A.3., LDR)
☐ Water Access (Sections 4.3.B.1. and 4.3.E., LDR)
(Complete Parts 5 and 7 of this application form and comply with all Development Review requirements)

☐ Access to Uplands (Section 4.3.B.2., LDR)
☐ Bridges in public rights-of-way (Section 4.3.C., LDR)
(Complete Parts 6 and 7 of this application form and comply with all Development Review requirements)

☐ Waivers and exceptions for public utilities (Section 4.3.D., LDR)
(Comply with Section 4.3.D., LDR, and all Development Review requirements)

☐ Elimination of All Reasonable Use (Section 4.3.I., LDR)
(Complete Parts 6 and 7 of this application form and comply with all Development Review requirements)

☐ Alternative compliance for preclusion of reasonable use (Section 4.33.D., LDR)
(Complete Parts 5 and 7 of this application form and comply with Section 4.33.D., LDR, and all Development Review requirements - applies only to preservation of native upland habitat)
PART 5: APPLICATION CHECKLIST

**WAIVERS/EXCEPTIONS FOR REDUCTION OF BUFFER FOR LOTS OF RECORD, REDUCTION/ELIMINATION OF CONSTRUCTION SETBACK, RETAINING WALLS AT UPLAND EDGE OF BUFFER AND ACCESS TO WATER THROUGH BUFFER**

1. ☐ Application processing fee. (check made payable to Martin County B.C.C.)

2. ☐ Location map for the subject property, with driving directions or gate codes, as necessary.

3. ☐ Proof that the lot is a "lot of record", as platted prior to April 1, 1982. Proof may be a plat, a deed, or another title record that demonstrates that the lot satisfies the lot of record requirement. (This information is available at the County Clerk’s Office or Property Appraiser’s Office) **NOT REQUIRED FOR WAIVERS FOR ACCESS TO WATER**

4. ☐ Determination of the Zoning District and applicable zoning setback to water of the subject property. (This is available from the County Development Review Planner)

5. ☐ Property Survey. Provide a signed and sealed original property survey indicating the following:
   - Existing structures;
   - Property acreage; and
   - Existing topography, including elevation data for subject property, with spot elevations in the proposed buffer area and mean high water line.

6. ☐ Site Plan. Provide three full-size copies of the final site plan, clearly indicating the following:
   - Proposed structures with distance to mean high water line, shoreline vegetation, top-of-bank or seawall;
   - Reduced buffer and construction setback areas; and
   - All other setback information (side, front, etc.).

7. ☐ Erosion Control/Stormwater Detention Plan. Provide a final site plan, clearly indicating the following (to scale):
   - Proposed erosion control device (e.g., silt fence barricade) to be installed prior to, and to remain in place during, all construction activities; and
   - Proposed stormwater detention swale or berm, as required.

   Prior to any construction activities on the site, the Environmental Division of the Martin County Growth Management Department will conduct an on-site inspection to confirm that the required silt fence has been installed as described in the Erosion Control/Stormwater Detention Plan. In addition, prior to receiving a Certificate of Occupancy (CO), the Environmental Division will conduct an inspection to confirm that the required swale or berm has been installed as described in the Erosion Control/Stormwater Detention Plan.

8. ☐ Representative photographs. Provide photos which are sufficient to indicate existing vegetation and slopes within the buffer area and shoreline of the subject property.

9. ☐ Historical (pre-1990) aerial photograph, marked to indicate the location of the subject property. (This is available at the County Property Appraiser’s Office)

**In addition, pursuant to Section 4.3.A.3., LDR, the following information shall be provided with applications for Retaining Walls at the Upland Edge of a Buffer:**

10. ☐ Planting Plan. Applications for retaining walls at the upland edge of a buffer area on residential lots of record, so existing on April 1, 1982, shall provide a plan showing that slopes will be maintained, the buffer zone will be replanted in native vegetation compatible with elevations and proximity to water, and all zoning district setback criteria will be met.
PART 6: APPLICATION CHECKLIST

WAIVERS FOR ACCESS TO UPLANDS THROUGH A BUFFER AND ELIMINATION OF ALL REASONABLE USE

1. ☐ Application processing fees for waiver and PAMP. (check made payable to Martin County B.C.C.)

2. ☐ Location map for the subject property, with driving directions or gate codes, as necessary.

3. ☐ Property Survey. Provide a signed and sealed original property survey for the subject property, indicating the following:
   - Existing structures;
   - Property acreage; and
   - Existing topography, including elevation data for subject property, with spot elevations in the proposed buffer area.

4. ☐ Site Plan. Provide one full-size copy and at least two reduced-size copies (to scale and no larger than 8-1/2 x 14 in.) of the final site plan, clearly indicating the following:
   - Proposed structures, with distance to mean high water line, or delineated wetland;
   - Proposed impacted wetland or wetland buffer areas, with area calculations provided; and
   - Proposed on-site mitigation areas, with area calculations provided.

