INSTR # 2501623
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CAROLYN TIMMANN
MARTIN COUNTY CLERK

BEFORE THE TOWN COUNCIL
OF
THE TOWN OF OCEAN BREEZE, FLORIDA

ORDINANCE NUMBER 220-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE TOWN'S LAND DEVELOPMENT CODE THEREBY ALLOWING "PLANNED UNIT DEVELOPMENT (PUD)" ZONING TO BE APPLIED TO THE 44.35-ACRE (+/-) OCEAN BREEZE RESIDENTIAL PROPERTY; APPROVING THE "OCEAN BREEZE EAST PUD" THEREBY REZONING THE 44.35-ACRE PARCEL, MORE FULLY DESCRIBED HEREIN, FROM "MOBILE HOME" TO "PUD"; PROVIDING FOR A MASTER SITE PLAN, DESIGN STANDARDS, DEVELOPMENT CONDITIONS AND A TIME TABLE OF DEVELOPMENT FOR THE OCEAN BREEZE EAST PUD; PROVIDING FOR A CHANGE TO THE TOWN'S OFFICIAL ZONING MAP REFLECTING THE ZONING CHANGE DECLARED HEREBY; DECLARING THE OCEAN BREEZE EAST PUD TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND FOR OTHER PURPOSES

* * * * *

WHEREAS, the Ocean Breeze Town Council has receive an application from NHC 143 LLC, a Florida limited liability company (AKA, Carefree Resort), hereafter "Applicant," to rezone a 43.35 acre parcel (hereafter subject property), owned by the Applicant and more fully described in Exhibit "A" attached, from "Mobile Home" to "Planned Unit Development," hereafter the Ocean Breeze East PUD (OBEPUD), to include a master site plan, design standards, development conditions and a time table of development; and

WHEREAS, the Town's Zoning Board (ZB) has held properly noticed public hearing(s) in its consideration of the OBEPUD application, and

WHEREAS, on January 5, 2015, the Town's ZB recommended approval of the OBEPUD application as presented herein; and

WHEREAS, the Applicant has committed to the Town that its development will comply with all standards and conditions approved herein by the Town Council; and that it will bind its successors in title to any such commitments made upon approval of this ordinance.

WHEREAS, the Town Council has held properly noticed public hearing(s) to consider the OBE PUD application; and

WHEREAS, at the public hearings(s) the Applicant has showed by substantial and competent evidence that the application is consistent with Town's Comprehensive Plan and procedural requirements of law;

WHEREAS, the "Zoning and Land Development Code" is being referenced as the "Land Development Code" in the present ordinance; and that amendment is being made to make PUD zoning district available east of tracks.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA THAT:

SECTION 1: The foregoing recitals are true and adopted as findings of fact and conclusions of law.

SECTION 2: A Planned Unit Development (PUD) shall be available to property lying east of the railroad tracks as an alternative to the standard zoning district(s) and land development codes. Such PUD zoning offers an alternative in which the landowner and the Town Council may freely negotiate and agree upon the zoning standards that will apply to the subject parcel of land east of the tracks in order to make the development of superior quality and design while protecting the public's health, safety and welfare. Such a PUD must comply with all requirements of the Town's Comprehensive Plan. The provisions of Article XII of the Town's Land Development Regulations which were crafted with

regard to conditions affecting property lying west of the railroad tracks, shall not apply unless specifically incorporated into this PUD between the Town and the Applicant. Section 2 Development Application and Approvals of Article XII is hereby specifically incorporated herein by reference. In the event of a conflict between the terms and conditions of this Article XIII and other articles within the Land Development Code, the terms and conditions of this Article XIII, including all exhibits referenced herein, shall control.

SECTION 3: The legal description of the subject property is attached hereto as Exhibit "A" and is made a part hereof; a Master Site Plan of the subject project is attached hereto as Exhibit "B" and is made a part hereof; Conditions of Development for the subject property are attached hereto as Exhibit "C" and are made a part hereof; Supplemental Design Standards are attached hereto as Exhibit "D" and are made a part hereof, all exhibits shall be considered as part of the development documents approved herein.

SECTION 4: The Applicant's written acceptance of this ordinance shall constitute an agreement with the Town for the purposes expressed herein, but the same shall not be construed as a "Development Agreement," as provided in Section 163.3221, Florida Statutes.

SECTION 5: No development permits, site permits or building permits shall be issued by the Town except in compliance with this ordinance. The failure of the Applicant to complete development, or to comply with the development documents, or with any term or condition of development set forth in this ordinance, shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the Town to the Applicant until the violation has been resolved, and the matter may become the subject of enforcement

action brought by the Town. This section shall not impair the due process or other legal rights of the Applicant to seek administrative or judicial redress.

SECTION 6: Following the adoption and acceptance of this ordinance by the Applicant, and in addition to any other action for failure to complete development or otherwise comply with the development documents, the Town's Mayor may obtain a hearing before the Town Council, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the Town Council the developer may appear, and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the development documents and therefore, the ordinance(s) adopting the same, the Town Council may impose or do any or all of the following:

a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
b. Initiate the process to rezone the PUD property or any portion of the PUD property.
c. Impose an administrative penalty of up to $1,000.00 for each violation, and up to $5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the Town.
d. Seek injunctive relief or any other remedy available under Florida Law.

Any breach of any provision or condition of this ordinance by the Applicant shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 7: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any prior contractual provision between the Town and the Applicant, this ordinance shall prevail.

SECTION 8: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 9: This ordinance shall become effective upon its adoption by the Town Council and proper execution by the Applicant. If this ordinance is not executed by the Applicant within (60) sixty days of its adoption, this ordinance shall become void.

SECTION 10: Upon complete execution of this ordinance, including the Acceptance and Agreement by the Applicant, the Town Clerk is directed to record a certified copy of the same in the Public Records of Martin County, Florida, the cost of which shall be paid by the Applicant.

Section 11: This ordinance will be referenced in the Land Development Code (a/k/a the Zoning and Land Development Code) as Article XIII, PLANNED UNIT DEVELOPMENT ZONING DISTRICT EAST.

PASSED on First Reading this 12th day of January, 2015.

Council Member Bodie offered the foregoing ordinance and moved its adoption. The motion was seconded by Council Member De Angeles and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
ANN KAGDIS, PRESIDENT	X			
KENNETH DE ANGELES, VICE-PRESIDENT	X			
JERRY COLLINS, COUNCIL MEMBER	X			
EARLENE CAIRNS, COUNCIL MEMBER	X			
ROBERT BODIE, COUNCIL MEMBER	X			
BEATRICE MILLETTE, COUNCIL MEMBER	X			

ADOPTED on second and final reading this 27th day of January, 2015.

ATTEST:

Pam Orr

PAM ORR
TOWN CLERK

Ann G. Kagdis

ANN KAGDIS
PRESIDENT

APPROVED AS TO FORM:

Rick Crary

RICK CRARY, II
TOWN ATTORNEY

David W. Myers

DAVID W. MYERS
MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Print Name: Alena Treseder

Ashley Flores

Print Name: Ashley Flores

NHC FL143 LLC
a Florida limited liability company,
By: Colleen Edwards,
Its President

By: Colleen Edwards
Name: Colleen Edwards
Title: President

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. 220-2015 was acknowledged before me this 20 day of FEBRUARY, 2015, by Colleen Edwards, the President of NHC FL143 LLC.

Janet Lund
Notary Public - Arizona
Maricopa County
My Commission Expires
July 5, 2016

Notary Public, State of Florida
My Commission Expires: 7-5-16
Notary Seal

Personally Known X OR Produced Identification _____
Type of Identification Produced ____

EXHIBIT A

LEGAL DESCRIPTION

East Parcel

Parcel B:

A parcel of land lying within Section 22, Township 37 South, Range 41 East, Martin County, Florida, more particularly described as follows:

Commence at the Northwest corner of Lot 1, Block 7, Plat of Jensen Beach Home Sites, as recorded in Plat Book 2, Page 41, Public Records of Martin County, Florida, said point being the Point of Beginning ;

thence South 89 deg 31' 10" East, a distance of 184.88 feet; thence North 00 deg 05' 55" West, a distance of 129.55 feet;thence North 89 deg 41' 16" East, a distance of 57.08 feet; thence North 00 deg 06' 43" West, a distance of 159.46 feet; thence North 89 deg 57' 58" East, a distance of 93.80 feet; thence North 00 deg 06' 43" West, a distance of 129.00 feet; thence South 89 deg 57' 58" West, a distance of 68.80 feet; thence North 00 deg 06' 43" West, a distance of 15.00 feet; thence South 89 deg 57' 58" West, a distance of 25.00 feet; thence North 00 deg 06' 43" West, a distance of 414.95 feet; thence North 89 deg 54' 40" East, a distance of 20.00 feet; thence North 00 deg 06' 43" West, a distance of 271.90 feet;

thence North 89 deg 54' 40" East, a distance of 455.28 feet; thence North 00 deg 06' 43" West, a distance of 10.00 feet; thence North 89 deg 54' 40" East, a distance of 115.54 feet; to a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 1942.87 feet and a central angle of 10 deg 16' 23", thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 20 deg 33' 53" West, a distance of 348.36 feet, said arc subtended by a chord which bears North 25 deg 42' 05" West, a distance of 347.89 feet to the curve's end; thence North 30 deg 50' 16" West, a distance of 196.80 feet; thence South 77 deg 31' 00" West, a distance of 10.54 feet; thence North 30 deg 50' 16" West, a distance of 140.97 feet; to the beginning of a curve, concave Southwesterly, having a radius of 748.32 feet and a central angle of 13 deg 44' 57", thence Northwesterly along the arc of said curve to the left, a distance of 179.57 feet, said arc subtended by a chord which bears North 37 deg 42' 45" West, a distance of 179.14 feet to the curve's end; thence North 44 deg 35' 13" West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of 1482.49 feet and a central angle of 09 deg 21' 51", thence Northwesterly along the arc of said curve to the right, a distance of 242.29 feet, said arc subtended by a chord which bears North 39 deg 54' 18" West, a distance of 242.02 feet to the curve's end; thence North 35 deg 13' 22" West, a distance of 11.40 feet;

thence North 77 deg 31' 00" East, a distance of 10.84 feet; thence North 35 deg 13' 22" West, a distance of 302.51 feet;thence South 77 deg 31' 00" West, a distance of 460.24 feet; thence South 14 deg 48' 05" East, a distance of 279.23 feet; thence South 77 deg 31' 00" West, a distance of 157.08 feet; thence South 12 deg 53' 21" East, a distance of 120.00 feet; thence South 77 deg 31' 00" West, a distance of 40.65 feet; thence North 17 deg 20' 26" West, a distance of 400.44 feet; thence South 77 deg 31' 00" West, a distance of 61.72 feet; thence South 17 deg 20' 26" East, a distance of 107.39 feet;thence North

77 deg 31' 00" East, a distance of 25.09 feet; thence South 17 deg 20' 26" East, a distance of 108.39 feet; thence South 77 deg 31' 00" West, a distance of 25.09 feet; thence South 17 deg 20' 26" East, a distance of 1935.69 feet; thence North 89 deg 50' 58" East, a distance of 26.17 feet; thence South 17 deg 20' 26" East, a distance of 165.03 feet, to the Point of Beginning .

Legal Description Continued

Parcel C:

A parcel of land lying within Section 22, Township 37 South, Range 41 East, Martin County, Florida, more particularly described as follows:

Commence at the Northwest Corner of Lot 1, Block 7, Plat of Jensen Beach Home Sites, as recorded in Plat Book 2, Page 41, Public Records of Martin County, Florida; thence South 89 deg 31' 10" East, a distance of 184.88 feet; thence North 00 deg 05' 55" West, a distance of 129.55 feet; thence North 89 deg 41' 16" East, a distance of 57.08 feet; thence North 00 deg 06' 43" West, a distance of 159.46 feet; thence North 89 deg 57' 58" East, a distance of 93.80 feet;thence North 00 deg 06' 43" West, a distance of 129.00 feet; thence South 89 deg 57' 58" West, a distance of 68.80 feet;thence North 00 deg 06' 43" West, a distance of 15.00 feet; thence South 89 deg 57' 58" West, a distance of 25.00 feet;thence North 00 deg 06' 43" West, a distance of 414.95 feet; thence North 89 deg 54' 40" East, a distance of 20.00 feet;thence North 00 deg 06' 43" West, a distance of 271.90 feet; thence North 89 deg 54' 40" East, a distance of 455.28 feet;thence North 00 deg 06' 43" West, a distance of 10.00 feet; thence North 89 deg 54' 40" East, a distance of 147.53 feet, to the Point of Beginning ; said point being Point of Intersection with a non-tangent curve, concave Southwesterly, having a radius of 1972.87 feet and a central angle of 10 deg 35' 53", thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 20 deg 14' 23" West, a distance of 364.93 feet, said arc subtended by a chord which bears North 25 deg 32' 20" West, a distance of 364.41 feet to the curve's end; thence North 30 deg 50' 16" West, a distance of 186.85 feet; thence North 77 deg 31' 00" East, a distance of 10.54 feet;thence North 30 deg 50' 16" West, a distance of 157.56 feet; to the beginning of a curve, concave Southwesterly having a radius of 798.32 feet and a central angle of 13 deg 44' 57", thence Northwesterly along the arc of said curve to the left, a distance of 191.57 feet, said arc subtended by a chord which bears North 37 deg 42' 45" West, a distance of 191.11 feet to the curve's end; thence North 44 deg 35' 13" West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of 1432.49 feet and a central angle of 08 deg 58' 52", thence Northwesterly along the arc of said curve to the right, a distance of 224.55 feet, said arc subtended by a chord which bears North 40 deg 05' 47" West, a distance of 224.32 feet to the Point of Intersection with a non-tangent line; thence South 77 deg 31' 00" West, a distance of 10.87 feet; to a Point of Intersection with a non-tangent curve, concave Northeasterly, having a radius of 1442.49 feet and a central angle of 00 deg 12' 48", thence Northwesterly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 35 deg 26' 11" West, a distance of 5.37 feet, said arc subtended by a chord which bears North 35 deg 19' 47" West, a distance of 5.37 feet to the curve's end; thence North 35 deg 13' 22" West, a distance of 216.57 feet; thence North 54 deg 30' 07" East, a distance of 2.44 feet; thence North 30 deg 09' 06" West, a distance of 76.99 feet; thence North 77 deg 31' 00" East, a distance of 15.49 feet;

thence North 65 deg 38' 00" East, a distance of 250.00 feet; thence South 34 deg 58' 03" East, a distance of 304.32 feet; thence South 65 deg 38' 00" West, a distance of 220.30 feet; thence South 43 deg 49' 57" East, a distance of 28.99 feet; thence South 62 deg 46' 55" East, a distance of 40.49 feet; thence South 25 deg 38' 52" East, a distance of 80.28 feet; thence South 42 deg 51' 37" East, a distance of 104.44 feet; thence South 73 deg 15' 32" East, a distance of 40.83 feet; thence South 24 deg 00' 20" East, a distance of 69.45 feet; thence South 24 deg 00' 24" East, a distance of 66.89 feet; thence South 32 deg 35' 50" East, a distance of 72.60 feet; thence South 62 deg 59' 14" East a distance of 65.47 feet; thence South 62 deg 49' 06" East, a distance of 55.34 feet; thence South 32 deg 47' 20" East, a distance of 30.79 feet; thence South 76 deg 48' 08" East, a distance of 36.05 feet; thence North 86 deg 38' 17" East, a distance of 16.31 feet; thence North 64 deg 02' 00" East, a distance of 141.56 feet; thence South 32 deg 06' 00" East, a distance of 583.10 feet; thence South 64 deg 02' 00" West, a distance of 253.77 feet; thence South 89 deg 54' 40" West, a distance of 82.97 feet, to the Point of Beginning

All of said lands situate, lying and being in Martin County, Florida.

Legal Description Continued

Less and Except from all of these lands described hereinabove that portion thereof conveyed to Martin County for right-of-way in that Warranty Deed recorded on January 22, 2013 in Official Records Book 2625, Page 1985, of the Public Records of Martin County, Florida.

ALL OF THE ABOVE LANDS ALSO BEING KNOWN AS AND DESCRIBED AS FOLLOWS

East Parcel

Parcel B:

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curve to the left, a distance of 179.57 feet, said arc subtended by a chord which bears North 37 deg 42' 45" West, a distance of 179.14 feet to the curve's end; thence North 44 deg 35' 13" West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of 1482.49 feet and a central angle of 09 deg 21' 51", thence Northwesterly along the arc of said curve to the Right, a distance of 242.29 feet, said arc subtended by a chord which bears North 39 deg 54' 18" West, a distance of 242.02 feet to the curve's end; thence North 35 deg 13' 22" West, a distance of 11.40 feet; thence North 77 deg 31' 00" East, a distance of 10.84 feet; thence North 35 deg 13' 22" West, a distance of 302.51 feet ;thence South 77 deg 31' 00" West, a distance of 460.24 feet; thence South 14 deg 48' 05" East, a distance of 279.23 feet; thence South 77 deg 31' 00" West, a distance of 157.08 feet; thence South 12 deg 53' 21" East, a distance of 120.00 feet; thence South 77 deg 31' 00" West, a distance of 40.65 feet; thence North 17 deg 20' 26" West, a distance of 400.44 feet; thence South 77 deg 31' 00" West, a distance 61.72 feet; thence South 17 deg 20' 26" East, a distance of 107.39 feet; thence North 77 deg 31' 00" East, a distance of 25.09 feet; thence South 17 deg 20' 26" East, a distance of 108.39 feet; thence South 77 deg 31' 00" West, a distance of 25.09 feet; thence South 17 deg 20' 26" East, a distance of 1935.69 feet; thence North 89 deg 50' 58" East, a distance of 26.17 feet; thence South 17 deg 20' 26" East, a distance of 165.03 feet, to the Point of Beginning .

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East, a distance of 66.89 feet; thence South 32 deg 35' 50" East, a distance of 72.60 feet; thence South 62 deg 59' 14" East a distance of 65.47 feet; thence South 62 deg 49' 06" East, a distance of 55.34 feet; thence South 32 deg 47' 20" East, a distance of 30.79 feet; thence South 76 deg 48' 08" East, a distance of 36.05 feet; thence North 86 deg 38' 17" East, a distance of 16.31 feet; thence North 64 deg 02' 00" East, a distance of 141.56 feet; thence South 32 deg 06' 00" East, a distance of 583.10 feet; thence South 64 deg 02' 00" West, a distance of 253.77 feet; thence South 89 deg 54' 40" West, a distance of 82.97 feet, to the Point of Beginning .

All of said lands situate, lying and being in Martin County, Florida.

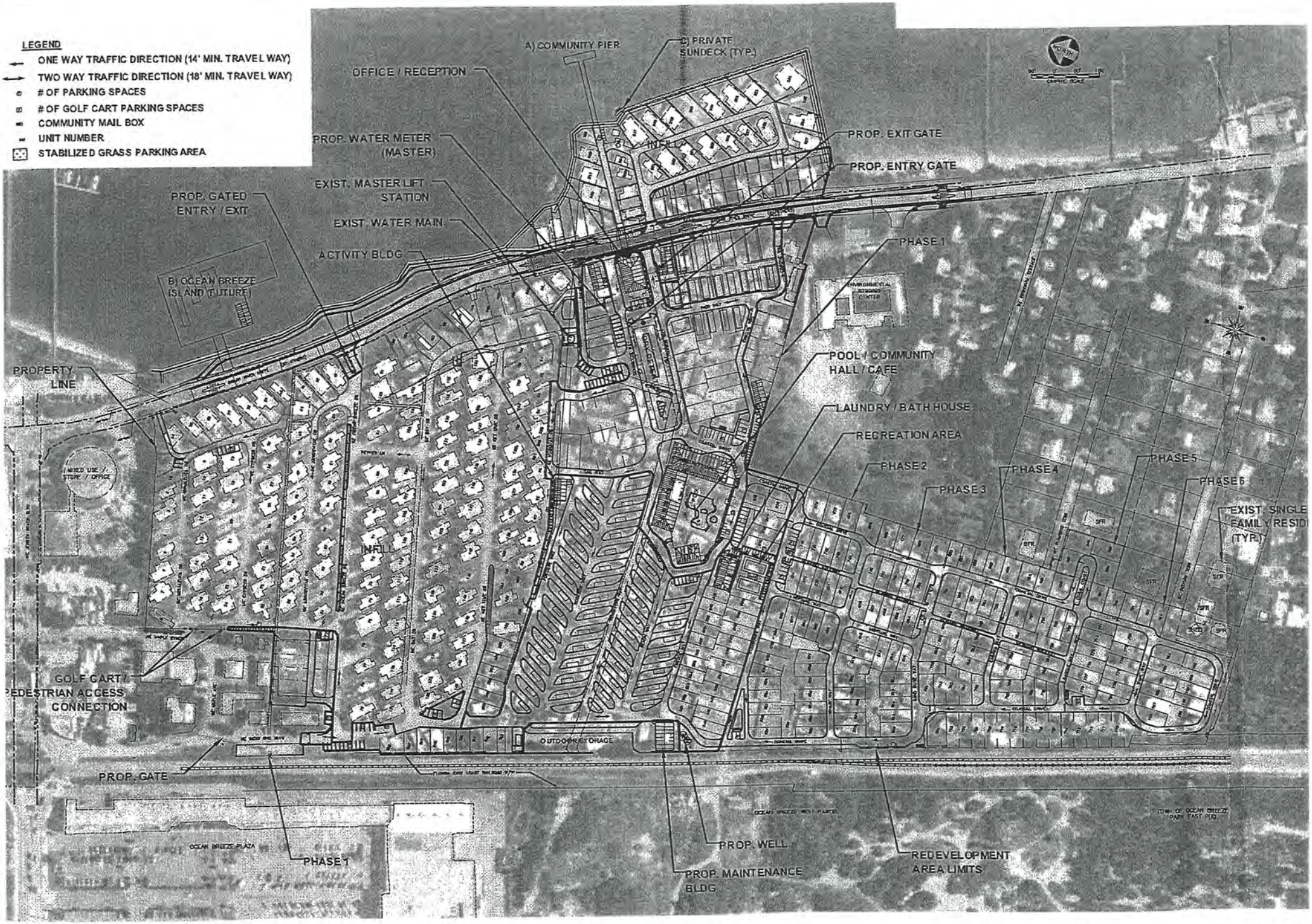

LEGEND
ONE WAY TRAFFIC DIRECTION (14' MIN. TRAVEL WAY)
TWO WAY TRAFFIC DIRECTION (18' MIN. TRAVEL WAY)
OF PARKING SPACES
OF GOLF CART PARKING SPACES
COMMUNITY MAIL BOX
UNIT NUMBER
STABILIZED GRASS PARKING AREA
A) COMMUNITY PIER
C) PRIVATE SUNDECK (TYP.)
OFFICE / RECEPTION
PROP. WATER METER (MASTER)
EXIST. MASTER LIFT STATION
EXIST. WATER MAIN
ACTIVITY BLDG
PROP. GATED ENTRY / EXIT
B) OCEAN BREEZE ISLAND (FUTURE)
PROPERTY LINE
MIXED USE / STORE / OFFICE
INFILL
GOLF CART / PEDESTRIAN ACCESS CONNECTION
PROP. GATE
OCEAN BREEZE PLAZA
PHASE 1
OUTDOOR STORAGE
PROP. WELL
PROP. MAINTENANCE BLDG
REDEVELOPMENT AREA LIMITS
PROP. EXIT GATE
PROP. ENTRY GATE
PHASE 1
ENVIRONMENTAL EDUCATION CENTER
POOL / COMMUNITY HALL / CAFE
LAUNDRY / BATH HOUSE
RECREATION AREA
PHASE 2
PHASE 3
PHASE 4
PHASE 5
PHASE 6
EXIST. SINGLE FAMILY RESID (TYP.)
SFR
TOWN OF OCEAN BREEZE PARK EAST PUD

EXHIBIT C

DEVELOPMENT CONDITIONS

1. All development and the use thereof shall comply with this ordinance.

2. Civil plans shall be reviewed and approved by all applicable departments prior to the issuance of a site permit.

3. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the Town. All construction shall comply with regulatory standards as mandated by the Florida Building Code.

4. Prior to the issuance of any permits for new residential or commercial buildings, the applicant shall provide written confirmation to the Town that all applicable Martin County impact fees, including school impact fees, have been paid.

5. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.

6. Approval of this ordinance shall not be deemed a reservation of capacity for the purposes of meeting the Town's concurrency requirements, which shall be determined at the time of building permit.

7. A minimum of ten percent of the site shall be set aside for recreational amenities and civic infrastructure, which may include but not be limited to central community clubhouse facilities/recreation center, pool, fitness center, pickle board courts, etc.

8. A major PUD amendment shall be required before any portion of the subject property can be used (sold, leased, licensed or conveyed) for railroad purposes, including a required demonstration that such use will not negatively impact the Town's residents.

9. The applicant shall comply with all current and future flood prevention standards adopted by the Town.

10. Martin County shall provide water and sewer services to the entire subject property. The use of septic tanks beyond 30 months from the date of approval of this ordinance, or upon completion of Phase I, whichever occurs first, is prohibited.

(Cn)

Permitted Uses: The following uses shall be permitted within the OBEPUD:

11. Mobile homes, modular homes, manufactured homes and recreational vehicles.

12. Replacement of existing mobile homes with traditional site built structures as appropriate and consistent in scale and character with the typical home types in the park.

13. Storage for vehicles for the convenience of the residents.

14. Neighborhood commercial uses, primarily serving Town residents, within close proximity to residents which shall be limited to a maximum of 25,000 square feet in floor area. (Note: Neighborhood commercial uses are not proposed as part of this application and are approvable only by major amendment to this ordinance.)

15. Public waterfront amenities such as piers, docks, or boardwalks (Note: All waterfront improvements shown on Exhibit "B" Master Site Plan, northward of mean high water except for the Park Pier, are illustrative only and are not approved by this ordinance. Approval of any such waterfront amenities shall require a major amendment to this ordinance).

Fire/EMS Services

16. To ensure proper Fire and EMS access, no encroachments, including on-street parking, shall be permitted such that fire trucks or other emergency vehicles are hindered.

17. Within (30) thirty days of being invoiced, the applicant shall pay to the Town a fair share of the Town's annual costs to provide Fire/EMS services through its inter-local agreement with Martin County. The formula for determining the applicant's annual fair share is as follows: Martin County's annual charge to the Town for Fire/EMS services multiplied by (the acreage of OBEPUD divided by the total acreage of Town).

Development and Construction

18. All mechanical equipment associated with non-residential development shall be roof top or located behind the building and decoratively screened or landscaped with hedge material.

19. Backflow prevention devices and above ground utilities shall be delineated on the landscape plans during final site plan review and shall be out of view or screened from the public right-of-way.

20. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.

21. All lighting, bollards, fencing and similar structures shall be of a decorative character and consistent with guidelines outlined in Exhibit D – Supplemental Design Guidelines.

22. Building addresses and/or numbers shall be in plain view and shown on each building.

23. Any sidewalk damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy

24. Temporary or freestanding storage units are prohibited on the property once construction is complete.

Development Timetable

25. The Project's timetable for development shall be as follows:

25. TIMETABLE OF DEVELOPMENT			
PHASE	**DESCRIPTION**	**EXECUTION DATE**	**NUMBER OF RESIDENTIAL UNITS INSTALLED BEFORE PROCEEDING TO THE NEXT PHASE**
1	Certificates of occupancy for development outlined as Phase 1 in Master Site Plan shall be obtained within 30 months of approval of the OBEPUD. Construction for area outlined as Phase 1 in the Master Site Plan shall include up to 9 Civic/ Community buildings (including administrative building, community building, spa/fitness building, washrooms and activity buildings) and their corresponding parking as outlined in the master site plan, as well as infrastructure to support 119 residential units	30 months from date of approval of this ordinance.	On or before 80% completion.

	and 45 RV lots.		
2	Construction for Area outlined as Phase 2 in the Master Site Plan including: infrastructure to support 37 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD	On or before Jan 31st, 2022	On or before 80% completion.
3	Construction for Area outlined as Phase 3 in the Master Site Plan including: infrastructure to support 20 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD	On or before Jan 31st, 2022	On or before 80% completion.
4	Construction for Area outlined as Phase 4 in the Master Site Plan including: infrastructure to support 29 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD	On or before Jan 31st, 2022	On or before 80% completion.
5	Construction for Area outlined as Phase 5 in the Master Site Plan including: infrastructure to support 21 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD	On or before Jan 31st, 2022	On or before 80% completion.
6	Construction for Area outlined as Phase 6 in the Master Site Plan including: infrastructure to support 26 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD	On or before Jan 31st, 2022	On or before 80% completion.
Infill Redevel opment	Improvements for Area outlined as Infill in the Master Site Plan including master site plan shall commence within approval of Ocean Breeze PUD, as sites become available.	On or before Jan 31st, 2022	Continuous infill efforts occurring simultaneously and independently of other phases.

Prohibited

26. Delivery trucks are prohibited from idling engines overnight on the property.

27. Billboards are prohibited on the property.

Signage

28. A signage plan shall be prepared and approved concurrently with other design regulations and is included in exhibit Exhibit D – Supplemental Design Standards.

Platting

29. Subdivision of the subject property shall not be permitted unless in accordance with Florida Statute and approved by resolution of the Town Council.

Common Areas/Open Space

30. All areas identified as community areas, open space (herein common areas) are privately owned common areas are for the exclusive use by OBE-PUD residents, their visitors and authorized agents. The owner shall be responsible for the maintenance, operation and management of these areas. The common areas of the PUD shall be designated as such and shown on the approved master plan and final site plans. Use, access, covenants and restrictions for each space shall be described at the time of approval of each phase and corresponding site plan. In order to enhance walkability, pedestrian safety and a beach-town/resort environment, a closed perimeter will be established and vehicular access will be exclusive to town residents (whether temporary or permanent), their visitors, service providers, resort staff, special event guests and Town staff.

Access

31. To enhance connectivity and encourage more mobility overall, points of access shall be provided for pedestrians, bicycles, golf carts and other forms of non-motorized vehicles in areas in close proximity to amenities and other resources such as downtown Jensen Beach and Indian River Drive. Access shall be limited to OBE PUD residents, visitors, staff and authorized agents. The owner will work with town officials and staff and representatives of neighboring municipalities to coordinate connectivity efforts. Any efforts to enhance connectivity shall be entered into upon administrative approval from the town and shall not require an amendment to the conditions set forth herein. As part of the implementation of the overall access plan, the Town shall consider abandonment of Ocean Breeze Drive right of way in favor of the owner. Abandonment process, conditions, right of way restrictions and maintenance shall be addressed via separate ordinance.

Amendments to the OBP PUD Development Conditions

32. Amendments to these development conditions shall be as follows:

(MW)

a) Major amendment – by ordinance: Major amendments shall require Town advisory board review and approval by the Town Council. The following changes shall be considered Major amendments:

i. Any change in approved uses.
ii. A reduction of approved open space.
iii. A substantive change to the modal network.
iv. A decrease of points of access.
v. An addition to or change in the location of amenities.
vi. Any other similar change.

b) Minor amendment – by resolution, including mailed notice to property owners within 300 feet and posted notice of the public hearing. The following changes shall be considered Minor amendments:

i. A change to the general network that does not result in a reduction in connectivity, the number of travel lanes or intersections proposed.

ii. A minor lot size or configuration change that does not materially alter the Master Site Plan's general configuration.

Parking

33. A guest/common parking area plan shall be developed for the Phase identified as "Infill" in the PUD Master Plan. Guest/common parking spaces shall be provided as depicted. Proposed future development may satisfy parking demands with parking provided in excess of that required in Table 8.1 – Site Data,. A parking survey shall demonstrate availability at the time future development is proposed.
34. All ADA parking shall be provided in accordance Chapter 11 (4.1.2.5 (a)) of the Florida Building Code.
35. Parking on Ocean Breeze Drive will only be constructed if the road is abandoned.
36. Permits to construct guest parking spaces in the area identified as "Infill" in the OBEPUD where possible will be sought within 15 days of approval of the PUD and completed within a 30 day period. Guest parking spaces in this area will be built incrementally, as land becomes available and until the spaces depicted in the plan are completed.

Park Pier

37. Appropriate measures will be sought to ensure the Park Pier is only accessible to residents and their accompanied guests. Any fish-cleaning station shall be appropriately located such as not to constitute a nuisance to residents.

Two-Story or 1-Story Over Parking Units

38. Construction of two-story units or one-story over parking units in the area shown in cyan in Exhibit 11 – Building Height Regulating Plan shall be done through a minor amendment to the PUD.

Pedestrian/Bicycle/Golf Cart Path

39. Construction of a pedestrian/bicycle/golf cart path in the area identified as "Infill" in the OBEPUD shall be done in conjunction with the redevelopment of the area and as land for such purpose becomes available.

Selling

40. Exterior upgrades shall not be required for the sole purpose of selling a unit.

Upgrades

41. All upgrades shall be done consistent with the OBEPUD guidelines and Carefree's standards.

Use of Private Park Meeting Space to Conduct Town Business

42. Hoke Hall will not be demolished until a new meeting facility is available. Recognizing the Town's continuing need of meeting space to hold its regular monthly and special public meetings, the parties shall cooperate in good faith to maintain arrangements similar to those long in effect with reference to Hoke Hall. These arrangements shall be such that when Hoke Hall is demolished or at the time new meeting space is available, the Town shall be afforded the same limited and reasonable use of the new meeting facilities for its regular monthly and special public meetings on a continuing basis, upon terms substantially similar to those currently in effect for Hoke Hall. Meeting space shall be provided to suitably accommodate the projected attendees either in the future Park Building or in any of the Amenity Buildings depicted in Phase I of the OBEPUD master plan. Upon major physical or operational impacts to the Town such as development of the Ocean Breeze West PUD, redevelopment of the commercial site, or any future annexations, the Agreement will be reviewed to determine new or potential impacts stemming from said changes on the Park and its residents. Depending on the extent of the impacts to Park facilities and its residents, the Agreement may be terminated. The Agreement shall outline nominal rent or staffing expenses if or as appropriate.

No Displacement Clause

25. Consistent with the Town of Ocean Breeze's Comprehensive Plan, redevelopment activities shall not result in displacement of existing residents. All homeowners whose dwelling is located within an area slated for redevelopment shall be relocated to a comparable unit at no cost to the homeowner. If homeowner held title to the unit in which he or she resided, title shall be provided for the unit to which he/she is being relocated. Relocations shall be done on a voluntary basis.

Civic/Community Building

26. All Civic/Community buildings shall be constructed at the same size and scale as depicted Exhibit D 5.A. Any increase in size and scale of the Civic/Community buildings from that shown in Exhibit 5.A shall require a minor amendment.

EXHIBIT D

SUPPLEMENTAL DESIGN STANDARDS

1. JULY 10, 2014 LETTER FROM GCY PROFESSIONAL SURVEYORS & MAPPERS PROVIDING INSTRUCTIONS ON TYPICAL MOBILE HOME LOT AND BLOCK LAYOUT
2. TYPICAL MOBILE HOME LOT AND BLOCK LAYOUT
3. TYPICAL ROADWAY SECTIONS TECH ENGINEERING
4. RECREATIONAL VEHICLE STANDARDS
5. COMMUNITY AND CIVIC BUILDING STANDARDS

   5.A. COMMUNITY AND CIVIC BUILDING STANDARD EXAMPLES
6. COMMERCIAL STANDARDS
7. FENCES WALLS AND HEDGES
8. LANDSCAPE STANDARDS
9. LIGHTING STANDARDS
10. SIGNAGE STANDARDS
11. TWO-STORY UNITS REGULATING PLAN
12. MOBILITY NETWORK
13. COMMON AREA AND OPEN SPACE DIAGRAM
14. RESIDENTIAL STANDARDS
15. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS ONE STORY
16. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS TWO STORIES
17. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS ELEVATED SINGLE-STORY
18. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS, CHARACTER EXAMPLES

19. SUPPLEMENTAL GUEST PARKING DIAGRAM IN INFILL AREA

BACKGROUND INFORMATION -- (Not part of ordinance, do not record).

1. APPLICATION LETTER DATED SEPTEMBER 29, 2014
2. APPLICATION
3. LOCATION MAP
4. FUTURE LAND-USE MAP
5. ZONING MAP
6. FUTURE LAND-USE MAP ADJACENT JURISDICTIONS
7. ZONING MAP SURROUNDING MUNICIPALITIES
8. SITE DATA SUMMARY
9. AUTO TURN OVERALL EXHIBIT
10. CONFIRMATION OF WATER SERVICE AVAILABILITY FOR MARTIN COUNTY JUNE 13, 2014
11. CONFIRMATION OF FLORIDA POWER & LIGHT SERVICE DATED JULY 16, 2014
12. LETTER FROM FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY CONFIRMING ITS INTENTION TO FIND THE TOWN'S UPDATED COMPREHENSIVE PLAN IN COMPLIANCE
13. OTHER PROPOSED (WATERFRONT) DEVELOPMENT – INFORMATIONAL ONLY, NOT A SUBJECT OF THIS ORDINANCE
14. TRAFFIC STATEMENT
15. COMMENTS FROM MARTIN COUNTY

    15.a. APPLICANTS RESPONSE TO MARTIN COUNTY'S COMMENTS

16. TOWN ENGINEER'S COMMENTS
    16.a APPLICANTS RESPONSE TO TOWN ENGINEER'S COMMENTS
17. EMAIL FROM SCHOOL BOARD SUPERINTENDENT

18. COMMENTS BY MARTIN COUNTY SHERIFF'S DEPARTMENT DEPUTY, JOE ANGELICO

19. MAILED NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

20. LIST OF PROPERTY OWNERS WITHIN 300 FEET

21. AFFIDAVIT OF MAILING

22. SIGN POSTING

23. PHOTOS OF SIGN POSTING

24. STUART NEWS ADVERTISEMENT

EXHIBIT "A"

PROFESSIONAL SURVEYORS & MAPPERS
INCORPORATED

Post Office Box 1469 ♦ Palm City, FL 34991
Martin: 772.286.8083 ♦ Fax: 772.283.6174
Statewide: 800.386.1066 www.gcyinc.com

July 10, 2014

Carefree RV Resorts Ocean Breeze-Jensen Beach
3000 NE Indian River Drive
Jensen Beach, Florida 34957

Mr. Gary Timmons,

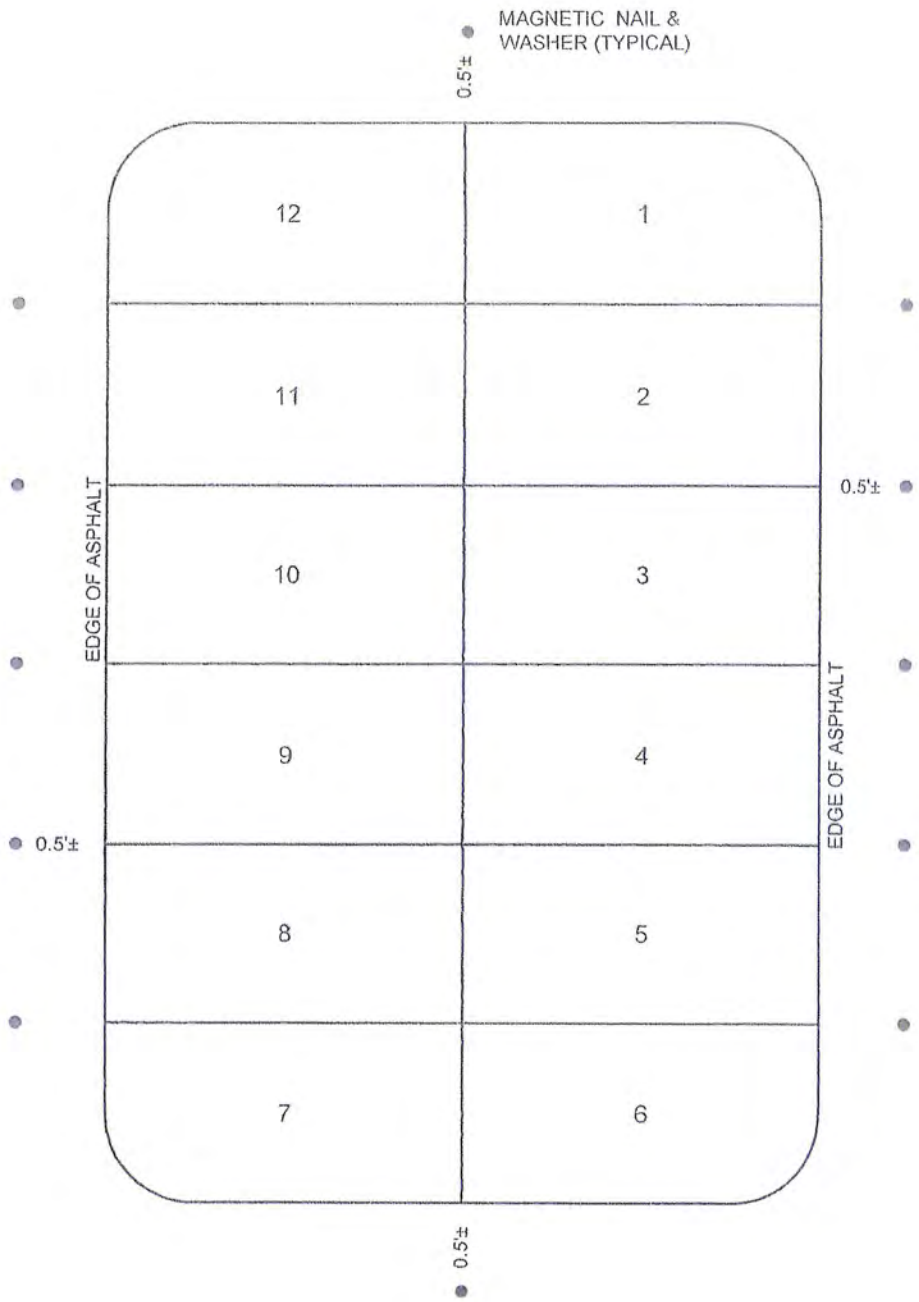
I have attached a sketch that shows what we have in mind for the delineation of the lots for the mobile homes. As you can see, I propose that a "Mag Nail" and brass washer be set in the pavement on the extension of the lot lines into the pavement. This will allow each lot to be delineated as and when necessary.

Sincerely yours,

Peter Andersen, PSM
Vice President

2.

EXHIBIT A



TYPICAL MOBILE HOME
LOT AND BLOCK LAYOUT
(NOT TO SCALE)
ILLUSTRATION PURPOSES ONLY

NO.	REVISIONS	DATE	BY

GCY INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4109
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 355-1055 • WWW.GCYINC.COM

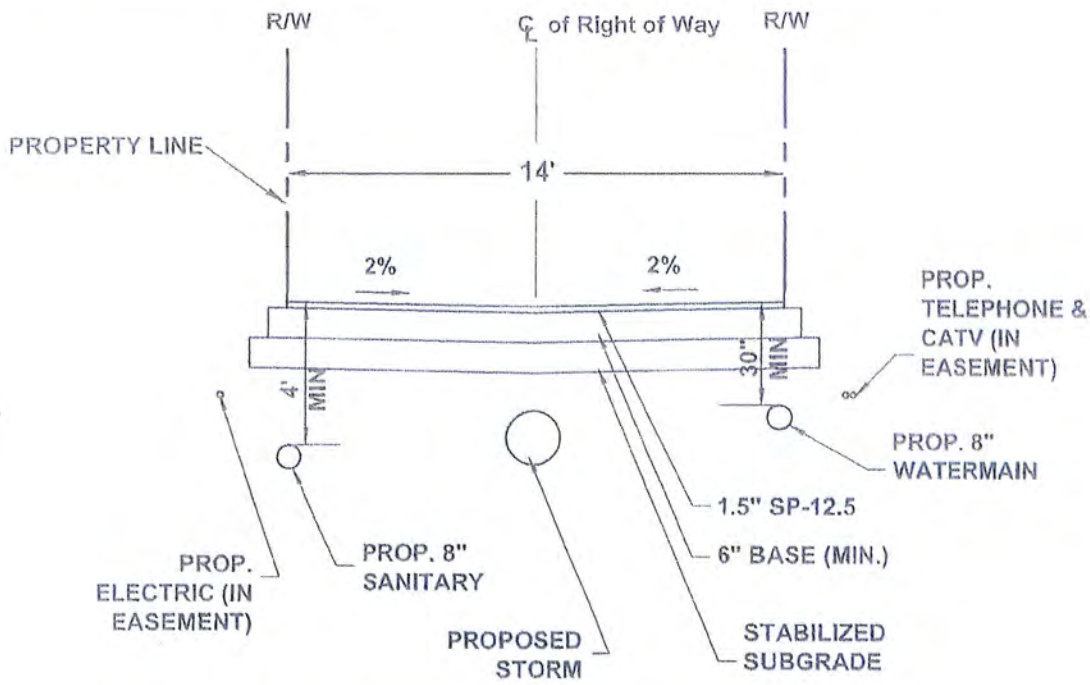
CAREFREE RV RESORT
OCEAN BREEZE, FLORIDA

Scale: NONE	Date:	File & Drawing No
Drawn By: J.A.S.	Checked: P.A.	Sheet OF

COPYRIGHT © 2011 BY GCY, INC., PROFESSIONAL SURVEYORS AND MAPPERS

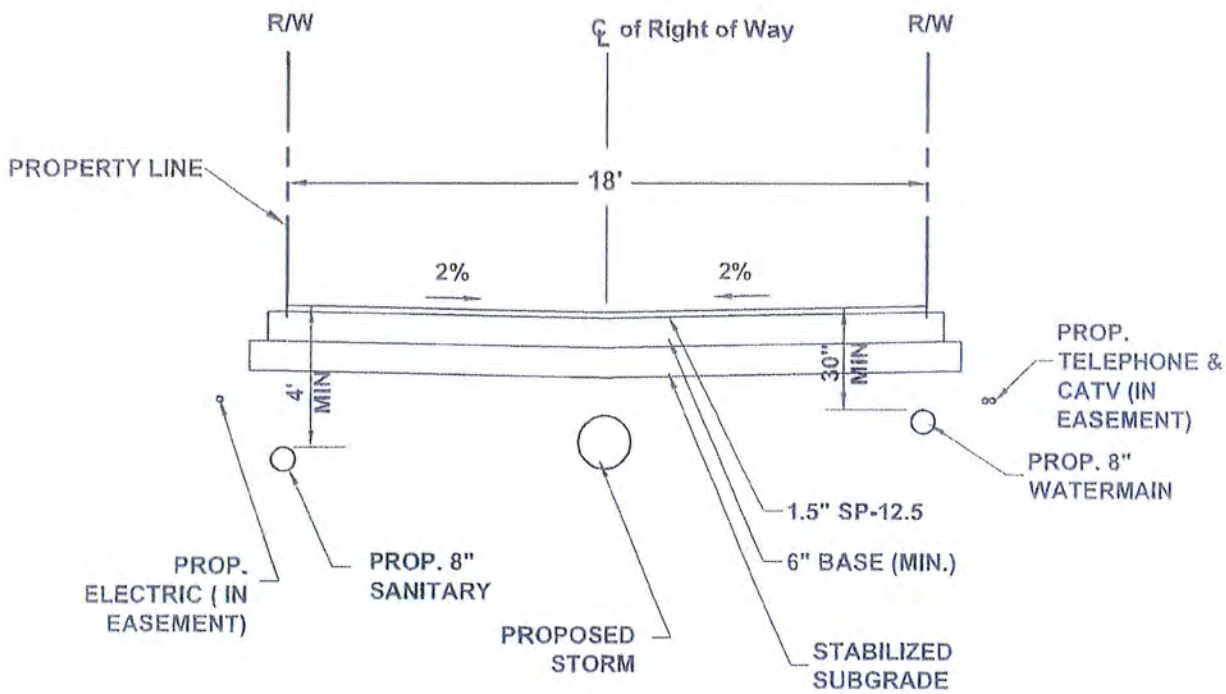
Drawing Name:

3.



PROPOSED ONE WAY TRAFFIC TYPICAL SECTION

N.T.S.



PROPOSED TWO WAY TRAFFIC TYPICAL SECTION

N.T.S.

CAPTEC Engineering, Inc.
Civil Engineering Professionals

• Joseph W. Capra
301 N.W. Flagler Ave
Stuart, Florida 34994
P.E. No. 37638
Phone: (772) 692-4344
Fax: (772) 692-4341

Engineering Business No. EB-0007657

DATE: 9-24-14
DRAWN BY: DHR
DESIGNED BY: RRK
CHECKED BY: RRK
PROJECT No.: 1543
HORZ. SCALE:
VERT. SCALE:
CADD FILE:

CAREFREE RESORT
OCEAN BREEZE EAST PUD
MARTIN COUNTY, FLORIDA

TYPICAL ROADWAY SECTIONS

SCALE VERIFICATION
0 0.5
SOLID BAR IS EQUAL TO HALF AN INCH ON ORIGINAL DRAWING, ADJUST ALL SCALED DIMENSIONS ACCORDINGLY

4. Recreational Vehicle Standards

Table 13.1 provides the dimensional requirements regarding lot size, density and parking placement for recreational vehicle development. **Figure 4.1** illustrates the dimensional requirements from the table.

Table 4.1
Residential Requirements

Lot Size		
Lot Length		40' min. 90' max.
Lot Width (B)		28' min. 34' max.
Impervious Area		75% max
RV Placement		
A	Parking Area Length	40 ft. min - 85 ft. max
C	Parking Area Width	12 ft. min

Recreational Vehicles may be parked in vacant residential lots throughout the development phase. Ultimate buildout concentrates RV's in a single, centrally designated RV area.
Dimension of concrete patio may vary.
Dimension of green separating RV's may vary.
Cars shall be parked in tandem with RV

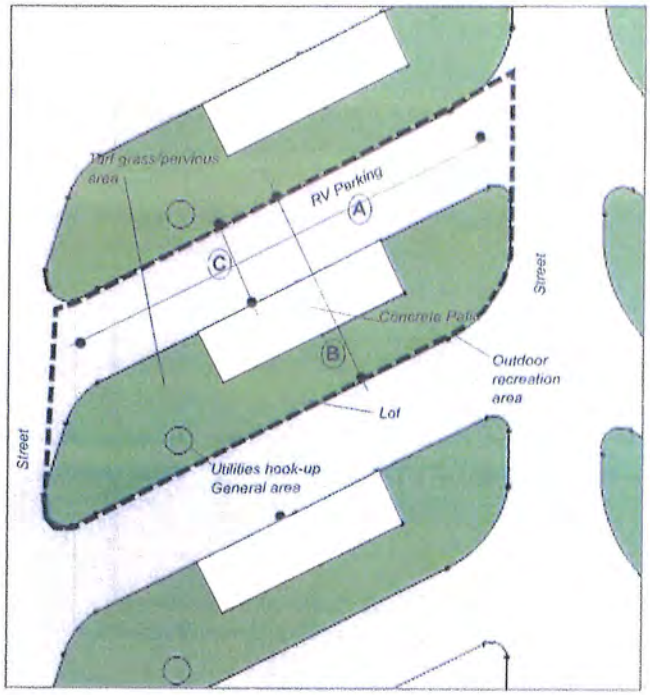


Figure 4.1
Recreational Vehicle Placement

5. Community and Civic Building Standards

Table 5.1 provides the dimensional requirements regarding lot size, building placement, building size, height and parking for civic/community buildings.

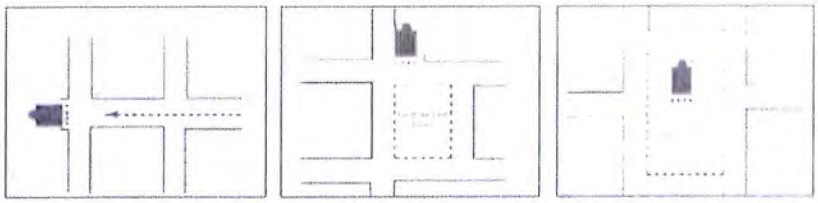
Civic buildings shall be sited in locations of particular geometric importance, such as anchoring open spaces or terminating street vistas. Community buildings may include - but are not limited to - recreation facilities, places of assembly, administrative offices, etc. Common area infrastructure may include gazebos, shade structures, benches, etc.

Architectural style of community buildings will be consistent with that of the residential fabric in accordance

Table 5.1
Civic/Community Building Parking Re›

Lot Size	
Lot Size	n/a
Building Height	
Max. Building Height	2 stories
Parking	
Min. Parking Required[1]	2/1000sf [2]
Other Forms of Mobility	
Bike Racks	3/1000sf

[1]Includes parking for cars, RV's and golf carts.