5. ☐ Erosion Control/Stormwater Detention Plan. Provide a final site plan or construction plan, clearly indicating the following (to scale):
   - Proposed erosion control device (e.g., silt fence barricade) to be installed prior to, and to remain in place during, all construction activities; and
   - Describe construction equipment and practices to be employed to minimize impacts to buffer.

   Prior to any construction activities on the site, the Environmental Division of the Martin County Growth Management Department will conduct an on-site inspection to confirm that the required silt fence has been installed as described in the Erosion Control/Stormwater Detention Plan. In addition, prior to receiving a Certificate of Occupancy (CO), the Environmental Division will conduct an on-site inspection to confirm that the required swale or berm has been installed as described in the Erosion Control/Stormwater Detention Plan.

6. ☐ Historical (pre-1990) aerial photograph, marked to indicate the location of the subject property. (This is available at the County Property Appraiser’s Office)

7. ☐ Copies of required State or federal permits for impacts to wetlands.

8. ☐ Preserve Area Management Plan (PAMP), for the management of on-site wetlands, wetland buffers, and native upland habitat areas. The PAMP will provide provisions for the restoration or mitigation of any impacted wetland or wetland buffer areas. The applicant must clearly demonstrate that no reasonable upland alternative exists for the proposed activity, and that any encroachment is minimized to provide required access or reasonable use pursuant to Section 4.3.I., LDR. The applicant shall consider and use flexible and innovative design techniques to accommodate the project with minimum impacts to the on-site wetlands and buffers.

FOR APPLICATIONS FOR WAIVERS FOR ACCESS TO UPLANDS:

9. ☐ The following will be certified in writing by the Martin County Soil and Water Conservation District:
   - The encroachment is the least damaging alternative;
   - The encroachment is the minimum encroachment capable of providing the required access; and
   - An acceptable proposal for mitigation, which will minimize damage to wetlands or buffers, has been submitted by the applicant.
PART 6: APPLICATION CHECKLIST (CONTINUED)

FOR APPLICATIONS FOR WAIVERS FOR ELIMINATION OF ALL REASONABLE USE:

10. ☐ Proof that the lot is a residential "lot of record", as platted prior to April 1, 1982. Proof may be a plat, a deed, or another title record that demonstrates that the lot satisfies the lot of record requirement. (This information is available at the County Clerk's Office or Property Appraiser's Office)

11. ☐ The name of the owner from which the present owner took title, and date of transaction.

12. ☐ The relationship of the present owner to prior owners if the present owner is a successor in interest.

13. ☐ The purchase price paid for the property, and any other investments made in the property by the owner.

14. ☐ The history of land zoning and land uses of the property, and the history of the development of the property.

15. ☐ The names of all owners of all properties contiguous to the applicant's lot, and the date the properties were last conveyed.

16. ☐ A complete description of the use (indicating activity, scale, and intensity) that the applicant believes is the minimum reasonable economically viable use.
PART 7: APPLICATION CERTIFICATION

1. By signing this application form, I am applying, or I am applying on behalf of the applicant, for the waiver identified above, according to the supporting data and other incidental information filed with this application. I am familiar with the information contained in this application and represent that such information is true, complete and accurate. I understand this is an application and not a permit, and that commencement of construction prior to approval is a violation of Article 4, Division 1, Land Development Regulations, Martin County Code. I understand that this application, and any other permit issued pursuant thereto, does not relieve me of any obligation for obtaining any other required federal, state, water management district or local permit prior to commencement of construction.

I also certify that existing deed restrictions or covenants on this property will be adhered to and that, if this application is approved, all portions of the Martin County Code pertaining to the use of the above described property will be complied with. I further certify that I have read the instructions and fully understand the conditions set forth and will comply fully with them knowing that failure to comply or omission thereof may result in no action being taken on this application without refund of the application fee.

Typed/Printed Name of Property Owner or Agent (If one is so authorized below)

Signature of Applicant or Agent (Date)

2. AN AGENT MAY SIGN ABOVE ONLY IF THE PROPERTY OWNER COMPLETES THE FOLLOWING:

I hereby designate and authorize the agent listed above to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the waiver indicated above; and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements that may be necessary to procure the waiver indicated above.

Typed/Printed Name of Property Owner

Signature of Property Owner (Date)

NOTARY ACKNOWLEDGMENT

STATE OF ______________________ COUNTY OF ______________________

I hereby certify that the foregoing instrument was acknowledged before me this _______ day of __________________, 20____, by __________________________. He or she ( ) is personally known to me or ( ) has produced ___________________________ as identification.

______________________________
Notary Public signature

______________________________
Typed or printed name

State of ______________________ at-large My commission expires:________________________