Figures 5.1, 5.2 and 5.3 - Community Buildings Placement. Civic/community buildings shall be placed terminating vistas, anchoring common areas or within parks, plazas and greens.

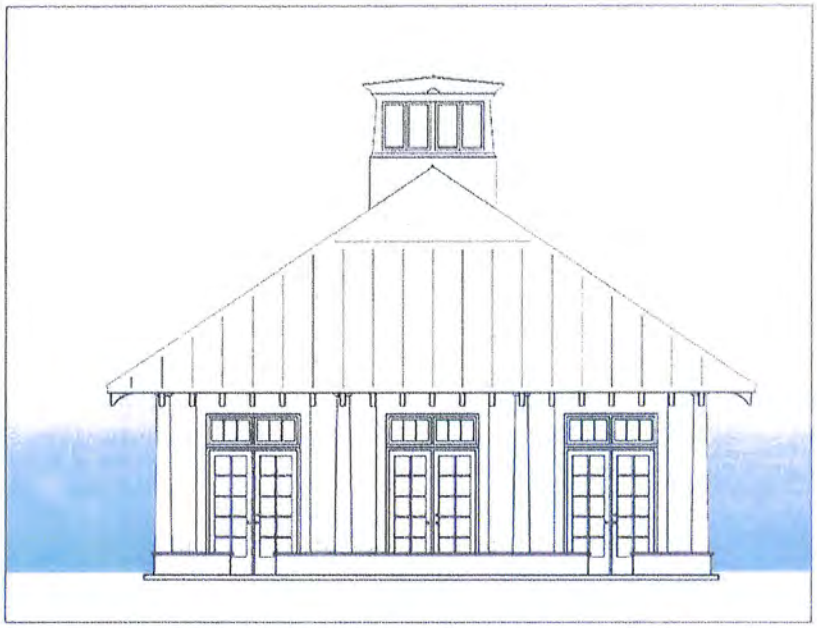


Figure 5.4 - Civic/Community Buildings Height. Civic/community building character example.

5A. Community and Civic Building Standard Examples

Figures 5.6, 5.7 and 5.8 provide character and scale parameters for proposed civic/community buildings. Substantive variations from the proposed intent, scale and character depicted in these images shall require a minor amendment of the OBEPUD.

Figure 5.6. - **Proposed Park Building** - Perspective view

Figure 5.7. - **Proposed Park Building** - Aerial perspective view

Figure 5.8. - **Proposed Administration Building** - Aerial perspective view

6. Commercial Standards

Table 6.1 provides the dimensional requirements regarding lot size, building placement, building size, height, intensity and parking for retail. **Figures 6.1** and **6.2** and **6.3** depict character examples of the scale and character outlined in the table.

Table 6.1
Commercial Requirements

Lot Size		
Lot Width		n/a
Lot Area		n/a
Building Placement		
A	Front Setback	0 ft. min - 25 ft. max
B	Side Building Separation[1]	10 ft. combined min.
C	Rear Building Separation[1]	10 ft. combined min.
Building Height		
Max. Building Height		1 story
Parking		
Min. Parking Required		2/1000

1 Commercial buildings shall be consistent in scale and character with the Florida Vernacular style and that of the community as a whole.
2 Outdoor activities such as outdoor seating and an outdoor marketplace may be provided with approval from the Town.
3. An open-air market may be developed as part of the Ocean Breeze Island with approval from the Town.
4. Parking requirements for all commercial uses shall be calculated based on building area only.

Figures 6.1, 6.2 & 6.3
Character examples

7. Fences, Walls and Hedges

Table 7.1 outlines fence, wall and hedge requirements.

Table 7.1 *Fence, Wall and Hedge Requirements*	
Fence, Wall and Hedge Type	
Front	3ft. to 4ft picket fence or hedge
Side	no fence
General	
- Picket fences shall be composed of vinyl or similar material. - Picket fence diversity is encouraged. - Where the overall property abuts adjacent municipalities, a min. 6ft opaque fence will be erected. This fence shall not impede pedestrian, bicycle and golf cart connectivity where appropriate. - Where parcels front streets, a picket fence no taller r than 4ft shall be installed.	

Figure 7.1
Commercial-Grade Opaque Vinyl Fence (6ft)
Character example

Figure 7.2
Commercial-Grade Opaque Vinyl Fence (6ft)
Character example

Figure 7.3
Commercial-Grade Vinyl Picket Fence (up to 4ft)
Character example

Figure 7.4
Commercial-Grade Vinyl Picket Fence (up to 4ft)
Character example

8. Landscaping

Landscape Standards

Intent

The landscape standards of the Ocean Breeze Park PUD promote public health, safety and welfare by establishing minimum standards for the design, construction and maintenance of landscape improvements for public and private right-of-ways, civic, public and private frontages and private lots.

a. Aesthetics/Walkability. These standards shall enhance the overall aesthetic condition of the existing community and the proposed redevelopment area with landscaping by:
i. coordinating public and private frontage landscaping conditions.
ii. providing spatial definition to the public realm, streets and other common/civic spaces.
iii. providing screening of equipment or unsightly places.

b. Health/Safety. These standards shall provide and enhance comfort and safety of the public realm by moderating the local climate through the application of trees and landscaping to:
i. improve air quality.
ii. mitigate noise pollution.
iii. provide shade, sun and temperature regulation.
iv. reduce reflected light.
v. provide a partial barrier between sidewalks and vehicular lanes where appropriate.

c. Ecology/Energy. These standards shall provide ecological benefits including but not limited to:
i. percolation of precipitation through pervious landscape areas.
ii. conservation of soil and prevention of soil erosion through vegetative cover and root growth.
iii. conservation of water through xeriscape design strategies including but not limited to:

- the application and maintenance of landscape mulch or gravel to retain soil moisture
- the limiting of Turfgrass areas and reduction of water use, fertilizers and labor associated with their maintenance and upkeep.
- the selection of low-water-use and drought tolerant plants.
- the design and operation of efficient irrigation systems.

d. Landscape Plan Required
a. Landscape Plans shall be prepared in conjunction with design development and construction documents for each development phase as identified in Section 8.
b. Landscape Plans shall contain all pertinent information consistent with the Town of Ocean Breeze's Zoning and Land Development Code of Ocean Breeze Park as adopted on September 13, 2010.

e. Landscape Standards
a. All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA).
b. Stormwater detention and retention shall be integrated landscape features.
c. Stormwater infrastructure such as the proposed bio-swales shall be planted with appropriate trees,

shrubs and grasses. Plants in basin areas prone to submersion shall be hydrophilic.

d. Proposed trees and understory trees shall be centered horizontally and minimally:

i. two (2) feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;

ii. three (3) feet from walkways, curbing and other impervious pavements when planted in a continuous swale;

iii. five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;

iv. five (5) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;

v. eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.

e. Proposed trees shall be a minimum of eight (8) feet in height and/ or two (2) inches in caliper.

f. Proposed shrubs shall be of a three (3) gallon container minimum. Shrubs shall be 18" – 24" minimum clear from any sidewalk or pavement edge at the lot line.

g. Ground vegetation or shrub plantings with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two (2) feet of the first layer of landscaping abutting a street, path or publicly accessed area.

h. Bare and exposed ground on the site and / or in landscaped areas shall be covered with live plant materials and/or mulch, with the following exceptions:

i. natural or man-made systems (creek beds, rock outcroppings or similar landscape features typically lacking vegetation)

ii. areas seasonally tilled for cultivation (urban gardens).

iii. bike or pedestrian paths within parks and greens.

iv. clay, crushed shell, sand, pavers or similar surfaces associated with paths or specific master plan designations.

i. Artificial plants or artificial turf are prohibited.

j. Constructed water features such as fountains, streams and ponds that operate with water recirculation systems shall be designed to prevent seepage and leaks.

k. Buffers and screening elements shall be used to screen service areas and other places that are unsightly.

l. On-site existing trees and vegetation may be used to fulfill the landscape requirements.

m. Noxious or invasive plants species shall be removed.

n. The size and limits of existing vegetation shall be indicated on the landscape plan.

Landscape Maintenance

a. All grass and vegetation shall be fertilized in accordance with the Town's fertilizer ordinance.

Landscaping Specific to Parks and Greens

a. Turfgrass area shall be planted or managed with appropriate low care and drought tolerant grasses that are mown to a high cut height.

Landscaping Specific to Plazas and Squares

a. Turfgrass area shall be carefully graded, leveled, and planted with sod.

Landscaping Specific to RV areas

a. Turfgrass area shall be planted or managed with appropriate low care and drought tolerant grasses

that are mown to a high cut height.

Landscaping Stormwater Management Systems

a. Native plant materials shall be utilized and shall be compatible with their location within the stormwater system.

b. Detention/bio-swale areas developed as part of the stormwater system will be landscaped with native material, in quantities appropriate to maximize the water quality function of the proposed system.

Landscaping Specific to Public or Commercial Frontages

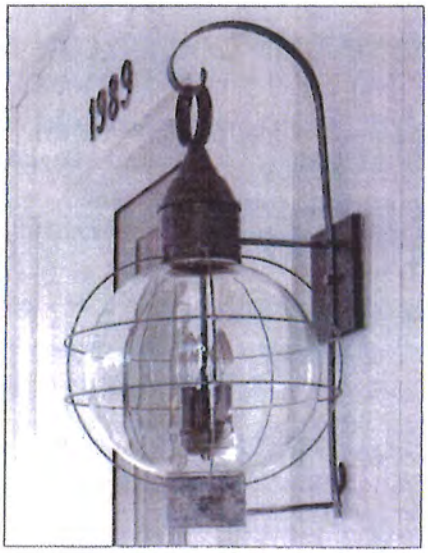
a. Public areas shall include trees planted in a regularly-spaced allée pattern of single or alternating species. Where appropriate, the spacing of the trees may be irregular to avoid visually obstructing special building features.

9. Lighting Standards

Figures 9.1. and 9.2 depict the general type post-top lights mounted on fiberglass tops - supplied and approved by FPL that will be used along streets as specified in each specific Phase master plan. **Figures 9.3 and 9.4** depict typical, style appropriate traditional fixtures to furnish community buildings. Bottom mounted fixtures to illuminate entrance features are permitted.

Figure 9.1
Typical Street Light
Traditional Post Top
Character example

Figure 9.2
Typical Street Light
Conventional Post Top
Character example



Figures 9.3 & 9.4
Community Building Lighting
Traditional attached or pendant lights consistent with the style and charachter of the buildings.
Character example

10. Signage Standards

Figure 10.1 depicts entry sign examples that will have the Ocean Breeze park logo, have ground lighting for nightime visibility and shall be landscaped in accordance with the provisions set forth in this PUD. **Figures 9.3 and 9.4** depict typical, style appropriate traditional fixtures to furnish community buildings. Bottom mounted fixtures to illuminate entrance features are permitted. Changes to the proposed style and character shall constitute a minor amendment.

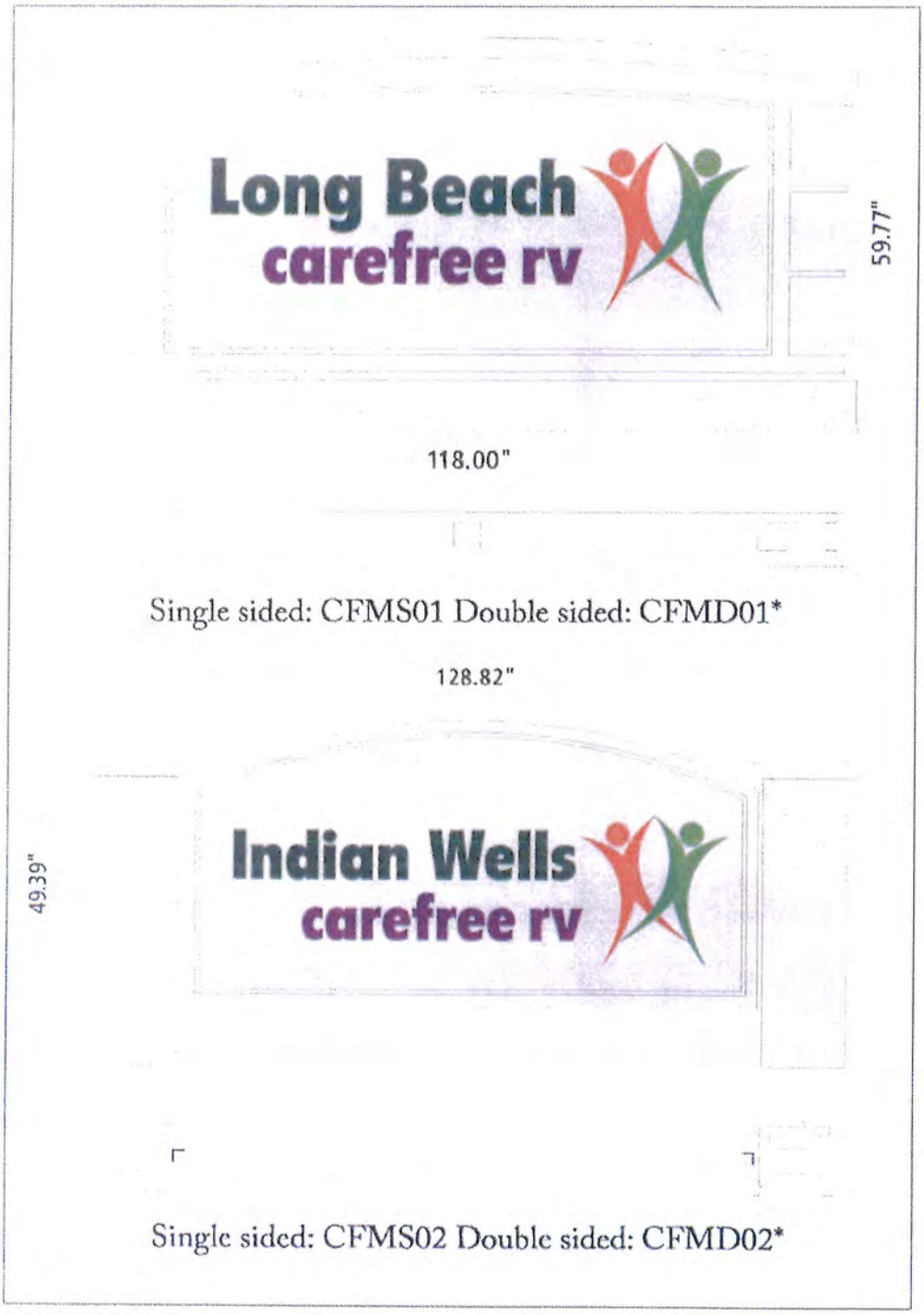
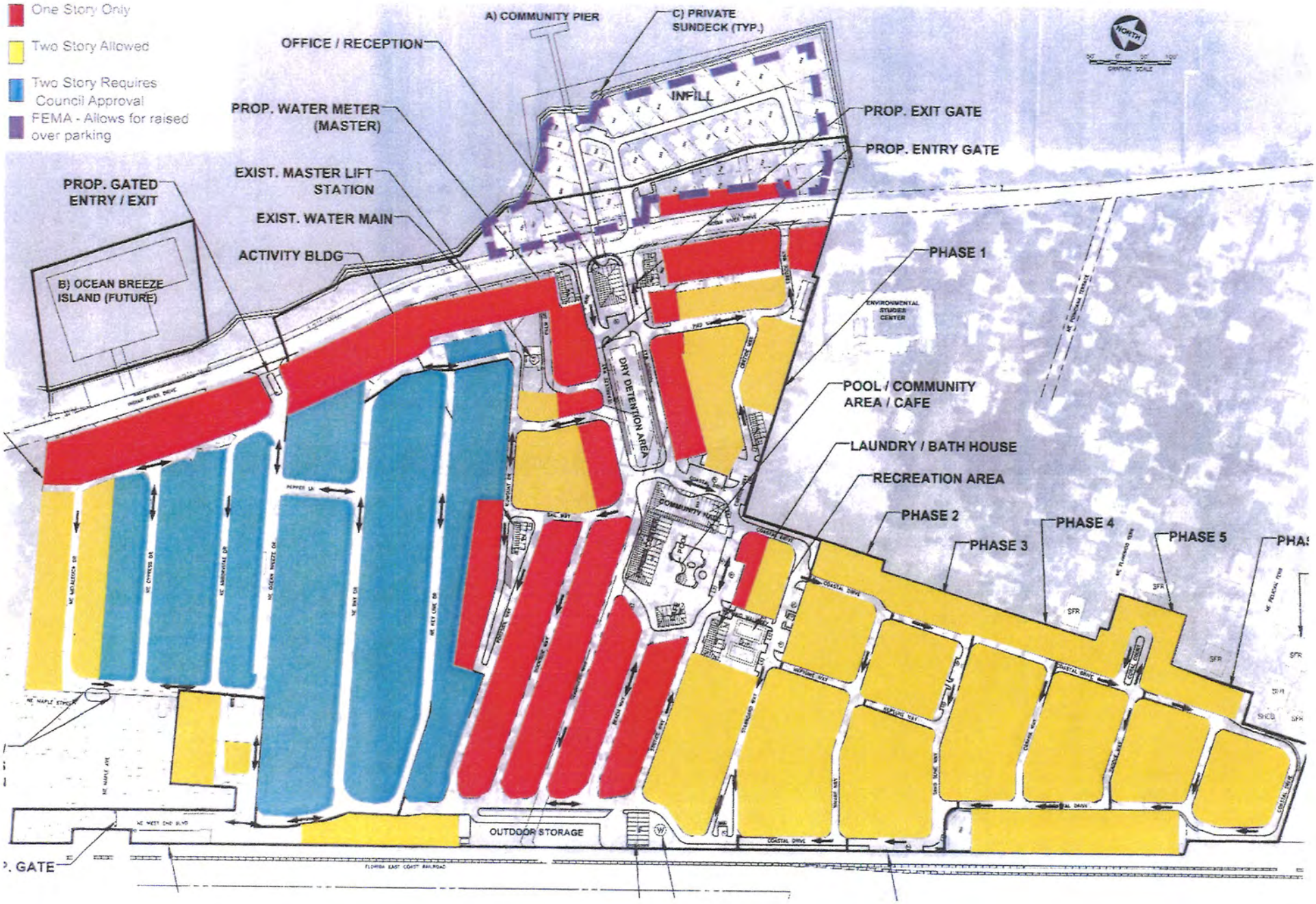
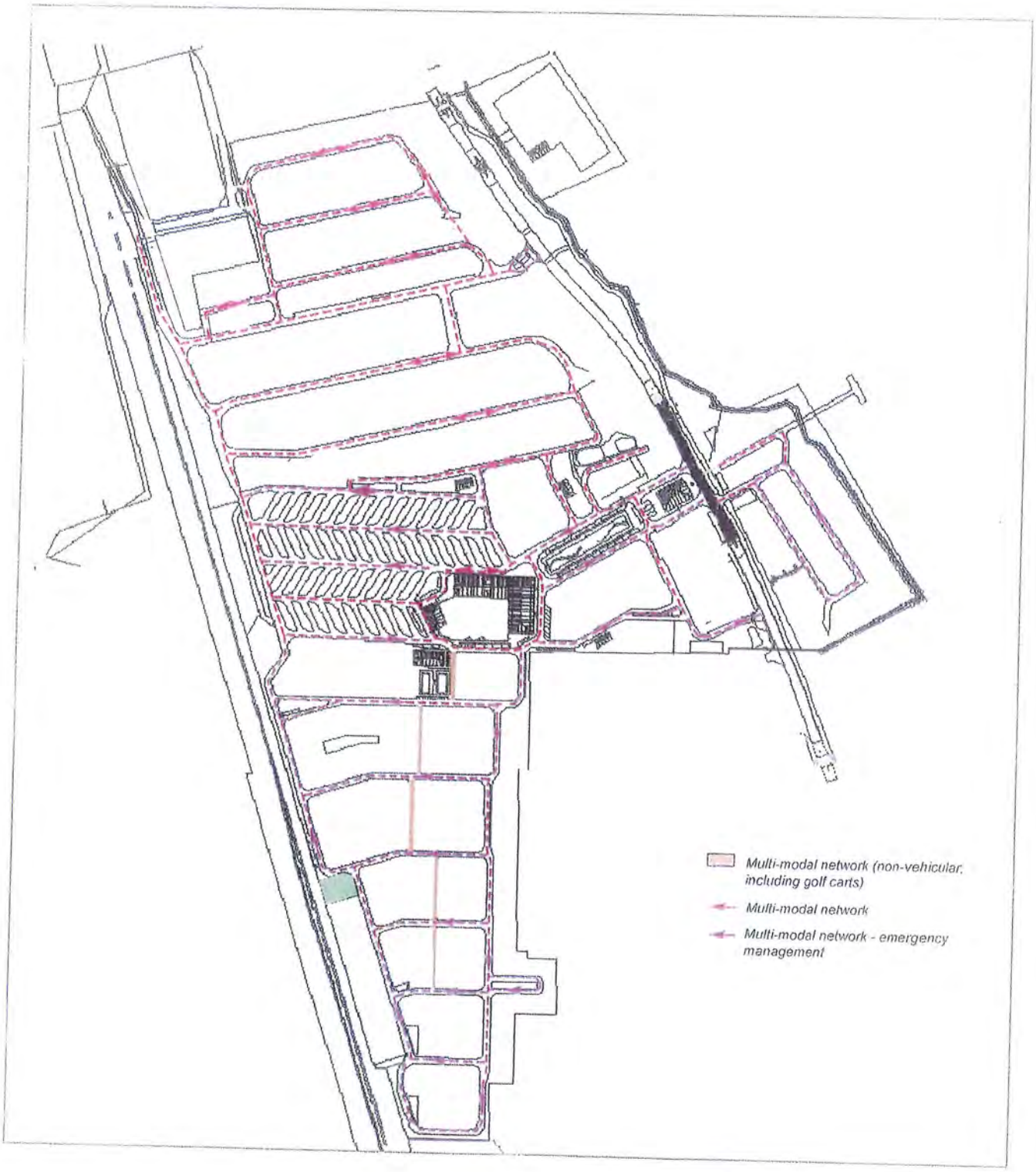


Figure 10.1
Entrance Sign
Character example


One Story Only
Two Story Allowed
Two Story Requires Council Approval
FEMA - Allows for raised over parking
A) COMMUNITY PIER
C) PRIVATE SUNDECK (TYP.)
OFFICE / RECEPTION
INFILL
PROP. WATER METER (MASTER)
PROP. EXIT GATE
PROP. ENTRY GATE
EXIST. MASTER LIFT STATION
PROP. GATED ENTRY / EXIT
EXIST. WATER MAIN
ACTIVITY BLDG
B) OCEAN BREEZE ISLAND (FUTURE)
PHASE 1
ENVIRONMENTAL STUDIES CENTER
DRY DETENTION AREA
POOL / COMMUNITY AREA / CAFE
LAUNDRY / BATH HOUSE
RECREATION AREA
PHASE 2
PHASE 3
PHASE 4
PHASE 5
COMMUNITY HALL
OUTDOOR STORAGE
COASTAL DRIVE
NORTH

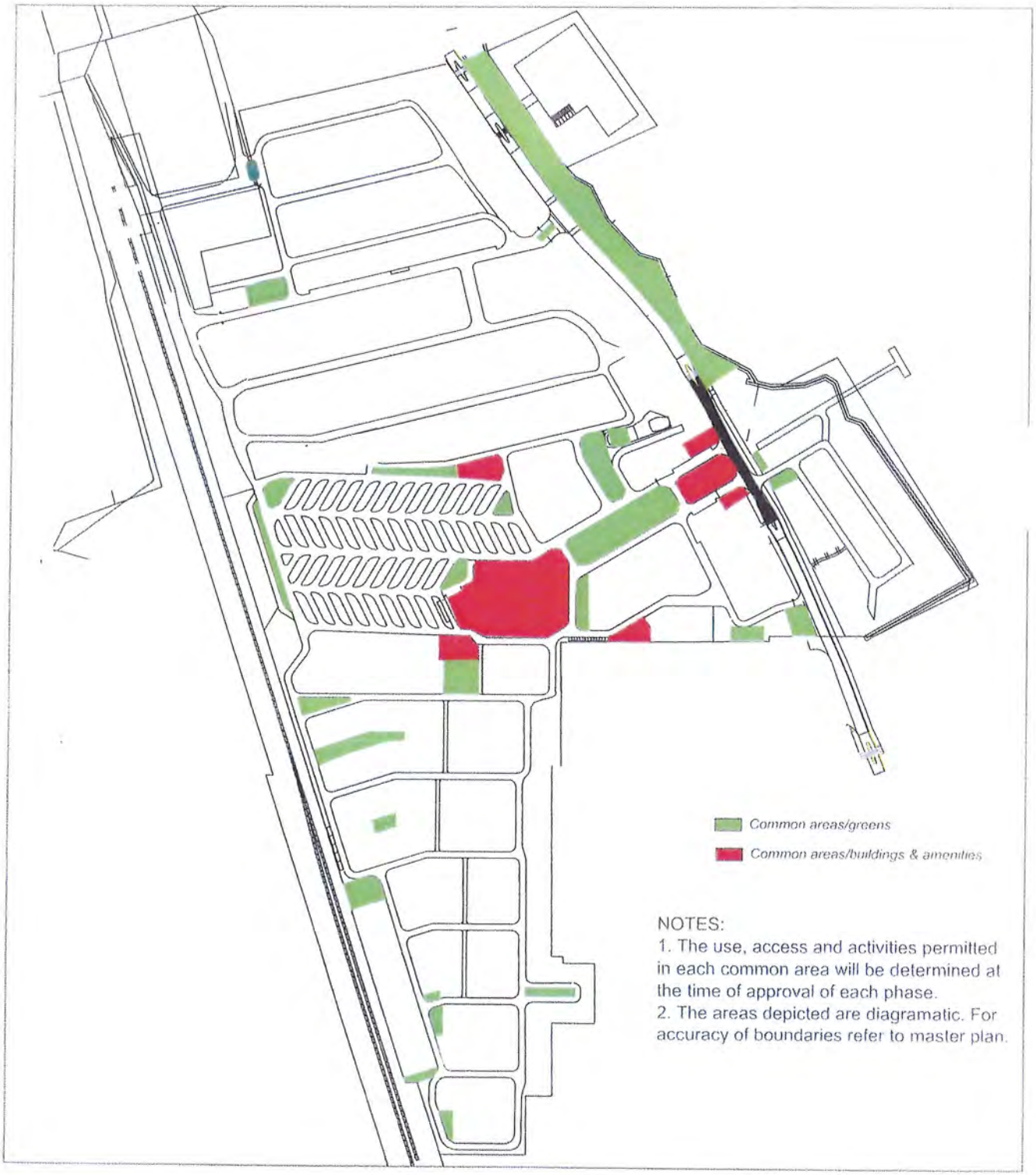
12. Mobility Network

Figure 12.1 illustrates the Ocean Breeze East PUD balanced mobility and interconnected network



13. Common Area and Open Space Diagram

Figure 13.1 illustrates the Ocean Breeze East PUD Open Space diagram.



14. Residential Standards

Table 14.1 provides the dimensional requirements regarding lot size, building placement, building size, height, density and parking for residential development. **Figures 14.1** and **14.2** illustrate the dimensional requirements from the table.

Table 14.1 *Residential Requirements*		
Lot Size		
Lot Width		23'6" min. 75' max.
Lot Area		1100 square feet min. 5000 square feet max.
Lot Coverage		85% max
Building Placement		
A	Front Setback	0 ft. min - 25 ft. max
B	Side Building Separation	10 ft. combined min.
C	Side Setback	10 ft. combined (both sides) min.
D	Rear Building Separation	10 ft. combined min.
D	Rear Building Separation w/Vehicular Access	20 ft. combined min.
Building Height		
Max. Building Height		2 stories
Parking		
Min. Parking Required		1 space per residential unit
Density		
Max. Density		16.46 du/ac
Max. Dwelling Units per Lot		1
Non Habitable Accessory Building (carport, storage)		
Min. Setback		0'

[1]Typical side setback is 12' (10'+2') A minimum 10' (8'+2') is reserved for units when parking is accommodated in the front, rear or below the livable space
[2]All non habitable construction such as carports or storage units shall not encroach on adjacent parcels, nor shall it be attached to neighboring units
[3]Access stoop may encroach into front or side yards and setbacks.
[4] Porches shall be a min. of 5' deep and cover at least 50% of the facade.
[5] Overhangs and non-habitable areas and carports and may encroach all setbacks
[6] Infill redevelopment shall conform to these residential requirements whenever lot dimensions so allow

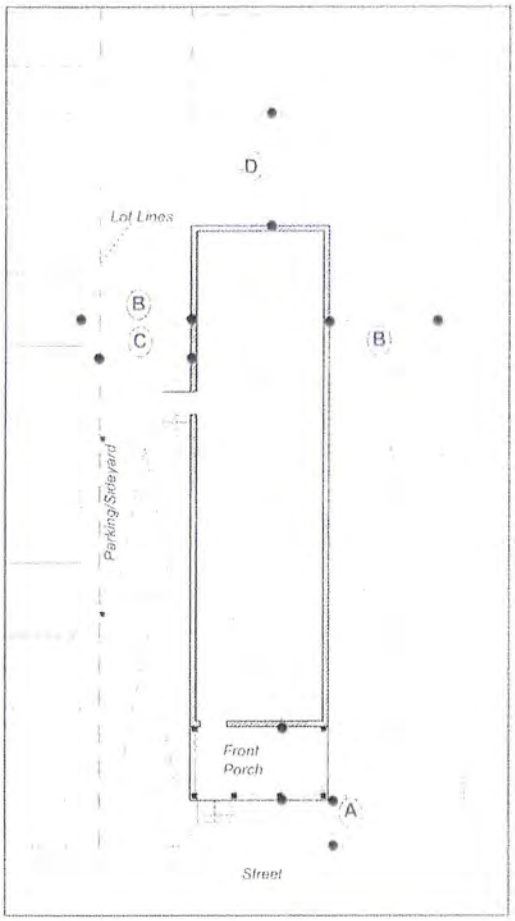


Figure 14.1
Building Placement

15. Architectural Guidelines for Residential Buildings

Figure 15.1 provides defining elements of the Florida Vernacular style to be applied throughout residential development. Single Story.

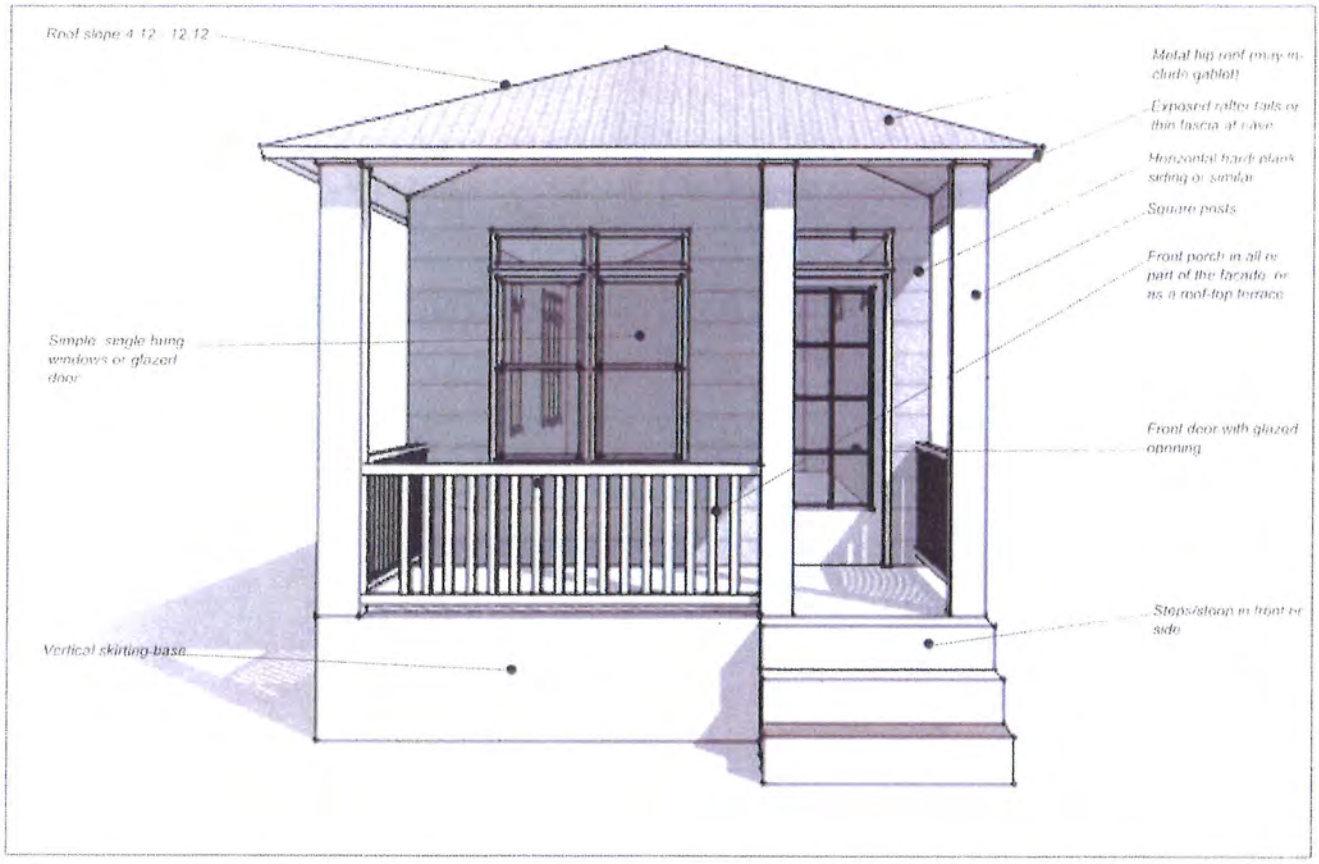


Figure 15.1
Building Elements - Single-Story Dwellings

16. Architectural Guidelines for Residential Buildings

Figure 16.2 provides defining elements of the Florida Vernacular style to be applied throughout residential development. Two-story.

Figure 16.2
Building Elements - Two-Story Dwellings

17. Architectural Guidelines for Residential Buildings

Figure 17.2 provides defining elements of the Florida Vernacular style to be applied throughout residential development. Single habitable story, elevated.

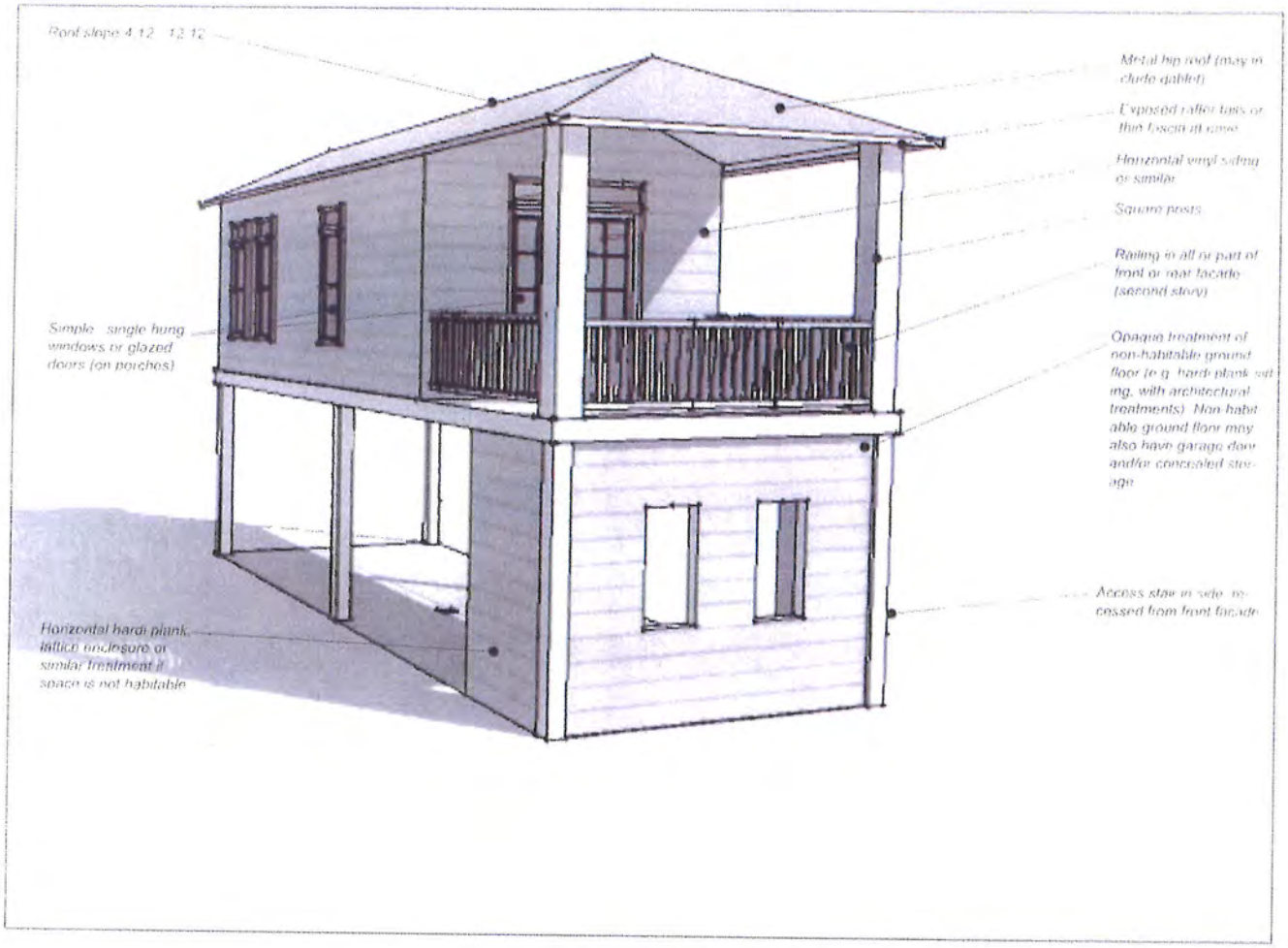


Figure 17.3
Building Elements - Elevated Single Story

Guideline Variations

- Variations impacting proportions and materials that are consistent with the Florida Vernacular overall character of the development are permitted.
- Variations that affect style change shall be considered a minor amendment,

18. Architectural Guidelines for Residential Buildings

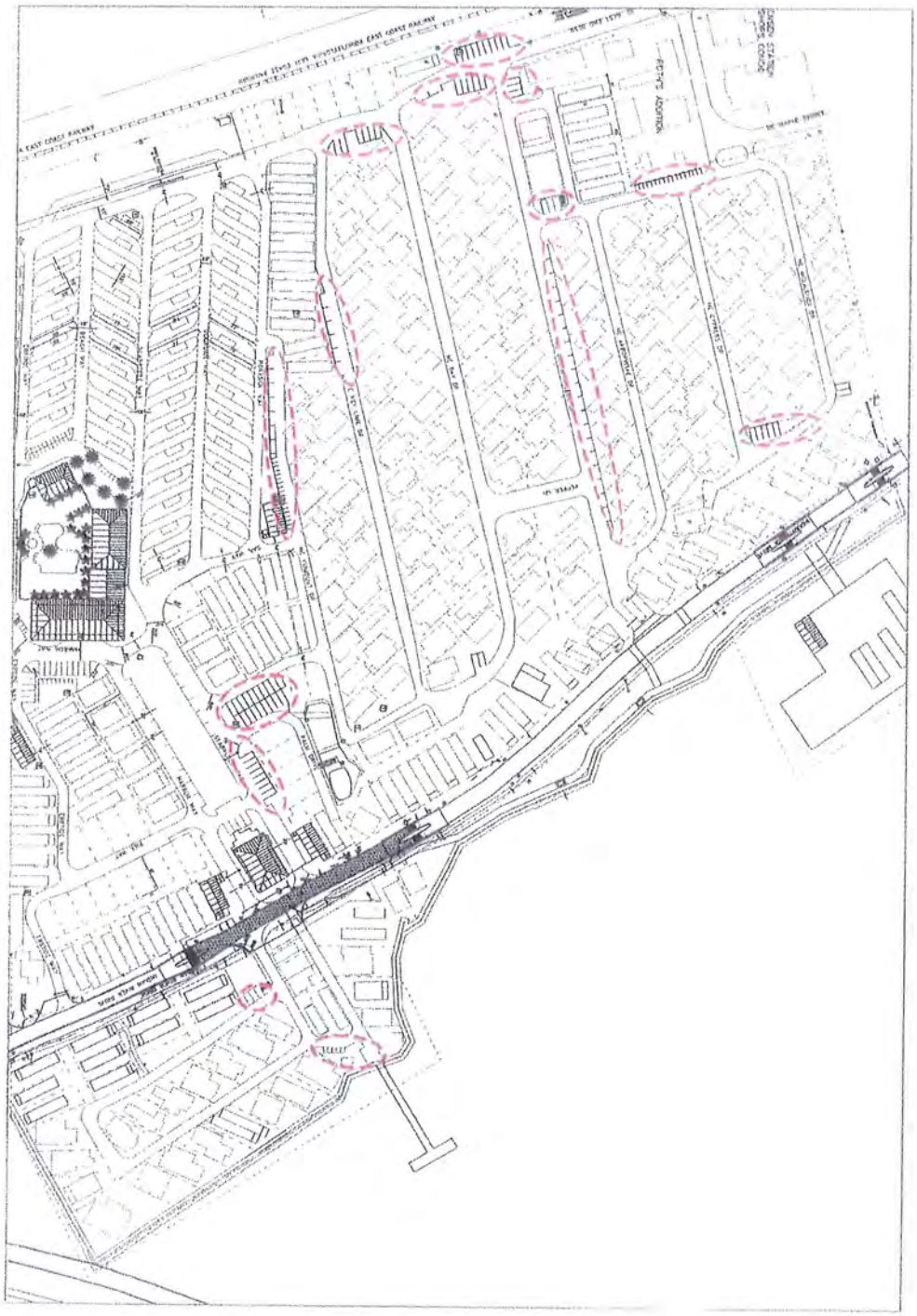
Figure 18.4 Character Examples

Figure 18.4
Character Examples

Top Left: Single story elevated. Top Right: Single story elevated with garage on the ground floor. Center Left: Two Story. Center Right: Single Story. Bottom Left: single story with porch and rooftop terrace. Bottom Right: single story elevated with parking and storage shielded from the ROW.

19. Supplemental Guest Parking Diagram

Image 19.1 depicts 131 additional parking spaces: 95 vehicular parking spaces (32 within less than 1½ minute walking distance from the proposed pier) and 36 golf cart spaces in addition to those depicted in the PUD Master Plan.



BACKGROUND INFORMATION -- (Not part of ordinance, do not record).

1. APPLICATION LETTER DATED SEPTEMBER 29, 2014
2. APPLICATION
3. LOCATION MAP
4. FUTURE LAND-USE MAP
5. ZONING MAP
6. FUTURE LAND-USE MAP ADJACENT JURISDICTIONS
7. ZONING MAP SURROUNDING MUNICIPALITIES
8. SITE DATA SUMMARY
9. AUTO TURN OVERALL EXHIBIT
10. CONFIRMATION OF WATER SERVICE AVAILABILITY FOR MARTIN COUNTY JUNE 13, 2014
11. CONFIRMATION OF FLORIDA POWER & LIGHT SERVICE DATED JULY 16, 2014
12. LETTER FROM FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY CONFIRMING ITS INTENTION TO FIND THE TOWN'S UPDATED COMPREHENSIVE PLAN IN COMPLIANCE
13. OTHER PROPOSED (WATERFRONT) DEVELOPMENT – INFORMATIONAL ONLY, NOT A SUBJECT OF THIS ORDINANCE
14. TRAFFIC STATEMENT
15. COMMENTS FROM MARTIN COUNTY

    15.a. APPLICANTS RESPONSE TO MARTIN COUNTY'S COMMENTS

16. TOWN ENGINEER'S COMMENTS
    16.a APPLICANTS RESPONSE TO TOWN ENGINEER'S COMMENTS
17. EMAIL FROM SCHOOL BOARD SUPERINTENDENT

18. COMMENTS BY MARTIN COUNTY SHERIFF'S DEPARTMENT DEPUTY, JOE ANGELICO

19. MAILED NOTICE TO PROPERTY OWNERS WITHIN 300 FEET

20. LIST OF PROPERTY OWNERS WITHIN 300 FEET

21. AFFIDAVIT OF MAILING

22. SIGN POSTING

23. PHOTOS OF SIGN POSTING

24. STUART NEWS ADVERTISEMENT

1.

CAPTEC Engineering, Inc.
Civil Engineering Professionals

September 29, 2014
1543

Mr. Terry O'Neil
Town Manager
Town of Ocean Breeze
1900 NE Riccou Terrace
Jensen Beach, Florida 34957
(772) 334-6826 Office Phone

RE: Ocean Breeze East PUD Submittal

Dear Mr. O'Neil,

On behalf of Marcela Camblor, please find enclosed seven (7) copies of the PUD Submittal Package for the Ocean Breeze East PUD. The Submittal Package includes:

- The PUD Document
- Vicinity Map
- Location Map
- Typical Roadway Sections
- Autoturn Overall Exhibit
- Master Plan

Should you require any additional information, please do not hesitate to contact me at (772) 692-4344.

Sincerely,

Karen Krumbholz

Karen Krumbholz
Project Coordinator

/kk
Enclosures

copy: Marcela Camblor - Marcela Camblor & Associates, Inc.
Gary Timmons - Carefree RV Resorts, Inc.

301 N.W. Flagler Avenue • Stuart, FL 34994 • 772-692-4344 • Fax: 772-692-4341
E-mail: captecinfo@gocaptec.com

2. Town of Ocean Breeze, Florida
Application to Rezone Real Property
(including Planned Unit Developments)

Project parcel ID# 22-37-41-000-000-00700-0

Pre-App Conference Date: 07/11/2014	Application Date: (ADD DATE AT TIME OF SUMBITTAL)
Project Name: OCEAN BREEZE EAST PUD	
Parcel ID#: 22-37-41-000-000-00700-0	Project Address:
Current Zoning: MOBILE HOME	Current Land Use: MOBILE HOME RESIDENTIAL DEVELOPMENT
Proposed Zoning: PUD	Proposed Land Use: MOBILE HOME RESIDENTIAL DEVELOPMENT
Present Use: MHP1	Site Area/Acreage: 44.35
	[redacted]

Submittal Requirements: (1) Pre-application meeting with Town officials. (2) Complete application. (3) An initial deposit of $2,500*. (3) Proof of ownership. (4) Master PUD Site Plan(s), landscape plan, building elevations, etc. (site plan components attached).

*Applicant is responsible for all Town costs identified under Ordinance Number _____, copy attached.

Approving Authority: Town officials are required to prepare a staff report and recommendation concerning this application. The Town's Local Planning Agency (LPA) is required to hold an advertised public hearing(s) and formulate a recommendation to the Town Council. The Town Council is also required to hold at least two advertised public hearing after which it may approve, approve with conditions, or deny the application.

Written justification: Supporting the application and demonstrating how the application is consistent with the relevant components of the Town's Comprehensive Plan, including concurrency with adopted levels-of-service.

(over)

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: Colleen Edwards	City/State/Zip Code: Scottsdale, AZ 85251
Title: President	Telephone Number: 480-423-5700
Company: NHC FL143 LLC	Facsimile Number: 480-423-5777
Company Address: 6991 E. Camelback Rd. Ste. B310	Email Address (optional):

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name:	City/State/Zip Code: Tallahassee, FL 32301
Title:	Telephone Number: 850-558-1500
Company: Corporation Services Company	Facsimile Number: 850-558-1515
Company Address: 1201 Hayes Street	Email Address (optional):

3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all Town expenses associated with the referenced application (s) including time spent by the Town's consultants.

Name: Colleen Edwards	City/State/Zip Code: Scottsdale, AZ 85251
Title: President	Telephone Number: 480-423-5700
Company: NHC FL143 LLC	Facsimile Number: 480-423-5777
Company Address: 6991 E Camelback Rd. Ste. B310	Email Address (optional):

I hereby certify that all information contained herein is true and correct.

4. Signed this 2nd day of September, 2014.

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 2 day of September, 2014 by Colleen Edwards who is personally known to me, or who has produced

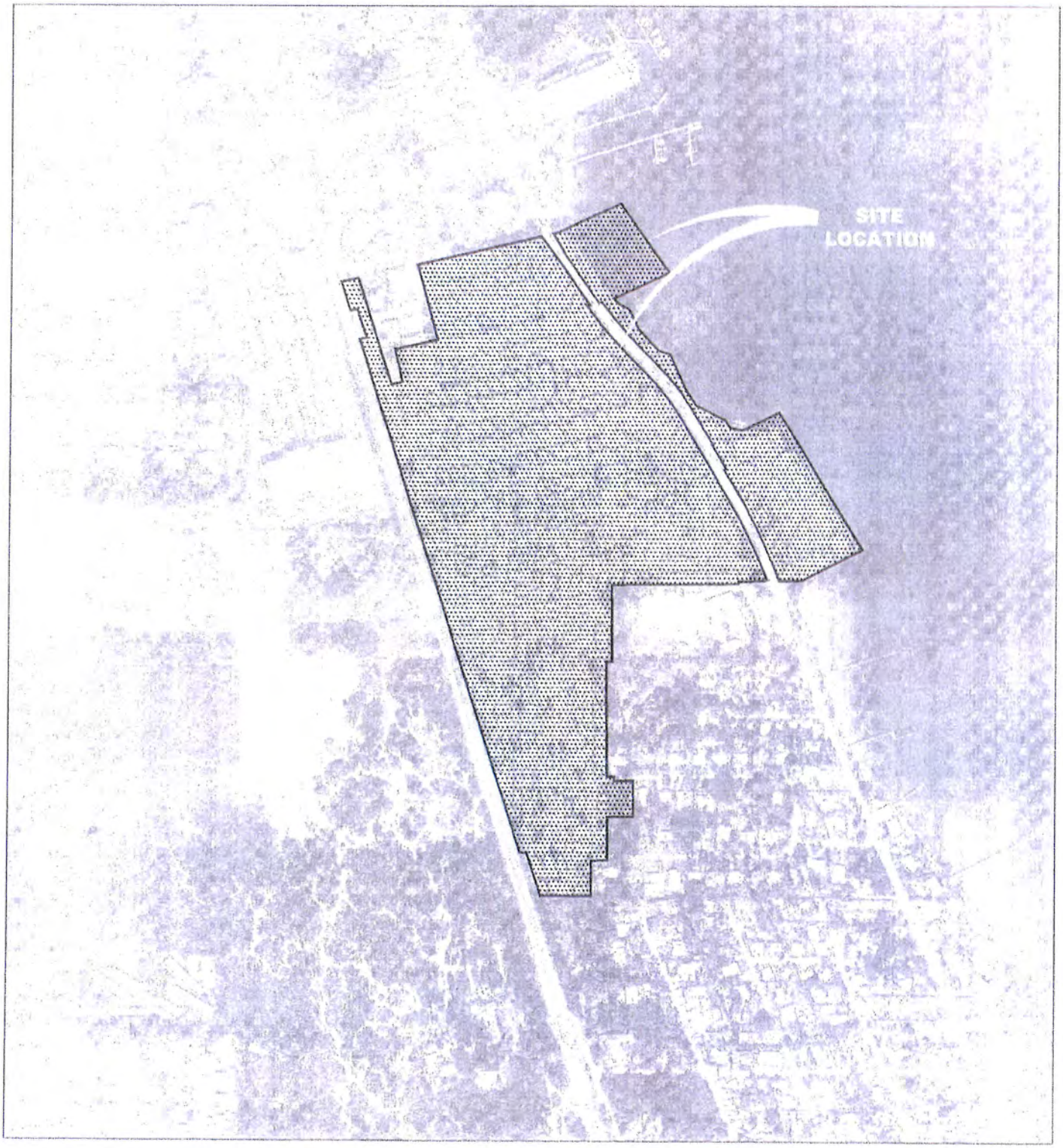
_____ as identification and who did/did not take an oath.

Notary Signature

Commission Expires: Feb. 5, 2016

OFFICIAL SEAL
ALENA TREGEDER
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY

3.



CAPTEC Engineering, Inc.
Civil Engineering Professionals

Joseph W. Capra
301 N.W. Flagler Ave
Stuart, Florida 34994
P.E. No. 37638
Phone: (772) 692-4344
Fax: (772) 692-4341
E-mail: Captec1@aol.com

Engineering Business
No. EB-0007657

DATE:	6-10-14
DRAWN BY:	OHR
DESIGNED BY:	RRK
CHECKED BY:	JWC
PROJECT No.:	1543
HORZ. SCALE:	N/A
VERT. SCALE:	N/A
CADD FILE:	COVER

CAREFREE RESORT

MARTIN COUNTY, FLORIDA

3. OCEAN BREEZE EAST PUD LOCATION MAP

SCALE VERIFICATION

SOLID BAR IS EQUAL TO HALF AN INCH ON ORIGINAL DRAWING. ADJUST ALL SCALED DIMENSIONS ACCORDINGLY

Sheet No. 1 of 1

4. Future Land Use Map

Figure 4.1 illustrates the Town of Ocean Breeze's Future Land Use Map

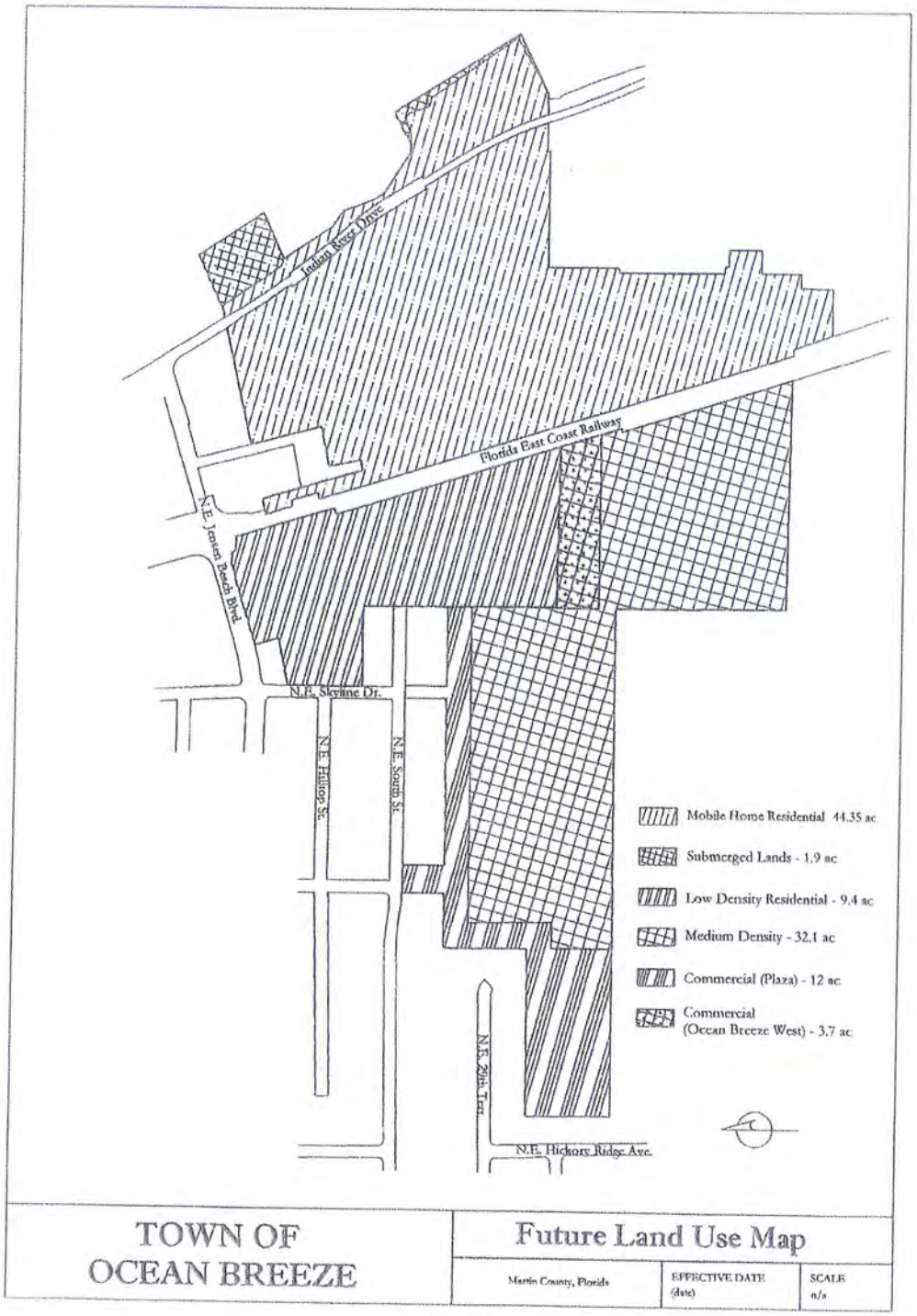


Figure 4.1
Future Land Use Map

5. Zoning Map

Figure 5.1 illustrates the Town of Ocean Breeze's Zoning Map

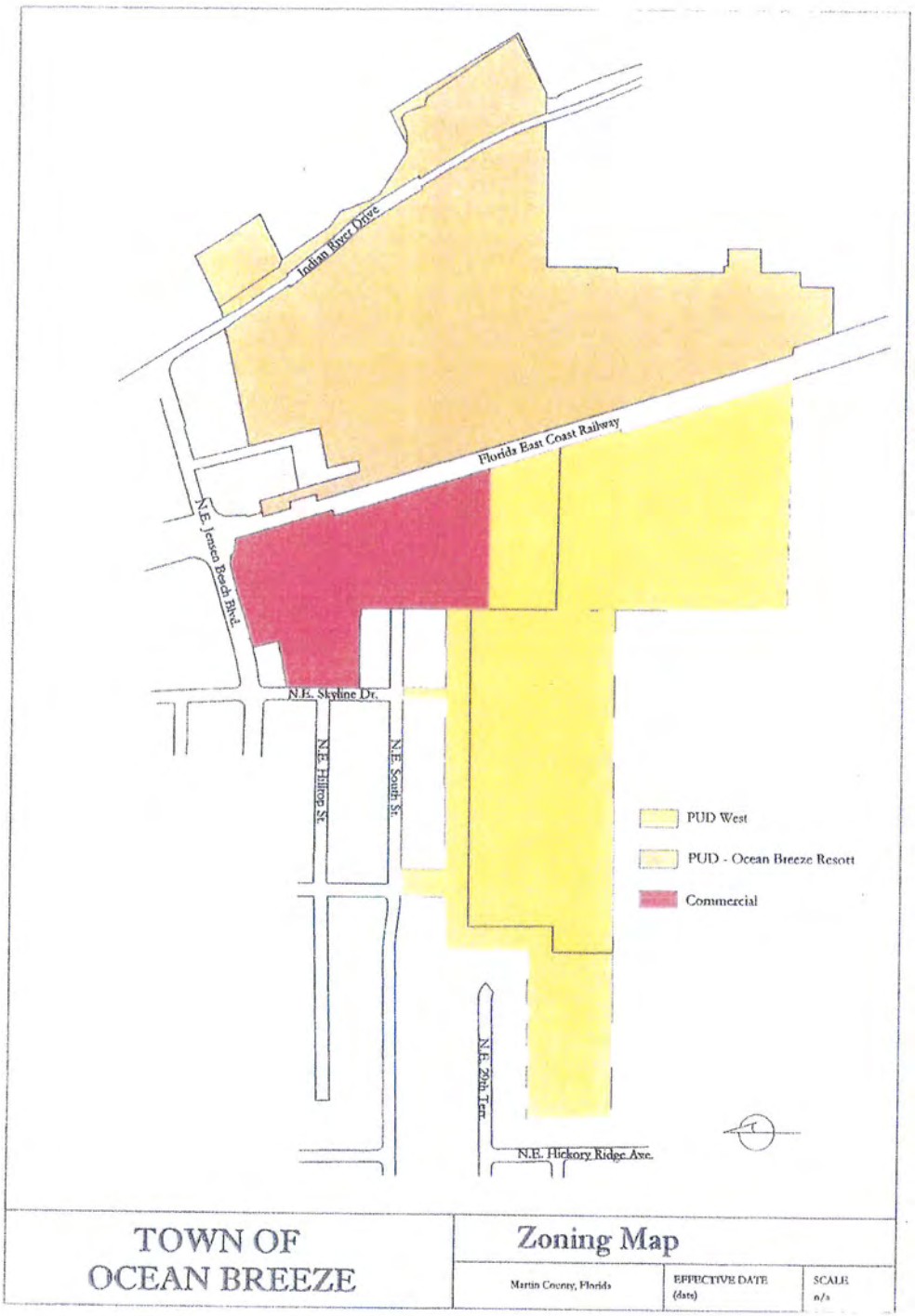


Figure 5.1
Zoning Map

6. Future Land Use Map - Adjacent Municipalities

Figure 6.1 illustrates Martin County's Future Land Use

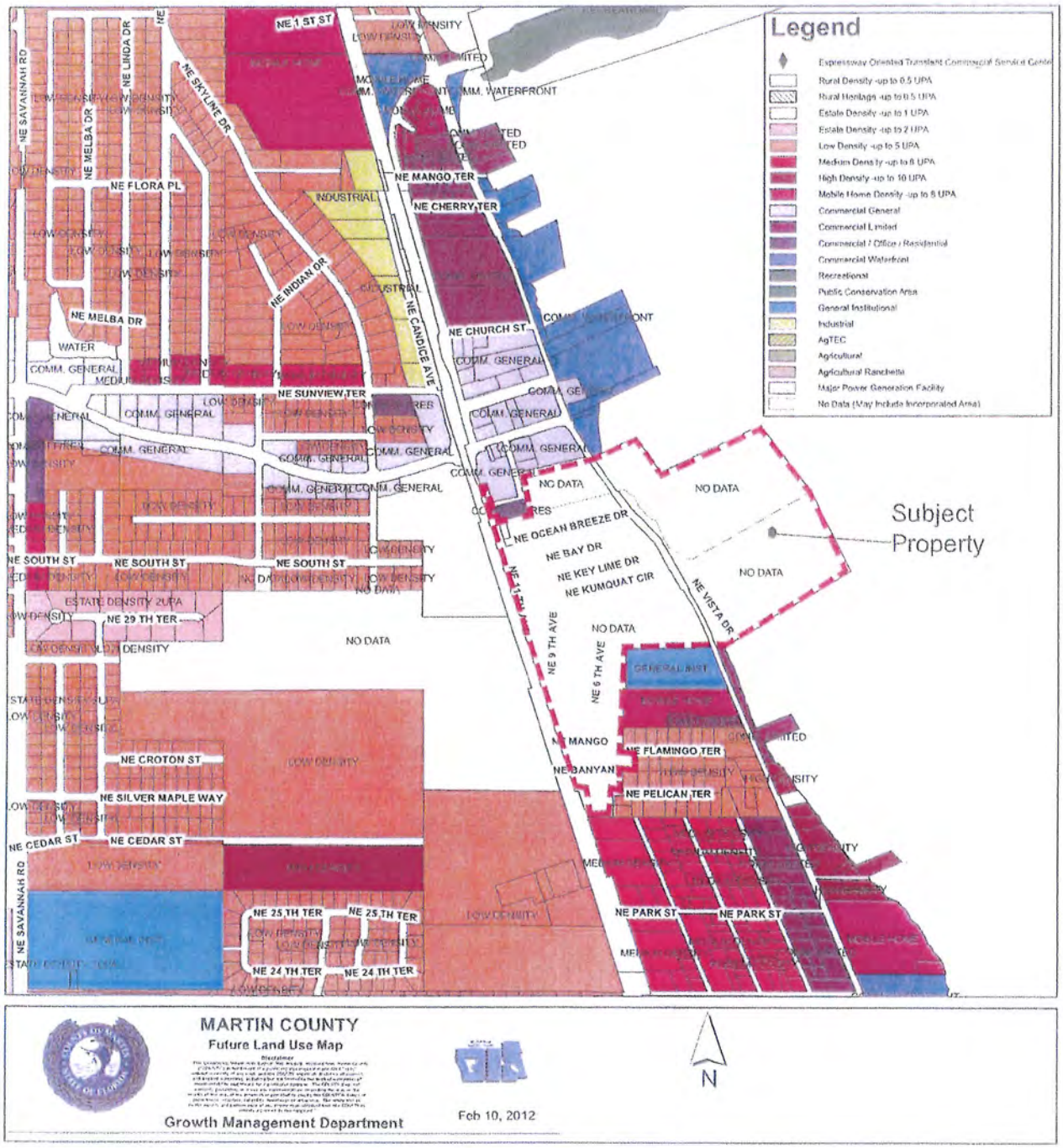


Figure 6.1
Future Land Use - Surrounding Municipalities

. ZONING - SURROUNDING MUNICIPALITIES

Figure 7.1 illustrates surrounding municipalities' zoning.

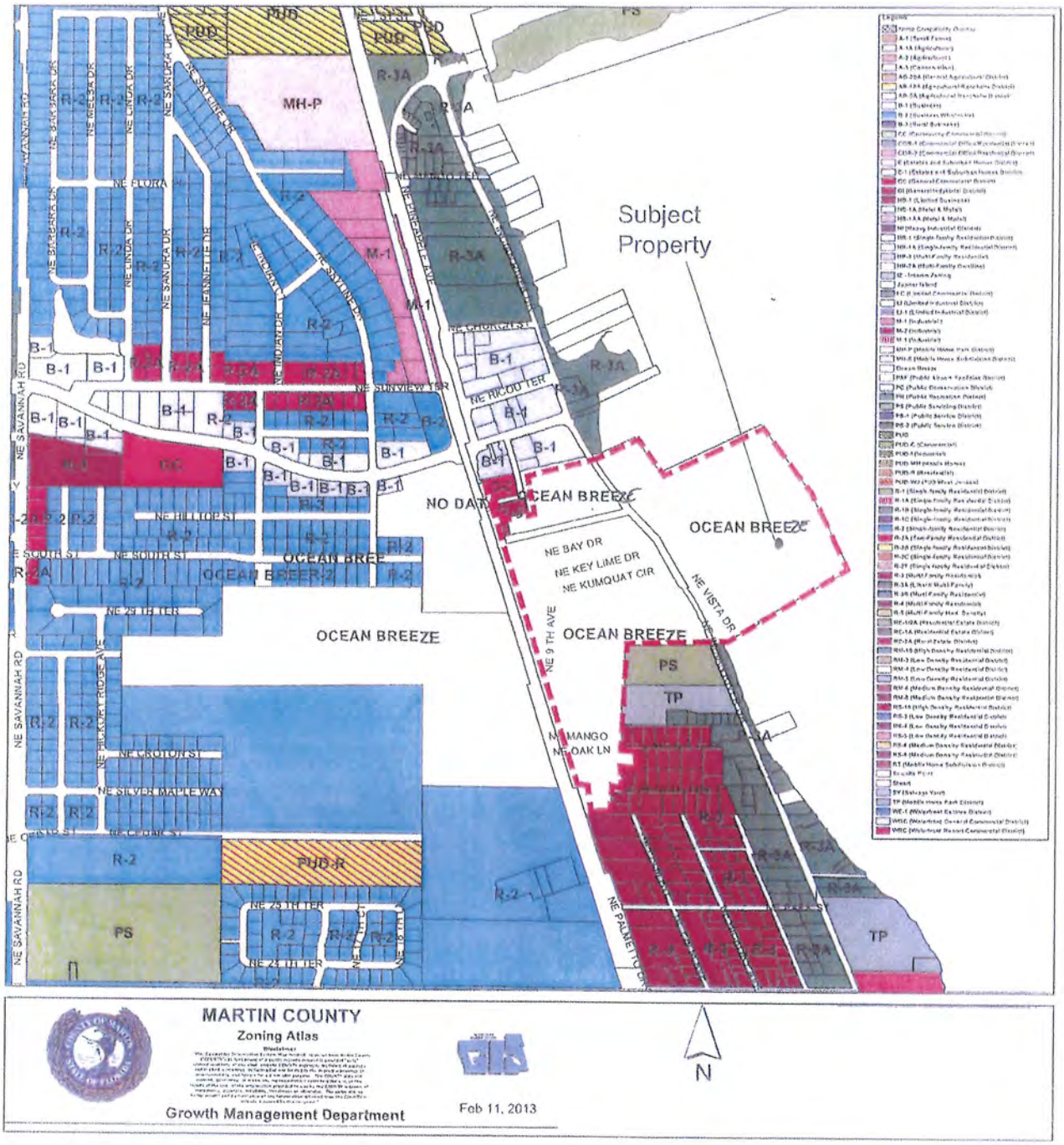


Figure 7.1
Zoning - Surrounding Municipalities

8. General Site Data

Table 8.1 provides dimensional site data summary. Figure 8.1 illustrates proposed phasing schedule.

Table 8.1 *Site Data Summary*		
Parcel and Density - General Site Data		
Total Project Area		44.35 acres
Total Infill Area		17.49 acres
Total Anticipated Number of Phases		8
Existing Land Use		Mobile Home Development
Existing Zoning		Mobile Home
Proposed Zoning		PUD
Density (existing and proposed)		16.46 du/ac
Total Allowable Units (per FLU)		730
Total Anticipated Number of Units		515 (new units + infill)
Phases - General Data		
1	Total Area for Phase	17.82ac
	Number of New Residential Units	119
	Residential Coverage	108,409sf
	Number of RV Lots	45
	Number of Common/Civic Buildings	9
	Common/Civic Building Coverage	21,400sf
	Impervious Area	7.52ac (42.19%)
	Parking Spaces Required	41 common spaces 119 residential
	Parking Spaces Provided	65 vehicular (on street) 238 (residential - in tandem (x2)) 92 golf cart 3 RV
	Common Open Space Provided	5.86ac(32.89%)
2	Total Area	2.32ac
	Number of New Residential Units	37
	Residential Coverage (sf)	36,094sf
	Impervious Area	1.54ac (66.3%)
	Parking Spaces Required	37
	Parking Spaces Provided	74
	Open Space Provided	0.186ac (8.01%)

Table 8.1 *Site Data Summary (Cont'd)*		
Phases		
3	Total Area	1.68ac
	Number of New Residential Units	20
	Residential Coverage (sf)	19,840sf
	Impervious Area	0.95ac (56.5%)
	Parking Spaces Required	20
	Parking Spaces Provided	31
	Open Space Provided	0.14ac (8.5%)
4	Total Area	1.67ac
	Number of New Residential Units	29
	Residential Coverage (sf)	29,760sf
	Impervious Area	1.28ac
	Parking Spaces Required	29
	Parking Spaces Provided	58
	Open Space Provided	0.12ac (7.18%)
5	Total Area	1.59ac
	Number of New Residential Units	21
	Residential Coverage (sf)	20,085sf
	Impervious Area	0.9ac (56.42%)
	Parking Spaces Required	21
	Parking Spaces Provided	42
	Open Space Provided	4.1%
6	Total Area	1.78ac
	Number of New Residential Units	26
	Residential Coverage (sf)	25,635sf
	Impervious Area	1.16ac (65.24%)
	Parking Spaces Required	26
	Parking Spaces Provided	55 (52 on site, 3 on street)
	Open Space Provided	0.22ac (12.37%)

9.

NORTH

100' 0' 100' 200'
GRAPHIC SCALE

PATH A
PATH B
PATH C

41.00

7.00 21.00

FireAPP2 feet

Width	: 8.50
Track	: 8.50
Lock to Lock Time	: 6.0
Steering Angle	: 26.0

CAPTEC Engineering, Inc.
Civil Engineering Professionals

SCALE VERIFICATION

CAREFREE RESORT
OCEAN BREEZE EAST PUD
MARTIN COUNTY, FL
AUTOTURN
OVERALL EXHIBIT

Joseph W. Capo
Stuart, Florida
P.E. No. 25836

JOB NO. 1543
SHEET

10.

MARTIN COUNTY
BOARD OF COUNTY COMMISSIONERS

DOUG SMITH
Commissioner, District 1

ED FIELDING
Commissioner, District 2

ANNE SCOTT
Commissioner, District 3

SARAH HEARD
Commissioner, District 4

JOHN HADDOX
Commissioner, District 5

TARYN KRYZDA, CPM
County Administrator

MICHAEL D. DURHAM
County Attorney

UTILITIES & SOLID WASTE DEPARTMENT
PO Box 9000 Stuart, FL 34995-9000

John E. Polley
Director
Phone (772) 221-1442
Fax (772) 221-1447

June 13, 2014

CAPTEC Engineering, Inc.
Karen Krumbholz
301 NW Flagler Avenue
Stuart, Florida 34994

RE: Carefree RV Resorts
Wastewater Service Availability

Dear Ms. Krumbholz:

This will confirm that Martin County Utilities will provide wastewater service to Carefree RV Resorts as described in your June 6, 2014 email correspondence. The property is located east of NE Indian River Drive and south of NE Jensen Beach Boulevard. The County will provide service subject to development plan approval, execution of a service agreement, and payment of appropriate fees and charges.

All units within the subject property are currently receiving potable water from Martin County.

Sincerely,

Ted E. Robbins, P.E.
Technical Services Administrator

TER/hr

c: File

TELEPHONE
772-288-5400

WEB ADDRESS
http://www.martin.fl.us

11.

Florida Power & Light Company
1050 SE Brandon Cir.
Port St. Lucie Fl 34952

FPL

July 16, 2014

Gary Timmons
Carefree RV Resorts
3000 NE Indian River Dr.
Jensen Beach, Fl 34957

Re: Utility Availability for Residential Development
Location: Ocean Breeze, 3000 NE Indian River Dr, Jensen Beach, Fl 34957
Description: 600 residential units—each with approx. 500-.1,100 square feet living space

Dear Mr. Timmons,

This is to confirm that, at the present time, FPL has sufficient capacity to provide electric service to the above captioned property. This service will be furnished in accordance with applicable rates, rules and regulations.

Please provide the final site plan, drainage plan, site survey and electrical load data as soon as possible so the necessary engineering can begin.

Early contact with FPL is essential so that resources may be scheduled to facilitate availability of service when required. If you have any questions, please call me at 772-337-7011.

Sincerely,

Delbert Lynn

Delbert Lynn
Customer Project Manager

12. POSTED ON THE DEPARTMENT INTERNET WEBSITE ON

November 2, 2014

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY, THE STATE LAND PLANNING AGENCY
NOTICE OF INTENT TO FIND
TOWN OF OCEAN BREEZE
COMPREHENSIVE PLAN AMENDMENTS
IN COMPLIANCE
DOCKET NO. 14-1ER-NOI-5303-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the Town of Ocean Breeze, adopted by Ordinance No. 210-2014 on September 8, 2014, IN COMPLIANCE, pursuant to Section 163.3184(4), F.S.

If a timely petition challenging the Amendments was not filed within thirty (30) days after the local government adopted the Amendments, the Amendments become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition was filed, the Amendments do not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance.

-s-Ana Richmond, Chief
Bureau of Community Planning
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399

13. Other Proposed (Waterfront) Development

Community Pier

A fishing pier, emulating the historic Ocean Breeze Pier (identified as "A" in the Section 8 - Phasing Diagram), shall be constructed provided that:

i) appropriate approvals from different governing agencies are secured; and,
ii) no dredging is required other than that necessary to build the structure itself.

The fishing pier will be for exclusive use by Ocean Breeze East residents, their visitors and authorized agents. Activities permitted in and around the pier may include:

a) fishing
b) canoe/board/kayak launching
c) temporary vessel docking (without dredging)
d) sightseeing
e) water-related recreational activities

Ocean Breeze Island

A waterfront deck known as Ocean Breeze Island (identified as "B" in the Section 8 - Phasing Diagram) shall be constructed over privately-owned submerged lands provided that:

i) the proposed deck location, design, size, proposed uses and extent are approved by the Town Council;
ii) appropriate approvals from different governing agencies are secured;
iii) no dredging is required other than that necessary to establish the structure itself; and,
iv) appropriate parking is provided.

Access to the Ocean Breeze Island is granted to residents of the Ocean Breeze East PUD and their visitors. General public shall have limited access to any commercial operation such as a market or cafe operating in the area. The OWNER will establish the conditions of this limited access at the time of site plan approval. Activities on the Ocean Breeze Island may include:

a) fishing
b) canoe/board/kayak launching
c) temporary private vessel docking
d) waterfront cafe
e) retail (market)
f) special events for town residents (weddings, seasonal parties, etc.)

Private Sundecks

Private sundecks for waterfront sites may be constructed provided that:

i) appropriate approvals from different governing agencies is secured; and,
ii) no dredging is required other than that necessary to establish the structure itself.

Private Sundeck activities permitted may include:

a) fishing
b) canoe/board/kayak launching
c) water-related recreational activities
d) vessel-docking provided no dredging is necessary

CAPTEC Engineering, Inc.
Civil Engineering Professionals

CONCURRENCY – TRAFFIC STATEMENT

The purpose of this Traffic Impact Analysis is to determine the transportation impacts associated with the proposed Ocean Breeze, Jensen Beach – Park Redevelopment.

The existing development has 585 units and includes laundry facilities, a shuffleboard court, and a recreation hall/common meeting area, and ancillary uses associated with a mobile home park. The proposed redevelopment would not increase the total number of units, so transportation impacts are not possible.

The daily, AM peak-hour and PM peak hour trip generation characteristics for this site were determined by applying the corresponding trip generation rates from the 8th Edition of the Institute of Transportation Engineers (ITE) *Trip Generation* publication. The corresponding use for this site was located within Volume 2 of 3 for Land Use Category 240 – Mobile Home Park, which is described as follows:

"Mobile home parks generally consist of manufactured homes that are sited and installed on permanent foundation and typically have community facilities such as recreation rooms, swimming pools and laundry facilities. Many mobile home parks restrict occupancy to adults."

Assuming that the laundry and ancillary recreational facilities will be used by the internal residents only, they would not result in any additional vehicle trips. The summary below depicts the existing and proposed maximum conditions resulting from the redevelopment of the park.

Existing/Proposed Conditions:
Land Use Category = Mobile Home Park
ITE # = 240
Total # units = 585 Units
Total Daily Trips = 2,337 vehicle trip ends per day
A.M. Peak Hour Trips = 165 trip ends
P.M. Peak Hour Trips = 339 trip ends

301 N.W. Flagler Avenue • Stuart, FL 34994 • 772-692-4344 • Fax: 772-692-4341
E-mail: captecinfo@gocaptec.com

15. Ocean Breeze East PUD Carefree Resort
Martin County Inter-governmental (12-17-2014)

Please note the comments provided are based on the provisions of the Martin County Comprehensive Growth Management Plan, Chapter 3, Inter-governmental Co-ordination Element.

Summary – Proposed Ocean Breeze East PUD Carefree Resort

- Project Area 44.35 acres
- Infill area – 17.49 acres
- Eight phase development.
- Replacement of 585 mobile home units with 515 new and infill units;
- 45 RV lots;
- 9 common/civic buildings (21,400 s.f.)

Impact Fee Input

Martin County requests an Inter-governmental Agreement as a mechanism for establishing a system for impact fee calculations/thresholds and collection. Although additional residential units are not intended to be built, there may be a net difference in impact fees where additional square footage may be proposed as a second story or the commercial/civic buildings proposed. The replacement mobile homes are required to factor in the additional square footage when potentially replacing single story with two story development. Staff has included language as it pertains to impact fee exemptions as an attachment.

School Board Impact Fees are not exempt for an over 55 community. Please amend the PUD language on page 36 and reference an inter-governmental agreement to be completed to document the proposal and demonstrate thresholds meet Section 6.11.A. of the Martin County Land Development Regulations. Staff recommends that the Town work with the School Board on this issue.

Please document the commercial development, civic buildings and possible retail elements of the proposal and complete an analysis pursuant to Section 6.11 of Martin County's Land Development Regulations as they pertain to exemptions from impact fees.

Fire Department Input

In addition to the individual meetings with County staff whereby access was addressed with the Town of Ocean Breeze representatives, please note the following:

i) The Fire Department is anticipating a Knox Access; and
ii) Staff advises the Town of Ocean Breeze that residential sprinkler protection is desirable for the development.
iii) Please ensure any corner lot configuration on the property is designed/regulated to so there are no encroachments and clearance is maintained for fire truck access.

iv) Please ensure it is clear that 'no on-street parking' is allowed in certain sections of the property where this may conflict with maintaining safe access for fire trucks.

Road Abandonment Proposal

Engineering Department – Staff did not see any transportation or stormwater management issues based on the information provided. It appears The Town of Ocean Breeze will address connections to the County Road (NE Indian River Drive) separately and will address stormwater management at the time of final site plan approval. The road abandonment will require BOCC approval.

Community Development Department – Consider providing additional documentation to show that the abandonment and closure of Ocean Breeze Drive will not negativity impact the surrounding neighborhoods in terms of pedestrian, bicycle and vehicular links to the wider community. Please also factor in the anticipated increased use of the F.E.C. rail and the potential reduction of street connectivity. Please confirm whether the railway crossing is to be removed. If this is the case, consider utilizing a crossing elsewhere within the area.

Interconnectivity

CDD Input - Section 7.1 of the PUD document indicates the purpose and intent of the plan is to provide a continuous, interconnected network of multi-modal, pedestrian friendly streets. Please consider exploring alternative design approaches such as traffic calming and landscaping techniques rather than creating a gated community. The gated community will restrict access and mobility within the wider areas of the Jensen Beach community, prohibiting cyclists, pedestrian and vehicular modes of transportation from gaining improved interconnectivity in these areas of the County and may place additional dependence on Indian River Drive.

Martin County Property

The proposed gate on N.E. West End Blvd. will cut off access for properties within unincorporated Martin County that currently use this open public road for access. These properties are listed below. No other access will be possible except through an Ocean Breeze Gate. Please consider how to maintain access for these properties.

PCN: 22-37-41-015-001-00010-9 Address: 3101 NE WEST END BLVD, JENSEN BEACH

PCN: 22-37-41-015-001-00010-9 Address: 3101 NE WEST END BLVD, JENSEN BEACH

Please note that the open space on Maple Street is within both Martin County and the Town of Ocean Breeze (p 17).

Future Land Use & Zoning Maps (pages 8 & 9)

The maps used show Martin County Future Land Use Designations and the zoning district designations. The maps should reflect the Community Redevelopment Area zoning overlay districts and Mixed Use future land use designations.

Emergency Management Department Input

All mobile/manufactured home owners are ordered to evacuate in the event of a hurricane. The Ocean Breeze community has always been included in the existing evacuation clearance and sheltering data. Martin County encourages any new community centers/civic buildings be built to meet public shelter code requirements, i.e. at a minimum ARC 4496 based on the requirement that this entire community would be required to evacuate to a substantial building due to wind threats. In addition, please note that the Town is advised to remove the RV's from the property in the event of a hurricane.

Engineering – Stormwater

The statement on page 37 of the PUD document states that there will be no increase in runoff being discharged into the Indian River Lagoon. Preference would be for there to be no runoff at all into the Indian River Lagoon.

BMAP credit – if the stormwater system is designed to standard permitting requirements, there is no credit derived for our BMAP. If the project were to be designed to go above and beyond standard permitting requirements, the County would be able to get BMAP credit.

Martin County Utilities Department

No issues to report. Staff has worked with the Town and worked through any issues.

Ocean Breeze Island

'Ocean Breeze Island' is a privately owner portion of the river bottom that may not be subject to the same permitting requirements as other portions of the Indian River Lagoon that are Sovereign Submerged land.

Figure 8.1, Phasing Diagram, identifies future development within the Indian River. Figure 9 and Figure 10 also provide detail as to the size of the future development. The Town of Ocean Breeze 2035 Comprehensive Plan makes no provision for the "Ocean Breeze Island" described below. While the adopted Future Land Use Map includes the area where the proposed deck would go, it is only shown as Submerged Lands. Chapter 1, Policy 9.1.A. describes the allowed uses in each future land use designation. Some 25,000 square feet of commercial development are permitted in the Mobile Home future land use. No commercial development is permitted in the Submerged Lands.
Policy 9.1.F. describes the uses within the area designated as Submerged Land:

> "...may allow less intensive waterfront uses such as fishing piers, public access platforms, day-dock or longer docking facilities, designed to serve Town residents, at the Town's discretion under the terms of a planned unit development agreement. However, the Town shall prohibit commercial marinas, including commercial anchorages."

The uses described in Chapter 1, Policy 9.1.F. are consistent with Policy 2.7 of the Coastal Management Element. It also permits fishing piers, public access platforms, day-docks or longer-term docking facilities, designed to serve Town residents. These features are comparable to the Community Pier and the Private Sundecks described on Page 33 of the Ocean Breeze East PUD. However, Page 33 of the Ocean Breeze East PUD describes the Ocean Breeze Island as a separate development from a Community Pier and Private Sundecks.

The construction of a deck that covers a large part of the 1.9 acres of submerged land may make additional property vulnerable to hurricanes. The proposal may also shade thousands of square feet of the Indian River Lagoon. Chapter 1, Goal 1 of the Ocean Breeze Park Coastal Management Element of the Comprehensive Plan reads as follows: "To reduce the vulnerability of people and property to the effects of hurricanes and other emergencies and to protect and enhance the biological health of the Indian River Lagoon estuary."

The Town may wish to consider whether the uses described in the PUD for the Island are consistent with its Comprehensive Plan

Conclusion

All of the comments and recommendations provided are offered to assist the Town of Ocean Breeze. Staff has provided the comments based on the Martin County Comprehensive Growth Management Plan policies and procedures, which includes (but is not limited to) the extracts provided below.

Martin County Code Extracts

3.3.B. *CGMP elements.*

Transportation Element. Improving traffic circulation and providing street interconnectivity is an area of concern for the County. The MPO provides a forum for addressing regional transportation issues and prioritizing public road projects.

Coastal Management Element. Coordination issues focus on redevelopment, conservation and hurricane evacuation. The Herbert Hoover Dike surrounding Lake Okeechobee, the quality of the water entering Lake Okeechobee and the effects of global warming on coastal areas are major concerns for Martin County. The County should coordinate with SFWMD, the Florida Department of Environmental Protection (FDEP), U.S. Army Corps of Engineers and others to find solutions to address these issues.

LDR Sec. 6.11. - Exemptions, credits, and deferrals.

6.11.A. *Exemptions.* The following shall be exempted from payment of impact fees:

1. Alteration, expansion or replacement of an existing residential building where no additional living units are created, where the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.
2. Alteration, remodeling or replacement of an existing nonresidential building or structure where the use is not changed and the square footage and/or parking is not increased.

3. The construction of accessory buildings or structures that do not create an additional impact on public capital facilities or produce additional vehicular trips over and above that produced by the principal building or use of the land.

An exemption must be claimed by the fee payer prior to the issuance of a building permit. Any exemption not so claimed shall be deemed waived by the fee payer.

Martin County CGMP Section 4.2(4) *Land use coordination with abutting jurisdictions.* The County has identified mechanisms and programs to enhance coordination with adjoining local jurisdictions and municipalities. The Intergovernmental Coordination Element (Chapter 3) provides the specific means to assure maintenance of land use compatibility. This coordination includes County review and comment on proposed annexations land use, zoning and site plan approval procedures and applications.

Policy 3.1C.1. Coordination on the St. Lucie River estuary. The County shall continue to coordinate with the SFWMD and the Marine Resource Council to promote awareness of new information concerning the St. Lucie River estuary system and the impacts of development on the functions and values of the estuary system, and to promote the provisions of the Indian River Lagoon Management Plan and the Comprehensive Everglades Restoration Plan.

Policy 3.1D.1. Coordination with local governments on development applications. The County shall coordinate with its municipalities and each adjacent county to review all applications and approvals for rezoning and/or land use amendments that abut Martin County.

Policy 3.1E.1. Coordination of public services. The County shall coordinate the timing, location and capacity of public facilities to ensure that required services will be available when needed and are economically feasible.

Policy 3.1E.2. Participation in transportation planning. Through its membership in the MPO, the County shall participate in development of the MPO's Unified Planning Work Program, Transportation Improvement Plan and Long Range Transportation Plan.

Policy 3.1E.3. Coordination on concurrency management for public facilities. The County shall continue to coordinate with municipalities regarding concurrency management for public facilities. Levels of service must be coordinated at all levels of government.

Policy 3.1E.4. Coordination on utilities services. The County shall coordinate with both privately owned and government-owned utilities in and adjacent to Martin County (i.e., South Martin Regional Utilities, Indiantown Company, City of Stuart Water and Sewer Department, Village of Tequesta Water Department, Loxahatchee River District and Town of Jupiter Island). On December 7, 2004, Martin County and the Town of Jupiter Island formally adopted an inter-local agreement concerning a joint planning area for South Martin Regional Utilities and the Martin County Consolidated Water System.

Ocean Breeze East PUD Carefree Resort
Martin County Inter-governmental (12-17-2014)

Please note the comments provided are based on the provisions of the Martin County Comprehensive Growth Management Plan, Chapter 3, Inter-governmental Co-ordination Element.

Summary – Proposed Ocean Breeze East PUD Carefree Resort

- Project Area 44.35 acres
- Infill area – 17.49 acres
- Eight phase development.
- Replacement of 585 mobile home units with 515 new and infill units;
- 45 RV lots;
- 9 common/civic buildings (21,400 s.f.)

Impact Fee Input

Martin County requests an Inter-governmental Agreement as a mechanism for establishing a system for impact fee calculations/thresholds and collection. Although additional residential units are not intended to be built, there may be a net difference in impact fees where additional square footage may be proposed as a second story or the commercial/civic buildings proposed. The replacement mobile homes are required to factor in the additional square footage when potentially replacing single story with two story development. Staff has included language as it pertains to impact fee exemptions as an attachment.

School Board Impact Fees are not exempt for an over 55 community. Please amend the PUD language on page 36 and reference an inter-governmental agreement to be completed to document the proposal and demonstrate thresholds meet Section 6.11.A. of the Martin County Land Development Regulations. Staff recommends that the Town work with the School Board on this issue.

Please document the commercial development, civic buildings and possible retail elements of the proposal and complete an analysis pursuant to Section 6.11 of Martin County's Land Development Regulations as they pertain to exemptions from impact fees.

APPLICANTS RESPONSE: Agreed. Applicant discussed impact fees with Martin County Staff and has agreed to work with County staff to develop a clear credit structure. This will be done after PUD is approved but before issuance of permits.

Fire Department Input

In addition to the individual meetings with County staff whereby access was addressed with the Town of Ocean Breeze representatives, please note the following:

i) The Fire Department is anticipating a Knox Access; and

ii) Staff advises the Town of Ocean Breeze that residential sprinkler protection is desirable for the development.

iii) Please ensure any corner lot configuration on the property is designed/regulated to so there are no encroachments and clearance is maintained for fire truck access.

iv) Please ensure it is clear that 'no on-street parking' is allowed in certain sections of the property where this may conflict with maintaining safe access for fire trucks.

RESPONSE: Noted.

Road Abandonment Proposal

Engineering Department – Staff did not see any transportation or stormwater management issues based on the information provided. It appears The Town of Ocean Breeze will address connections to the County Road (NE Indian River Drive) separately and will address stormwater management at the time of final site plan approval. The road abandonment will require BOCC approval.

RESPONSE: Noted.

Community Development Department – Consider providing additional documentation to show that the abandonment and closure of Ocean Breeze Drive will not negativity impact the surrounding neighborhoods in terms of pedestrian, bicycle and vehicular links to the wider community. Please also factor in the anticipated increased use of the F.E.C. rail and the potential reduction of street connectivity. Please confirm whether the railway crossing is to be removed. If this is the case, consider utilizing a crossing elsewhere within the area.

RESPONSE: The proposed development will result in a net reduction in population density while increasing the internal connectivity and has provided an additional pedestrian connection to the north.
Ocean Breeze Drive will remain as a private roadway.

The Railroad Crossing was removed by FEC.

Interconnectivity

CDD Input - Section 7.1 of the PUD document indicates the purpose and intent of the plan is to provide a continuous, interconnected network of multi-modal, pedestrian friendly streets. Please consider exploring alternative design approaches such as traffic calming and landscaping techniques rather than creating a gated community. The gated community will restrict access and mobility within the wider areas of the Jensen Beach community, prohibiting cyclists, pedestrian and vehicular modes of transportation from gaining improved interconnectivity in these areas of the County and may place additional dependence on Indian River Drive.

RESPONSE: Acknowledged, however, the proposed Martin County improvements to Indian River Drive will provide improved connectivity along Indian River Drive.

Martin County Property

The proposed gate on N.E. West End Blvd. will cut off access for properties within unincorporated Martin County that currently use this open public road for access. These properties are listed below. No other access will be possible except through an Ocean Breeze Gate. Please consider how to maintain access for these properties.

PCN: 22-37-41-015-001-00010-9 Address: 3101 NE WEST END BLVD, JENSEN BEACH

PCN: 22-37-41-015-001-00010-9 Address: 3101 NE WEST END BLVD, JENSEN BEACH

Please note that the open space on Maple Street is within both Martin County and the Town of Ocean Breeze (p 17).

RESPONSE: Agreed. The gate has been relocated south of these properties.

Future Land Use & Zoning Maps (pages 8 & 9)

The maps used show Martin County Future Land Use Designations and the zoning district designations. The maps should reflect the Community Redevelopment Area zoning overlay districts and Mixed Use future land use designations.

RESPONSE: Agreed. Maps have been revised to reflect the Community Redevelopment Area zoning overlay districts and Mixed Use future land use designations.

Emergency Management Department Input

All mobile/manufactured home owners are ordered to evacuate in the event of a hurricane. The Ocean Breeze community has always been included in the existing evacuation clearance and sheltering data. Martin County encourages any new community centers/civic buildings be built to meet public shelter code requirements, i.e. at a minimum ARC 4496 based on the requirement that this entire community would be required to evacuate to a substantial building due to wind threats. In addition, please note that the Town is advised to remove the RV's from the property in the event of a hurricane.

RESPONSE: Noted.

Engineering – Stormwater

The statement on page 37 of the PUD document states that there will be no increase in runoff being discharged into the Indian River Lagoon. Preference would be for there to be no runoff at all into the Indian River Lagoon.

BMAP credit – if the stormwater system is designed to standard permitting requirements, there is no credit derived for our BMAP. If the project were to be designed to go above and beyond standard permitting requirements, the County would be able to get BMAP credit.

RESPONSE: Acknowledged. Please note that BMAP credit may be granted for the removal of the existing septic tanks and connection to Municipal Sewer.

Martin County Utilities Department

No issues to report. Staff has worked with the Town and worked through any issues.

RESPONSE: Agreed.

Ocean Breeze Island

'Ocean Breeze Island' is a privately owner portion of the river bottom that may not be subject to the same permitting requirements as other portions of the Indian River Lagoon that are Sovereign Submerged land.

Figure 8.1, Phasing Diagram, identifies future development within the Indian River. Figure 9 and Figure 10 also provide detail as to the size of the future development. The Town of Ocean Breeze 2035 Comprehensive Plan makes no provision for the "Ocean Breeze Island" described below. While the adopted Future Land Use Map includes the area where the proposed deck would go, it is only shown as Submerged Lands. Chapter 1, Policy 9.1.A. describes the allowed uses in each future land use designation. Some 25,000 square feet of commercial development are permitted in the Mobile Home future land use. No commercial development is permitted in the Submerged Lands.
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The uses described in Chapter 1, Policy 9.1.F. are consistent with Policy 2.7 of the Coastal Management Element. It also permits fishing piers, public access platforms, day-docks or longer-term docking facilities, designed to serve Town residents. These features are comparable to the Community Pier and the Private Sundecks described on Page 33 of the Ocean Breeze East PUD. However, Page 33 of the Ocean Breeze East PUD describes the Ocean Breeze Island as a separate development from a Community Pier and Private Sundecks.

The construction of a deck that covers a large part of the 1.9 acres of submerged land may make additional property vulnerable to hurricanes. The proposal may also shade thousands of square feet of the Indian River Lagoon. Chapter 1, Goal 1 of the Ocean Breeze Park Coastal Management Element of the Comprehensive Plan reads as follows: "To reduce the vulnerability of people and property to the effects of hurricanes and other emergencies and to protect and enhance the biological health of the Indian River Lagoon estuary."

The Town may wish to consider whether the uses described in the PUD for the Island are consistent with its Comprehensive Plan

RESPONSE: Noted.

Conclusion

All of the comments and recommendations provided are offered to assist the Town of Ocean Breeze. Staff has provided the comments based on the Martin County Comprehensive Growth Management Plan policies and procedures, which includes (but is not limited to) the extracts provided below.

Martin County Code Extracts

3.3.B. *CGMP elements.*

Transportation Element. Improving traffic circulation and providing street interconnectivity is an area of concern for the County. The MPO provides a forum for addressing regional transportation issues and prioritizing public road projects.

Coastal Management Element. Coordination issues focus on redevelopment, conservation and hurricane evacuation. The Herbert Hoover Dike surrounding Lake Okeechobee, the quality of the water entering Lake Okeechobee and the effects of global warming on coastal areas are major concerns for Martin County. The County should coordinate with SFWMD, the Florida Department of Environmental Protection (FDEP), U.S. Army Corps of Engineers and others to find solutions to address these issues.

LDR Sec. 6.11. - Exemptions, credits, and deferrals.

6.11.A. *Exemptions.* The following shall be exempted from payment of impact fees:

1. Alteration, expansion or replacement of an existing residential building where no additional living units are created, where the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.
2. Alteration, remodeling or replacement of an existing nonresidential building or structure where the use is not changed and the square footage and/or parking is not increased.
3. The construction of accessory buildings or structures that do not create an additional impact on public capital facilities or produce additional vehicular trips over and above that produced by the principal building or use of the land.

   An exemption must be claimed by the fee payer prior to the issuance of a building permit. Any exemption not so claimed shall be deemed waived by the fee payer.

Martin County CGMP Section 4.2(4) *Land use coordination with abutting jurisdictions.* The County has identified mechanisms and programs to enhance coordination with adjoining local jurisdictions and municipalities. The Intergovernmental Coordination Element (Chapter 3) provides the specific means to assure maintenance of land use compatibility. This coordination includes County review and comment on proposed annexations land use, zoning and site plan approval procedures and applications.

Policy 3.1C.1. Coordination on the St. Lucie River estuary. The County shall continue to coordinate with the SFWMD and the Marine Resource Council to promote awareness of new information concerning the St. Lucie River estuary system and the impacts of development on the functions and values of the estuary system, and to promote the provisions of the Indian River Lagoon Management Plan and the Comprehensive Everglades Restoration Plan.

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Policy 3.1E.1. Coordination of public services. The County shall coordinate the timing, location and capacity of public facilities to ensure that required services will be available when needed and are economically feasible.

Policy 3.1E.2. Participation in transportation planning. Through its membership in the MPO, the County shall participate in development of the MPO's Unified Planning Work Program, Transportation Improvement Plan and Long Range Transportation Plan.

Policy 3.1E.3. Coordination on concurrency management for public facilities. The County shall continue to coordinate with municipalities regarding concurrency management for public facilities. Levels of service must be coordinated at all levels of government.

Policy 3.1E.4. Coordination on utilities services. The County shall coordinate with both privately owned and government-owned utilities in and adjacent to Martin County (i.e., South Martin Regional Utilities, Indiantown Company, City of Stuart Water and Sewer Department, Village of Tequesta Water Department, Loxahatchee River District and Town of Jupiter Island). On December 7, 2004, Martin County and the Town of Jupiter Island formally adopted an inter-local agreement concerning a joint planning area for South Martin Regional Utilities and the Martin County Consolidated Water System.

16.

Memorandum

To: Dave Myers, Mayor, Town of Ocean Breeze

From: Kevin Henderson, Town Engineer

Date: 12/16/14

Re: Carefree PUD Application

We are advised by the City Attorney that Article 12, Planned Unit Development District, will not apply to the subject application. However, the PUD Application refers to proposed compliance with the Zoning and Land Development Code adopted 9/13/10, so there is some inconsistency

Absent certainty as to what code(s) apply for review, and based on the reported deadline for comments of December 19, we offer the following as preliminary review comments. Final review comments should be prepared when the Applicant addresses these issues and provides additional details as to how major deficiencies will be addressed.

Utilities

Water supply and sanitary sewerage facilities are now provided the Town entirely by Martin County Utilities. We recommend that MCU be written into the PUD as the service provider, and that Carefree will adhere to MCU engineering requirements for all facilities to be installed and operated within the PUD.

Solid Waste

The Master Plan and subsequent development plans must be reviewed and approved by the Town's solid waste carrier for access and service locations. There is no indication within the application materials as to how solid waste service is to be provided, nor a letter from provider agreeing to provide service. We recommend this be addressed prior to approval of the PUD.

Irrigation

The PUD Master Plan shows an irrigation well near the railroad tracks. MCU maps do not appear to indicate reclaimed water service available at Town boundaries, but this should be confirmed with MCU in writing before agreement that groundwater will be used for irrigation.

Transportation

The street network requires review by Martin County EMS to ensure County emergency vehicle access.

We observe that the Master Plan shows streets that scale 12' wide for one-way and most less than 20' wide for 2-way streets. Streets are not shown on the plan as ROW with shoulders, drainage or sidewalk availability, they appear to be shown only as actual paved area. The PUD should show typical sections for streets including drainage, pedestrians, houses and landscaping.

Narrow streets have advantages such as less impervious area, however, provision for pedestrian uses and landscaping streets for shade does not appear to be part of the Master Plan, and it should be. Pedestrians and bicyclists should have a safe means of travel from homes to the activity centers and Town boundaries, which safe means should be clearly indicated on the Master Plan. The short segment of "alley" in Phase 3 and 4 is a good example to expand on.

The entry gates at various locations are not feasible as shown, public access and private access to private property are obstructed.

Proposed parking ratios are less than half that normally required for commercial and common use areas. There should be a careful consideration of parking requirements before approving the Master Plan. If residents are assumed to be using alternative transportation, those means should be included in the PUD Agreement.

Stormwater

Existing stormwater facilities are inadequate to manage normal design storms used by engineering professionals for water quality and quantity management. Since existing facilities are going to be entirely replaced within the redevelopment area, and the redevelopment area will include more than 2 acres of impervious area, SFWMD will be required to issue a permit for the stormwater management system. This will alleviate the Town adopting special ordinances for drainage, and place all the permitting within the control of Carefree. We recommend requiring a SFMWD permit for both irrigation well and stormwater management be part of the PUD requirements.

Miscellaneous

The Master Plan appears to remove the Town's existing meeting hall, but also appears to offer no replacement. The PUD should require a public meeting place within the Town adequate in size and made available for Town use, clearly spelling out the arrangement proposed.

The PUD should also include hurricane shelter plans. The Town's Comprehensive Plan is obviously inadequate in supposing Martin County hurricane shelters can accommodate all Town residents, and now is the time to make a better plan.

The PUD application indicates Total Allowable (residential) Units are 730, and total proposed units are 515. The Master Plan shows 879 "lots" including infill areas. The Traffic Statement in the PUD application indicates 585 total residential units. We assume the Town's planner will sort out the actual number of units existing and proposed prior to PUD approval.

16.

Memorandum

To: Dave Myers, Mayor, Town of Ocean Breeze

From: Kevin Henderson, Town Engineer

Date: 12/16/14

Re: Carefree PUD Application

We are advised by the City Attorney that Article 12, Planned Unit Development District, will not apply to the subject application. However, the PUD Application refers to proposed compliance with the Zoning and Land Development Code adopted 9/13/10, so there is some inconsistency.

Absent certainty as to what code(s) apply for review, and based on the reported deadline for comments of December 19, we offer the following as preliminary review comments. Final review comments should be prepared when the Applicant addresses these issues and provides additional details as to how major deficiencies will be addressed.

Utilities

Water supply and sanitary sewerage facilities are now provided the Town entirely by Martin County Utilities. We recommend that MCU be written into the PUD as the service provider, and that Carefree will adhere to MCU engineering requirements for all facilities to be installed and operated within the PUD.

Solid Waste

The Master Plan and subsequent development plans must be reviewed and approved by the Town's solid waste carrier for access and service locations. There is no indication within the application materials as to how solid waste service is to be provided, nor a letter from provider agreeing to provide service. We recommend this be addressed prior to approval of the PUD.

Irrigation

The PUD Master Plan shows an irrigation well near the railroad tracks. MCU maps do not appear to indicate reclaimed water service available at Town boundaries, but this should be confirmed with MCU in writing before agreement that groundwater will be used for irrigation.

Transportation

The street network requires review by Martin County EMS to ensure County emergency vehicle access.

We observe that the Master Plan shows streets that scale 12' wide for one-way and most less than 20' wide for 2-way streets. Streets are not shown on the plan as ROW with shoulders, drainage or sidewalk availability, they appear to be shown only as actual paved area. The PUD should show typical sections for streets including drainage, pedestrians, houses and landscaping.

Narrow streets have advantages such as less impervious area, however, provision for pedestrian uses and landscaping streets for shade does not appear to be part of the Master Plan, and it should be. Pedestrians and bicyclists should have a safe means of travel from homes to the activity centers and Town boundaries, which safe means should be clearly indicated on the Master Plan. The short segment of "alley" in Phase 3 and 4 is a good example to expand on.

The entry gates at various locations are not feasible as shown, public access and private access to private property are obstructed.

Proposed parking ratios are less than half that normally required for commercial and common use areas. There should be a careful consideration of parking requirements before approving the Master Plan. If residents are assumed to be using alternative transportation, those means should be included in the PUD Agreement.

Stormwater

Existing stormwater facilities are inadequate to manage normal design storms used by engineering professionals for water quality and quantity management. Since existing facilities are going to be entirely replaced within the redevelopment area, and the redevelopment area will include more than 2 acres of impervious area, SFWMD will be required to issue a permit for the stormwater management system. This will alleviate the Town adopting special ordinances for drainage, and place all the permitting within the control of Carefree. We recommend requiring a SFMWD permit for both irrigation well and stormwater management be part of the PUD requirements.

Miscellaneous

The Master Plan appears to remove the Town's existing meeting hall, but also appears to offer no replacement. The PUD should require a public meeting place within the Town adequate in size and made available for Town use, clearly spelling out the arrangement proposed.

The PUD should also include hurricane shelter plans. The Town's Comprehensive Plan is obviously inadequate in supposing Martin County hurricane shelters can accommodate all Town residents, and now is the time to make a better plan.

The PUD application indicates Total Allowable (residential) Units are 730, and total proposed units are 515. The Master Plan shows 879 "lots" including infill areas. The Traffic Statement in the PUD application indicates 585 total residential units. We assume the Town's planner will sort out the actual number of units existing and proposed prior to PUD approval.

CAPTEC Engineering, Inc.
Civil Engineering Professionals
301 N.W. Flagler Avenue, Stuart, Florida 34994
772.692-4344 * Fax: 772.692.4341 * Email: captecinfo@gocaptec.com

January 8, 2014
1543

Mayor David Myers
Town of Ocean Breeze
1900 NE Riccou Terrace
Jensen Beach, Florida 34957
(772) 334-6826 Office Phone
townofoceanbreez@bellsouth.net

RE: Ocean Breeze, Jensen Beach Park Redevelopment
Carefree PUD Application - Response to Comments from Town Engineer

Dear Mayor Myers:

Referencing Carefree RV Resorts PUD application submittal, the following represents response to comments from Mr. Kevin Henderson, P.E., Town Engineer, dated December 16, 2014.

UTILITIES – COMMENT 1:

Water supply and sanitary sewerage facilities are now provided the Town entirely by Martin County Utilities (MCU). We recommend that MCU be written into the PUD as the service provider, and that Carefree will adhere to MCU engineering requirements for all facilities to be installed and operated within the PUD.

RESPONSE: We agree that Martin County Utilities is the service provider and a Service Availability letter was included with the application. All Public Utility Mains will be designed and constructed in accordance with Martin County Utilities Standard Specifications. The private utility mains will be permitted through Martin County Utilities and all Private Utility Mains will be designed to follow their standard specifications and details.

SOLID WASTE – COMMENT 1:

The Master Plan and subsequent development plans must be reviewed and approved by the Town's solid waste carrier for access and service locations. There is no indication within the application materials as to how solid waste service is to be provided, nor a letter from provider agreeing to provide service. We recommend this be addressed prior to approval of the PUD.

RESPONSE: Solid waste service is currently being provided by Elite Services. Please find attached a letter from Elite Services, stating that they will continue to provide service for the development.

IRRIGATION – COMMENT 1:

The PUD Master Plan shows irrigation well near the railroad tracks. MCU maps do not appear to indicate reclaimed water service available at Town boundaries, but this should be confirmed with MCU in writing before agreement that groundwater will be used for irrigation.

RESPONSE: We have requested a letter from MCU regarding this issue, and Ted Robbins, P.E. – Technical Services Administrator for Martin County Utilities has confirmed that reclaimed service is not available. He is preparing a letter and we will submit when received. It should be noted that additional permitting from the South Florida Water Management District will be required for installation of any irrigation well.

TRANSPORTATION – COMMENT 1:

The street network requires review by Martin County EMS to ensure County emergency vehicle access.

RESPONSE: Agree. Carefree has updated the contract with Martin County Fire Rescue to provide service to the proposed development. Coordination with Chief Doug Killane has been on-going throughout the site planning process. The Town Fire Marshall, Alex Nathanson and the Martin County Fire Marshall, Doug Killane will be reviewing the accessibility during the site plan process and will need to approve prior to construction. The following excerpt from Martin County's Inter-governmental comments depicts Martin County Fire Department Input:

> **Fire Department Input**
> In addition to the individual meetings with County staff whereby access was addressed with the Town of Ocean Breeze representatives, please note the following:
>
> i) The Fire Department is anticipating a Knox Access; and
> ii) Staff advises the Town of Ocean Breeze that residential sprinkler protection is desirable for the development.
> iii) Please ensure any corner lot configuration on the property is designed/regulated to so there are no encroachments and clearance is maintained for fire truck access.
> iv) Please ensure it is clear that 'no on-street parking' is allowed in certain sections of the property where this may conflict with maintaining safe access for fire trucks.

Knox Access for the proposed gates will be provided and we agree that on-street parking will not be allowed and will continue to coordinate with Martin County Fire Rescue personnel throughout the construction plan process to insure that fire truck and EMS access is able to be maintained.

TRANSPORTATION – COMMENT 2:

Narrow streets have advantages such as less impervious area, however, provision for pedestrian uses and landscaping streets for shade does not appear to be part of the Master Plan, and it should be. Pedestrians and bicyclists should have a safe means of travel from homes to the activity centers and Town boundaries, which safe means should be clearly indicated on the Master Plan. The short segment of "alley" in Phase 3 and 4 is a good example to expand on.

RESPONSE: The majority of the streets within the proposed development area will be 14' wide one-way roadways and responding to shared space standards as outlined in FDOT's Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. Per discussions, it is our understanding that this is adequate to address the Town Engineer's concerns relative to this issue.

TRANSPORTATION – COMMENT 3:

The entry gates at various locations are not feasible as shown; public access and private access to private property are obstructed.

RESPONSE: Agree. The northern gates have been relocated to prevent the obstruction of the access for the private lots.

TRANSPORTATION – COMMENT 4:

Proposed parking ratios are less than half that normally required for commercial and common use areas. There should be a careful consideration of parking requirements before approving the Master Plan. If residents are assumed to be using alternative transportation, those means should be included in the PUD Agreement.

RESPONSE: Carefree Resorts has provided the depicted parking based on their experience with several other parks throughout the United States. The provided ratio is based on internalized pedestrian traffic, bicycle traffic, park location and access to goods and services, and occasional temporary parking for residents from inside the development.

STORMWATER – COMMENT 1: **Existing stormwater facilities are inadequate to manage normal design storms used by engineering professionals for water quality and quantity management. Since existing facilities are going to be entirely replaced within the redevelopment area, and the redevelopment area will include more than 2 acres of impervious area, SFWMD will be required to issue a permit for the stormwater management system. This will alleviate the Town adopting special ordinances for drainage, and place all the permitting within the control of Carefree. We recommend requiring a SFWMD permit for both irrigation well and stormwater management be part of the PUD requirements.**

RESPONSE: The applicant agrees that SFWMD Environmental Resource and Water Use Irrigation Permits will be required for the project, and will be provided prior to final construction authorization.

MISCELLANEOUS – COMMENT 1: **The Master Plan appears to remove the Town's existing meeting hall, but also appears to offer no replacement. The PUD should require a public meeting place within the Town adequate in size and made available for Town use, clearly spelling out the arrangement proposed.**

RESPONSE: Agree. Language agreement is in the process of being drafted.

MISCELLANEOUS – COMMENT 2: **The PUD should also include hurricane shelter plans. The Town's Comprehensive Plan is obviously inadequate in supposing Martin County hurricane shelters can accommodate all Town residents, and now is the time to make a better plan.**

RESPONSE: While several municipalities currently provide hurricane shelters for their residents, these are typically provided within school buildings. Martin County currently has nine

(9) Red Cross Hurricane Shelters that are located at public schools. The two closest Red Cross Hurricane Shelters are located at Jensen Beach High School and Felix Williams Elementary School. Both of these facilities are located approximately 3 to 3.5 miles from the Town. Both the County and the Town have expressed they do not have the ability or intent to staff a hurricane shelter within the Park.

MISCELLANEOUS – COMMENT 3: The PUD application indicates Total Allowable (residential) Units are 730, and total proposed are 515. The Master Plan shows 879 "lots" including infill areas. The Traffic Statement in the PUD application indicates 585 total residential units. We assume the Town's planner will sort out the actual number of units existing and proposed prior to PUD approval.

RESPONSE: Agreed. The proposed number of units will not exceed the 585 existing number of units. The numbering depicted on the Master Plan is not sequential do to maintaining the existing addresses of the lots.

I trust that the comments have been adequately addressed. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Joseph W. Capra, P.E.
President
CAPTEC Engineering, Inc.

17.

Memorandum

To: Town of Ocean Breeze; Terry O'Neil, Town Management Consultant

From: Marcela Camblor-Cutsaimanis, AICP, Town Planning Consultant

Date: December 30, 2014

RE: Appointment of Schoolboard member to Zoning Board

This is to inform the Town that the applicant has been in communication with the Martin County School board, specifically requesting that to entity appoint a representative to the Town of Ocean Breeze's Zoning Board. To that effect, Schoolboard Superintendent Lori Gaylord informed me that all schools and District offices are closed until January 6th, 2015. Ms. Gaylord proceeded to state that she had looked into this issue before the winter break but could not recall who was going to be assigned to this position. She stated the matter would have to wait until work resumes and asked that the Town send a reminder message to this effect the first week in January.

18

Memorandum

To: Town of Ocean Breeze; Terry O'Neil, Town Management Consultant

From: Marcela Camblor-Cutsaimanis, AICP, Town Planning Consultant

Date: December 30, 2014

RE: Communications with Martin County Sheriff

This is to inform the Town that the applicant has been in communication with the Martin County Sheriff in regards to the Ocean Breeze East PUD. The applicant met with Officer Joe Angelico and discussed proposed redevelopment. Officer Angelico stated that the sheriff's concerns would mainly focus around ensuring the following issues are appropriately addressed:

- provision of appropriate accessibility for EMS,
- improvement/resolution of traffic concerns on Ocean Breeze Drive; and
- possible enactment of a Noise Ordinance.

He additionally stated he would discuss the project with Sheriff Snyder, who has expressed interest in attending a Town Council meeting in the near future.

19. Notice to Surrounding Property Owners

Subject: Public Hearings Before:
Town of Ocean Breeze Zoning Board
Town of Ocean Breeze Town Council

Petitioner: N H C FL143 LLC
Ocean Breeze –Carefree Community

Parcel ID #: 22-37-41-000-000-00700-0

Address of Property:
3000 NE Indian River Drive Jensen Beach, Florida Beach, FL 34957

See Attached Location Map

Proposed Request: Request to consider a rezoning from "Mobile Home" to "Planned Unit Development (PUD), including approval of a master site plan, development conditions and a time table for development.

Dear Property Owner:
The Town of Ocean Breeze Zoning Board and Town Council will conduct public hearings as follows to consider the above request:

Zoning Board: Monday, January 5, 2015 at 5:30 PM at Hoke Hall 3000 NE Indian River Dr. Jensen Beach, FL 34957
Town Council: Monday, January 12, 2015 at 10:30 AM at Hoke Hall
Town Council Tuesday, January 27, 2015 at 5:30 PM at Hoke Hall.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Ocean Breeze Town Office (address) If you have any questions regarding this notice, please feel free to call (772) 334-6826, M-F 9:30 A.M – 12:00 Noon.

20.

Property Owner	Mailing Address
KIRKBRIDE TAMARA A TR	2644 NE PALM AVE JENSEN BEACH FL 34957
STAMM TARYN	2584 NE PALM AVE JENSEN BEACH FL 34957
BESSEMER WILLIAM K KIRKBRIDE TAMARA A TR	1103 TILTON RD PORT ST LUCIE FL 34952
SPEAKMAN HOLLY A	2914 NE ROSETREE DR JENSEN BEACH FL 34957
KERNAN KATHRYN	2623 NE PALM AVE JENSEN BEACH FL 34957-5243
WHEALTON PAUL & MARLENE	2112 PELICAN TER JENSEN BEACH FL 34957
FAHRNER HELEN M	2122 NE PELICAN TER JENSEN BEACH FL 34957
HILL JOHN R & KAY L	9205 S INDIAN RIVER DR FT PIERCE FL 34950
DUFFY WAYNE E	2152 NE PELICAN TER JENSEN BEACH FL 34957
MELERSKI JENNIFER K & JOHN H	20 KNIGHTSBRIDGE WAY STAFFORD VA 22554
SIRKLE RAYMOND & SHARYN	2141 NE PELICAN TERR JENSEN BEACH FL 34957
MCCORD EDNA B	3144 NE HIGHLAND AVE JENSEN BEACH FL 34957
WILLIAMS FRANK	2333 PINE RIDGE ST JENSEN BEACH FL 34957
HONAN JOHN J HONAN SHEILA L	4349 ROBERTSON RD STUART FL 34997
BERNTSON MATHEW	1850 NW 15TH AVE #255 POMPANO BEACH FL 33069
SHOLTES CARL E & VALERIE J	864 SE WATERSIDE WAY STUART FL 34997
JINKINS CLAUDIA A	2140 NE FLAMINGO TERR JENSEN BEACH FL 34957
PINNER JAMES R	2160 NE FLAMINGO TER JENSEN BEACH FL 34957
ZUNK SHARON A	2179 NE FLAMINGO TER JENSEN BEACH FL 34957-4921
MASSEY WILLIAM H	2159 NE FLAMINGO TER JENSEN BEACH FL 34957
RAY JAMES JOHN RAY ANDREW RICE	8 WYNDING HILLS RD EAST GRANBY CT 06026-9630
RAY JAMES JOHN RAY ANDREW RICE	8 WYNDING HILLS RD EAST GRANBY CT 06026-9630
BARNARD BONNIE K L/E JURKIEWICZ ROBERT M	2109 NE FLAMINGO TERR JENSEN BEACH FL 34957

DEGROTTE STEPHEN C & SANDRA L	1702 E CARLTON RD FREEPORT MI 49325-9730
SCHOOL BOARD OF MARTIN COUNTY	500 E OCEAN BLVD STUART FL 34994-2224
GASS REAL ESTATE HOLDINGS LLC	2000 NE JENSEN BEACH BLVD JENSEN BEACH FL 34957
MARTIN COUNTY	2401 SE MONTEREY RD STUART FL 34996
GIRLINGHOUSE JUDGE DAVID	1309 NE 29TH TER JENSEN BEACH FL 34957
GIRLINGHOUSE JUDGE DAVID	1309 NE 29TH TER JENSEN BEACH FL 34957
O'CONNOR ENTERPRISES OF SOUTH FL LLC	305 NW EMILIA WAY JENSEN BEACH FL 34957
CJW JENSEN LLC	2572 NE MILDRED ST JENSEN BEACH FL 34957
JENSEN BCH CHAMBER OF COMMERCE	PO BOX 1536 JENSEN BEACH FL 34958-1536
VS JENSEN BEACH LLC	260 E BROWN ST STE 250 BIRMINGHAM MI 48009
HAIRE CONSTANCE A	2606 NE PALMETTO DR JENSEN BEACH FL 34957-5241
OBP WEST LLC	5690 SW SUNSHINE FARMS WAY PALM CITY FL 34990
SLAFTER RALPH E (TR)	3281 NE INDIAN RIVER DR JENSEN BEACH FL 34957-4107
CUSICK LAURENCE F (TR) CUSICK DIANA (TR)	1912 NE OCEAN BLVD STUART FL 34996
SOUTHERN CONCEPTS HOLDINGS LLC	2543 SE MORNINGSIDE BLVD PORT ST LUCIE FL 34952
WACHOVIA BANK	PO BOX 2609 CARLSBAD CA 92018
BRICK BLOCK LLC	1899 NE JENSEN BEACH BLVD JENSEN BEACH FL 34957
VACOLOKA LLC	1892 NE JENSEN BEACH BLVD A-1, JENSEN BEACH
PELLETTER DARLENE	3181 NE PALMETTO DR B-5, JENSEN BEACH
MYERS BEVERLY	3216 NE MAPLE AVE C-6, JENSEN BEACH
PERRIN DEAN & MARGARET PERRIN NITA G	3220 NE MAPLE AVE D-7, JENSEN BEACH
PERRIN DEAN & MARGARET PERRIN NITA G	3224 NE MAPLE AVE E-8, JENSEN BEACH
PERRIN DEAN MICHAEL PERRIN MARGARET L	3177 NE MAPLE AVE F-9, JENSEN BEACH

PERRIN DEAN MICHAEL PERRIN MARGARET L	3179 NE MAPLE AVE F-10, JENSEN BEACH
RIGGS DORIS A EHRHARDT ARTHUR R	3210 NE MAPLE AVE G-11, JENSEN BEACH
GERLEY VICTOR J GERLEY SUSANNA	3190 NE MAPLE AVE G-12, JENSEN BEACH
HAWKSBILL LTD.	3200 NE MAPLE AVE G-13, JENSEN BEACH
HAWKSBILL LTD.	3180 NE MAPLE AVE G-14, JENSEN BEACH
RIGGS DORIS A EHRHARDT ARTHUR R	3182 NE MAPLE AVE G-15, JENSEN BEACH
GERLEY VICTOR J GERLEY SUSANNA	3192 NE MAPLE AVE G-16, JENSEN BEACH

21-

STATE OF FLORIDA
COUNTY OF MARTIN

AFFIDAVIT OF NOTIFICATION

Before the undersigned authority personally appeared one who says on oath that she is Town Planner for the Ocean Breeze East PUD and states: that the attached copy of the Notice to Surrounding Property Owners and Location Map was sent to all property owners within 300 feet of said redevelopment PUD; and that four Notices of Proposed Zoning Change (photos attached) were posted on or before December 19, 2014.

Sworn to and subscribed before me this day of December 22, 2014, by

_____, who is
Marcela Camblor-Cutsaimanis

( ) personally known to me
(✓) who has produced FL DL as identification.

CARLOS KAHR
Notary Public - State of Florida
My Comm. Expires May 24, 2016
Commission # EE 201908

22/23.

Posted Signs

Posted 12/19/2014

Northwest Entrance Location

South Entrance Location

Northeast Entrance Location

Main Entrance to Town Location

24.

WESTBURY

from 1A

belonging, "but I felt a sense of grievance, my feelings were hurt" by her sister's absence.

Not long after — on April 2, 2011 — Wolff received a call from her mother, screaming that Donna had been killed by a motorist who'd fallen asleep at the wheel.

"I'd never imagined a moment without my sister in the world. I felt terrible and ashamed at what I'd done," Wolff recalled.

Her brother-in-law asked Wolff to speak at Donna's funeral, and she decided to do so in the form of a letter to her sister. It was a chance to verbalize all the things she'd never been able to tell Donna in person.

Wolff's husband persuaded her the letter had to be included in a book she was writing.

She decided to take the idea a little further, including a whole range of letters to friends and acquaintances. Some she sent, some never left her office.

And one was to the driver who caused her sister's death.

"I told him, 'Shame on you. Why did you let yourself get so tired you didn't pull over and rest?' Because he didn't take care of himself, my mom lost her oldest daughter and her best friend. I don't wish him any harm. I just hope he's able to learn from this."

Wolff's letters in the book are by turns funny, whimsical, some full of apology. There's even one to Oprah. She has a primary rule, "never to mail something that will drag a person down. Always have the highest intention in your heart."

She writes, "don't be afraid to write the letters that have anger festering deep inside your belly. Get all of those thoughts out of your body, then rip the paper into tiny pieces, shredding the anger into bits. You may find that your burden has lifted (making you) feel lighter. You might see a few next steps to take toward healing what has been aching within your heart."

Wolff called the response to the book "unbelievable." She's received letters from strangers who say it has changed their lives. One said she'd been able to talk to her mother again after a silence of nine years.

Words unspoken between family or friends can come back to haunt us, Wendy Wolff writes in her new book, "The Letter Writing Project."

Writing letters is nothing new for Wolff. Over the years, she's penned a series of letters to her two sons, now 15 and 17, who were adopted from Russia.

"They were so delighted to read how much I love them," Wolff said. "I think it's a great exercise for them to remember who they are."

Wolff lists herself as a public advocate, writer and teacher. She filled all those roles while she lived in St. Lucie County for a decade.

She was the author of a groundbreaking study of gang members written for the Roundtable of St. Lucie County. She worked to get the Kids at Hope program (Motto: "All children are capable of success, no exceptions") off the ground and into county schools.

Wendy Wolff has always been full of energy and passion. It's intriguing to be able to peek into her world and see how she's been able to confront anger, sorrow and disappointment by writing it out of her system.

Anthony Westbury is a columnist for Scripps Treasure Coast Newspapers. This column reflects his opinion. Contact him at 772-221-4226, anthony.westbury@scripps.com, or follow him at TCPalmWestbury on Twitter.

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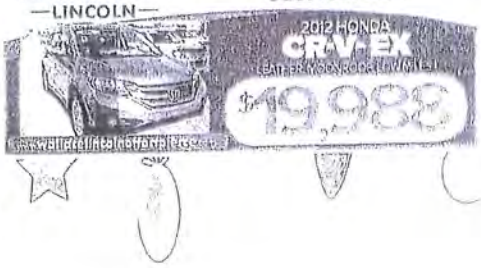

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NOTICE OF ZONING CHANGE

TOWN OF OCEAN BREEZE, FLORIDA

NOTICE OF PUBLIC HEARINGS TO CONSIDER A ZONING CHANGE

The Town of Ocean Breeze Zoning Board and Town Council will conduct public hearings to consider adopting the following Ordinance No. 220-2015.

BEFORE THE TOWN COUNCIL OF THE TOWN OF
OCEAN BREEZE, FLORIDA
ORDINANCE NUMBER 220-2015

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING OF THE TOWN'S LAND DEVELOPMENT CODE THEREBY ALLOWING "PLANNED UNIT DEVELOPMENT (PUD)" ZONING TO BE APPLIED TO THE 44.35-ACRE (+/-) OCEAN BREEZE RESIDENTIAL PROPERTY; APPROVING THE "OCEAN BREEZE EAST PUD"; THEREBY REZONING THE 44.35-ACRE PARCEL, MORE FULLY DESCRIBED HEREIN, FROM "MOBILE HOME" TO "PUD"; PROVIDING FOR A MASTER SITE PLAN, DESIGN STANDARDS, DEVELOPMENT CONDITIONS AND A TIME TABLE OF DEVELOPMENT FOR THE OCEAN BREEZE EAST PUD; PROVIDING FOR A CHANGE TO THE TOWN'S OFFICIAL ZONING MAP REFLECTING THE ZONING CHANGE DECLARED HEREBY; DECLARING THE OCEAN BREEZE EAST PUD TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND FOR OTHER PURPOSES

NOTICE IS HEREBY GIVEN, as required under Florida law, that on:

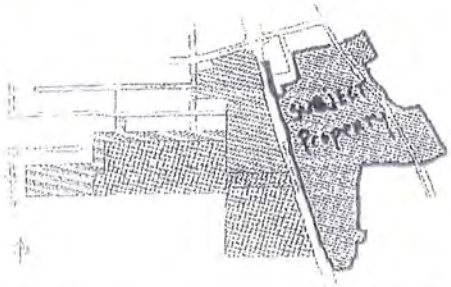
Monday, January 5, 2015, at 5:30 pm, the Town of Ocean Breeze Zoning Board will conduct a public hearing to review and make a recommendation concerning Ordinance No. 220-2015

Monday, January 12, 2015 at 10:30 am, Town Council Meeting to consider the first reading of Ordinance No. 220-2015

Tuesday, January 27, 2015 at 5:30 pm, Town Council Meeting to consider the second reading of Ordinance No. 220-2015

All meetings shall be held at Hoke Hall, 3000 Indian River Drive, Jensen Beach, FL 34957. Interested parties are invited to attend. The proposed Ordinance shall be available for review by the public at the Ocean Breeze Town Office between the hours of 9:00 am-12:00 pm weekdays, excluding holidays, located at 1900 NE Picou Terrace, Jensen Beach, Florida. Americans with Disabilities Act (ADA): anyone who needs a special accommodation for this meeting should contact the Town Clerk at 772-334-6826 at least 48 hours in advance of the meeting, excluding Saturday and Sunday. Town office is located at 1900 NE Picou Terrace, Jensen Beach, FL, Monday thru Friday from 9:00am-12pm

Publish December 19, 2014
Affidavit Required



Bring a little joy to a local child this holiday season

Drop off new, unwrapped gifts in our lobby from Monday to Friday between the hours of 8:30 a.m. and 5:00 p.m. from now until December 19. Your gift may be for ages newborn to 18 years.

These gifts will be wrapped and distributed to local orphanages and needy children through the Missing Children Alert Program's "TOYS FOR KIDS" campaign.

With your help, every child will know the joy of the holiday season and the goodwill of the Treasure Coast.

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The Stuart News
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INSTR # 2535588 OR BK 2808 PG 1066 RECD 09/17/2015
(4 Pgs)
CAROLYN TIMMANN MARTIN COUNTY CLERK
DEED DOC $0.00, MTG DOC $0.00, INTANGIBLE $0.00

BEFORE THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 223-2015

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AUTHORIZING MINOR AMENDMENTS TO THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT THEREBY APPROVING: (1) MINOR MODIFICATIONS TO THE MASTER SITE PLAN TO ALLOW FOR PEDESTRIAN, GOLF CART & BICYCLE PATHS IN THE NORTHERN (EXISTING) NEIGHBORHOOD, (2) A MINOR CURB REALIGNMENT OF AN EXISTING ROAD FOR FIRE/RECUE PURPOSES AND FOR IMPROVED STREETSCAPING, AND (3) THE LOCATION OF ELEVATED RESIDENTIAL UNITS IN AN AREA REQUIRING PRIOR APPROVAL BY THE TOWN COUNCIL; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, NHCFL143, LLC Ocean Breeze/Carefree Community, (AKA Carefree Resorts) has proposed several minor amendments to the Master Site Plan approved under the Ocean Breeze East Planned Unit Development (PUD) Ordinance No. 220-2015, and

WHEREAS, these minor amendments consist of: (1) modifications to the Master Site Plan to allow for pedestrian, golf cart & bicycle paths in the northern (existing) neighborhood, (2) a minor curb realignment of an existing road for Fire/Rescue purposes and for improved streetscaping, and (3) the location of elevated residential units in an area requiring prior approval by the Town Council, and

WHEREAS, at a duly noticed public hearing, the Ocean Breeze Town Council considered Carefree's request and upon deliberation determined that the amendments being sought are consistent with the Town's Comprehensive Plan and that approval of said amendments advances the health, safety and welfare of the Public.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA that:

SECTION 1: The Master Site Plan approved under Ordinance No.220-2015, Exhibit "A" attached. is hereby amended to permit: (1) modifications for pedestrian, golf cart & bicycle paths in the northern (existing) neighborhood, (2) a minor curb realignment of an existing road, and (3) the location of elevated residential units in an area requiring prior approval by the Town Council, as depicted on Exhibit "B" attached.

Resolution Number 223-2015

SECTION 2: This resolution shall take effect upon adoption.

SECTION 3. Within 45 days of adoption, at the expense of the Applicant, this resolution shall be recorded in the Public Record of Martin County by the Town Clerk, failing which this resolution shall become void.

Council Member Cairns offered the foregoing resolution and moved its adoption. The motion was seconded by Council Member Millette and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
Ann Kagdis, President			X
Kenneth DeAngeles, Vice President	X		
Beatrice Millette, Council Member	X		
Earlene Cairns, Council Member	X		
Jerry Collins, Council Member			X
Robert Bodie, Council Member		X	

ADOPTED this 13th day of August, 2015.

ATTEST:

Pam Orr
PAM ORR
TOWN CLERK

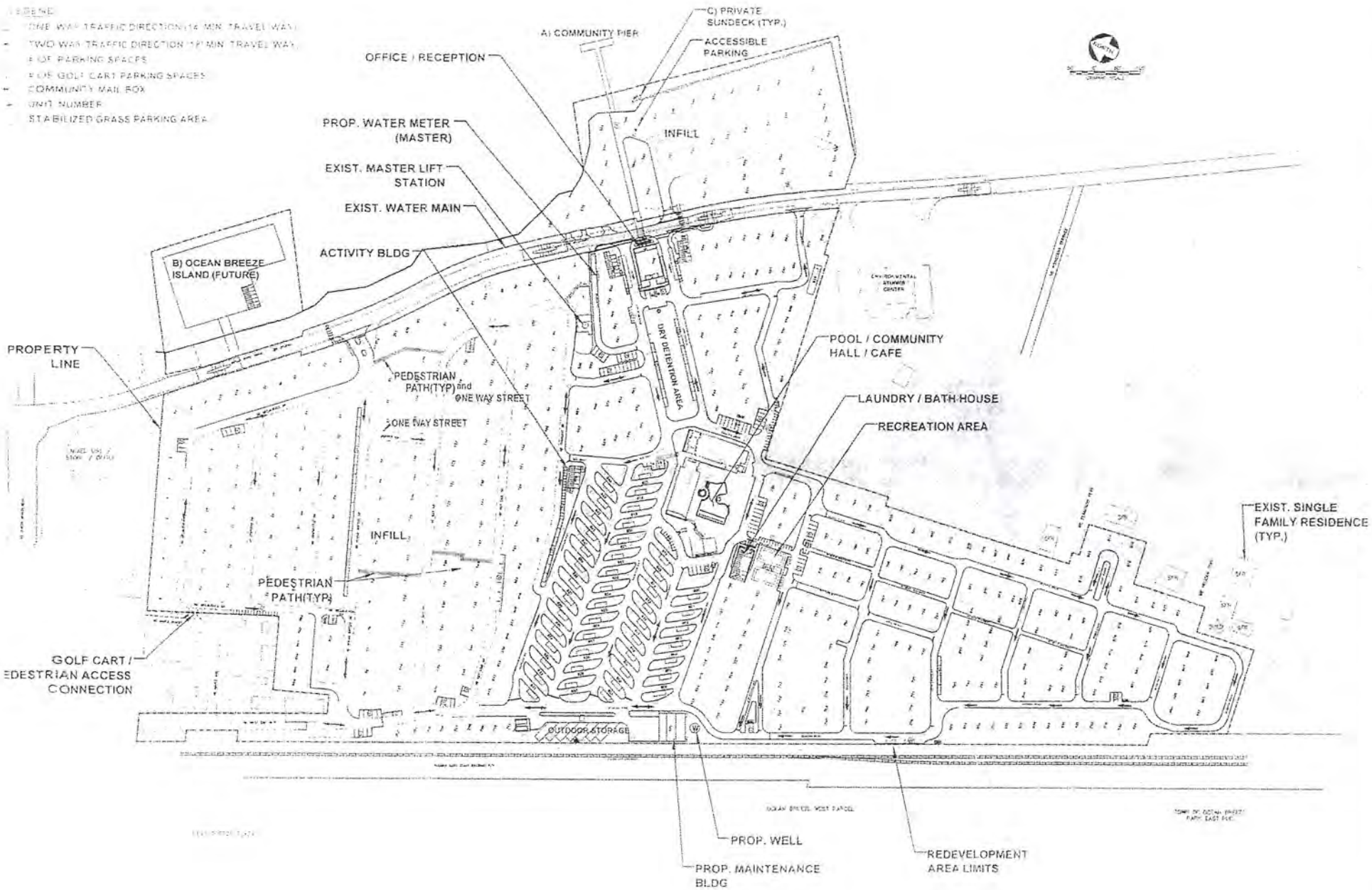
Ann G. Kagdis
ANN KAGDIS
PRESIDENT

REVIEWED AS TO FORM:

WILLIAM F. CRARY, II
TOWN ATTORNEY

DAVID MYERS
MAYOR

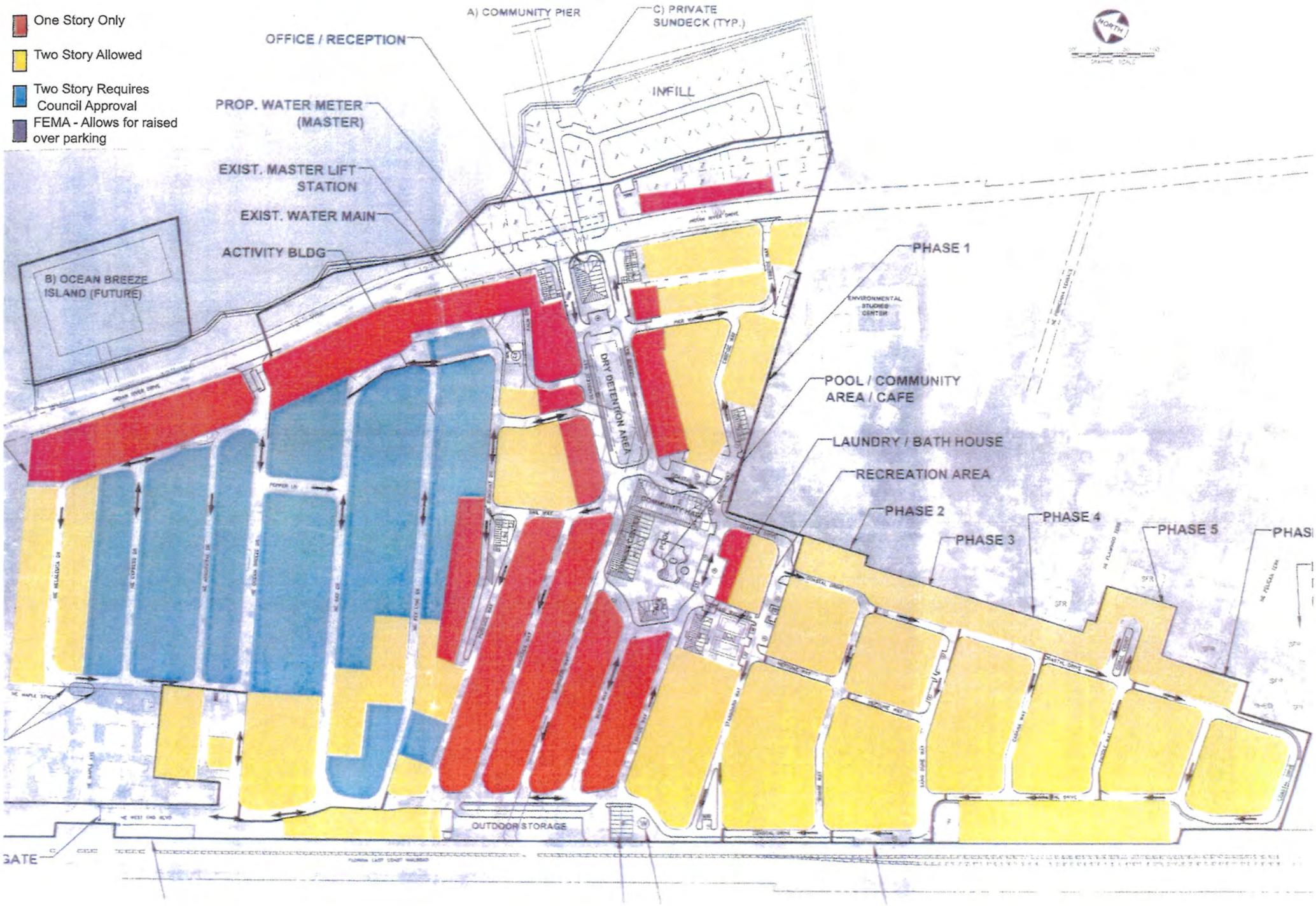
LEGEND
- ONE WAY TRAFFIC DIRECTION (14' MIN. TRAVEL WAY)
- TWO WAY TRAFFIC DIRECTION (22' MIN. TRAVEL WAY)
- # OF PARKING SPACES
- # OF GOLF CART PARKING SPACES
- COMMUNITY MAIL BOX
- UNIT NUMBER
- STABILIZED GRASS PARKING AREA



CAREFREE RESORT
OCEAN BREEZE EAST PUD
MARTIN COUNTY, FL

SCALE VERIFICATION

01


One Story Only
Two Story Allowed
Two Story Requires Council Approval
FEMA - Allows for raised over parking
A) COMMUNITY PIER
C) PRIVATE SUNDECK (TYP.)
OFFICE / RECEPTION
INFILL
PROP. WATER METER (MASTER)
EXIST. MASTER LIFT STATION
EXIST. WATER MAIN
ACTIVITY BLDG
B) OCEAN BREEZE ISLAND (FUTURE)
PHASE 1
ENVIRONMENTAL STUDIES CENTER
POOL / COMMUNITY AREA / CAFE
LAUNDRY / BATH HOUSE
RECREATION AREA
PHASE 2
PHASE 3
PHASE 4
PHASE 5
DRY DETENTION AREA
OUTDOOR STORAGE
GATE

INSTR # 2558668
OR BK 2835 PG 840
(6 Pgs)
RECORDED 02/15/2016 02:04:08 PM
CAROLYN TIMMANN
MARTIN COUNTY CLERK

BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 234-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT AGREEMENT, ADOPTED BY ORDINANCE N0. 220-2015, THEREBY ALLOWING FOR THE INSTALLATION OF TRAFFIC GATES AND OTHER MINOR TRAFFIC IMPROVEMENTS AT THE EAST AND WEST ENDS OF THE ABANDONED OCEAN BREEZE DRIVE RIGHT-OF-WAY, (AND OTHER ACCESS POINTS) AS WELL AS THE INSTALLATION OF ON-STREET PARKING SPACES ON THE ABANDONED RIGHT-OF-WAY; MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; PROVIDING A TIME TABLE FOR INSTALLATION OF SAID IMPROVEMENTS; PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND FOR OTHER PURPOSES

****

WHEREAS, NHC FL143 LLC, a ~~Florida~~ DELAWARE Limited Liability Company, hereafter Applicant, has applied to amend the Ocean Breeze East Planned Unit Development Agreement, approved by Ordinance No. 220-2015, to allow for the installation of gates and other minor traffic improvements at the east and west ends of the abandoned Ocean Breeze Drive right-of-way, (and other access points) as well as the installation of on-street parking spaces on the abandoned right-of-way, as depicted in Exhibit "A" attached, and

WHEREAS, the Applicant has provided substantial and competent evidence that the government of Martin County, Florida offers no objection to the proposed improvements, and

WHEREAS, the Applicant has further provided substantial and competent evidence that other interested parties, such as the Jensen Beach Chamber of Commerce and the Jensen Beach Community Redevelopment Agency (CRA) Neighborhood Advisory Committee (NAC) offer no objection to the proposed improvements, and

WHEREAS, the Ocean Breeze Town Council has held duly advertised public hearings to consider the Applicant's request and deems it in the public's best interest to grant approval.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA resolves, as follows:

SECTION 1: A minor amendment to the Ocean Breeze East Planned Unit Development Agreement is hereby approved to allow for certain gates and other traffic improvements at the east and west ends of the abandoned right-of-way, (and other access points) as well as on-street parking, as depicted in Exhibit "A" attached.

SECTION 2: Improvements depicted in Exhibit "A" attached shall be completed within 180 days of approval of this resolution.

SECTION 3: Subject to the Ordinance No. 220-2015, the Applicant, and Applicant's successors and assigns, shall ensure that, at a minimum, the traffic gate at the park's main entrance shall be open at all times reasonable, commensurate with scheduled public meetings (before, during and after) such that the public shall have unfettered access to any public meetings conducted by the Town of Ocean Breeze, including its duly constituted boards or agencies.

SECTION 4. All resolutions or parts of resolutions in conflict herewith shall be repealed.

SECTION 5: If any word, clause, sentence, paragraph, section or part thereof contained in this resolution is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this resolution.

SECTION 6. This resolution shall become effective immediately upon recording as referenced in Section 7 below.

SECTION 7. This resolution shall be recorded in the public record of Martin County the cost of which shall be paid by the applicant.

Passed on first reading this 8TH day of February, 2016.

Council Member De Angeles offered the foregoing resolution and moved approval on the second reading. The motion was seconded by Council Member Cairns and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
ANN KAGDIS, PRESIDENT	X			
KENNETH DE ANGELES, VICE-PRESIDENT	X			
JERRY COLLINS, COUNCIL MEMBER	X			
EARLENE CAIRNS, COUNCIL MEMBER	X			
ROBERT BODIE, COUNCIL MEMBER	X			
BEATRICE MILLETTE, COUNCIL MEMBER	X			

Adopted this 8th day of February, 2016.

ATTEST:

Pam Orr

PAM ORR
TOWN CLERK

Ann G. Kagdis

ANN KAGDIS
COUNCIL PRESIDENT

APPROVED AS TO FORM:

WILLIAM F. CRARY, II
TOWN ATTORNEY

David W. Myers

DAVID MYERS
MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS RESOLUTION, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Ashley R. Flores
Print Name: Ashley R. Flores

Barbara Ditchey
Print Name: BARBARA DITCHEY

NHC - FL143 LLC
a ~~Florida~~ DELAWARE limited liability company,
By: Colleen Edwards,
Its President

By: Colleen Edwards
Name: COLLEEN EDWARDS
Title: PRESIDENT

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 234-2015 was acknowledged before me this 10th day of FEBRUARY, 2016, by Colleen Edwards, the President of NHC FL143 LLC.

GIOVANNA CALLEROS - NOTARY PUBLIC
MY COMMISSION EXPIRES
DECEMBER 1, 2019
MARICOPA CO., AZ

Notary Public, State of ~~Florida~~ Arizona
My Commission Expires: 12/1/19
Notary Seal

Personally Known ✓ OR Produced Identification _____
Type of Identification Produced _____

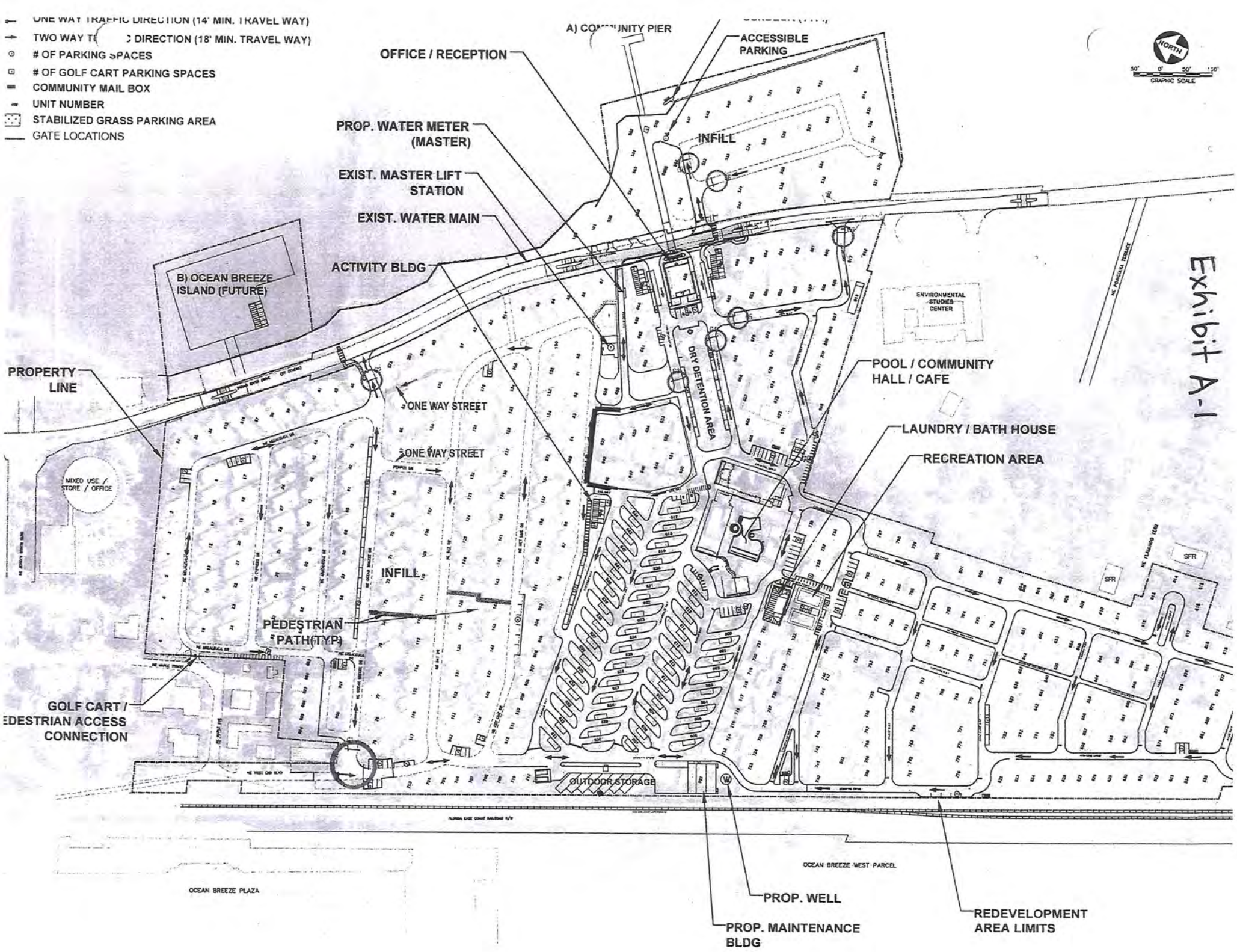
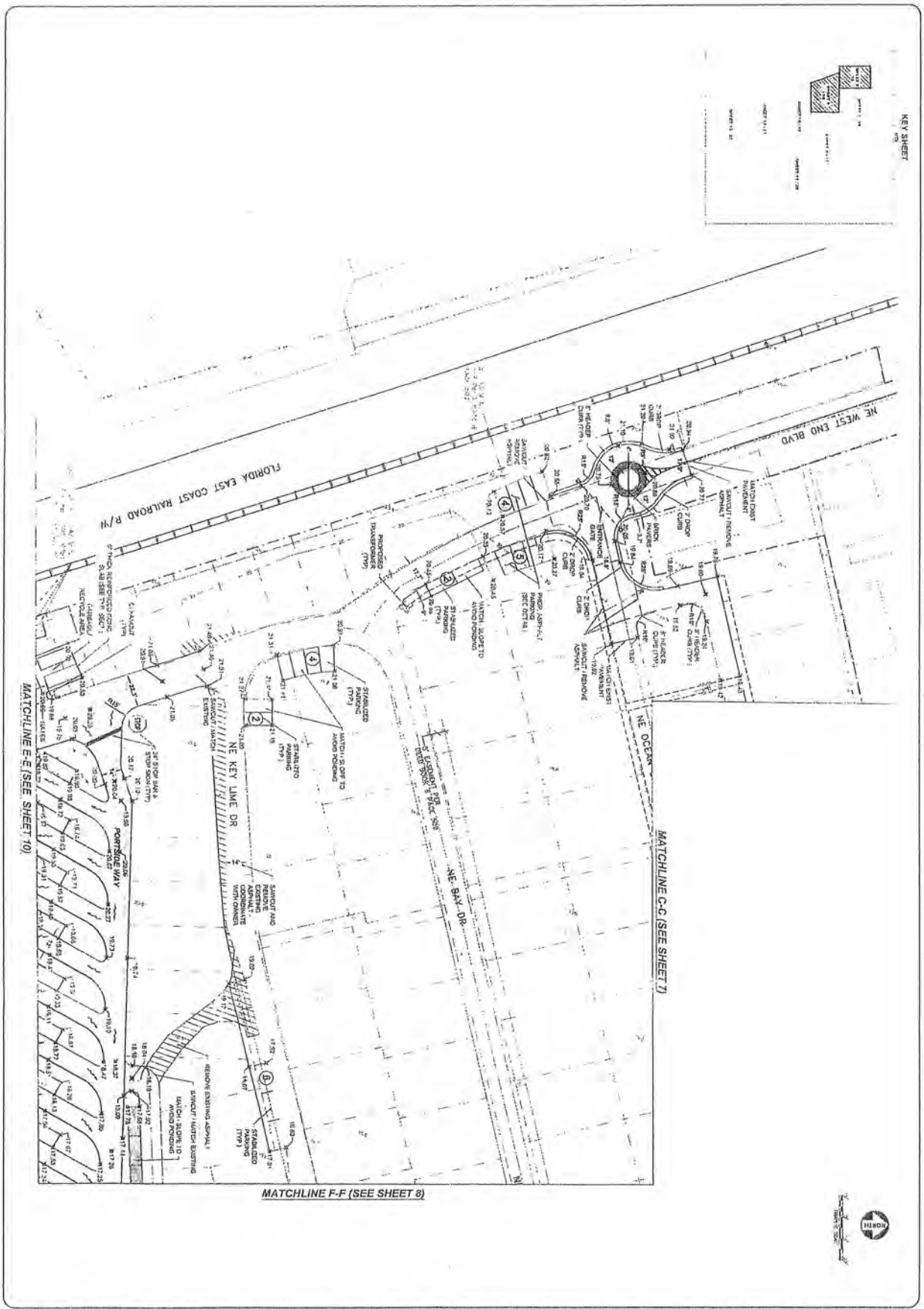

ONE WAY TRAFFIC DIRECTION (14' MIN. TRAVEL WAY)
TWO WAY TRAFFIC DIRECTION (18' MIN. TRAVEL WAY)
OF PARKING SPACES
OF GOLF CART PARKING SPACES
COMMUNITY MAIL BOX
UNIT NUMBER
STABILIZED GRASS PARKING AREA
GATE LOCATIONS
NORTH
GRAPHIC SCALE
A) COMMUNITY PIER
OFFICE / RECEPTION
ACCESSIBLE PARKING
INFILL
PROP. WATER METER (MASTER)
EXIST. MASTER LIFT STATION
EXIST. WATER MAIN
ACTIVITY BLDG
B) OCEAN BREEZE ISLAND (FUTURE)
ENVIRONMENTAL STUDIES CENTER
DRY DETENTION AREA
POOL / COMMUNITY HALL / CAFE
LAUNDRY / BATH HOUSE
RECREATION AREA
PROPERTY LINE
ONE WAY STREET
ONE WAY STREET
MIXED USE / STORE / OFFICE
INFILL
PEDESTRIAN PATH(TYP)
GOLF CART / PEDESTRIAN ACCESS CONNECTION
OUTDOOR STORAGE
SFR
SFR
OCEAN BREEZE WEST PARCEL
OCEAN BREEZE PLAZA
PROP. WELL
PROP. MAINTENANCE BLDG
REDEVELOPMENT AREA LIMITS

Exhibit A-1

Exhibit A-2



"THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF OR MODIFICATION TO THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY CAPTEC ENGINEERING, INC. SHALL BE AT REUSER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO CAPTEC ENGINEERING, INC."

Job No.: 15-143
Sheet: 09 of 34

Prepared by:
Brian R. Kanes, P.E.
331 N.W. Flagler Ave.
Stuart, Florida 34994
P.E. No. 60505

Permit Set

OCEAN BREEZE JENSEN BEACH PARK REDEVELOPMENT
MARTIN COUNTY, FL

PAVING, GRADING AND DRAINAGE PLAN

SCALE VERIFICATION
SOLID BAR IS EQUAL TO ONE INCH ON ORIGINAL DRAWING. ADJUST ALL SCALED DIMENSIONS ACCORDINGLY

NO	DATE	BY	REVISIONS
07	11/13/15	RRK	REVISED PER AREA UTILITIES
06	11/10/15	RRK	REVISED WATER & DRAINAGE
05	10/30/15	RRK	REVISED COMMUNITY CENTER FIXTURES
04	10/20/15	RRK	APPROVED FOR CONSTRUCTION
03	10/13/15	RRK	PER HCD COMMENTS
02	09/08/15	RRK	HCD PERMIT SUBMISSION
01	11/04/14	RB	PRELIMINARY PLANS

DATE: 11/04/14
DRAWN BY: BR
DESIGNED BY: RK
CHECKED BY: JWD
PROJECT No.: 1543
HORZ. SCALE: 1" = 30'
VERT. SCALE: N/A
CADD FILE: SITE IMPROVE

CAPTEC Engineering, Inc.
Civil Engineering Professionals
331 NW Flagler Ave., Ste. 201
Stuart, Florida 34994
Phone: (772) 337-4344
Fax: (772) 692-4311
Engineering Business No EB 0007587

INSTR # 2590765 OR BK 2872 PG 2590 RECD 08/12/2016 03:40:31 PM
(5 Pgs)
CAROLYN TIMMANN MARTIN COUNTY CLERK
DEED DOC $0.00, MTG DOC $0.00, INTANGIBLE $0.00

BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 238-2016

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA PROVIDING FOR A SECOND MINOR AMENDMENT TO THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT AGREEMENT, ADOPTED BY ORDINANCE NO. 220-2015, AND AMENDED BY RESOLUTION NO. 223-2015, THEREBY ALLOWING FOR THE INSTALLATION OF COMMUNITY MAILBOXES, MINOR AMENDMENTS TO GUEST PARKING SPACES AND OTHER MINOR AMENDMENTS TO THE OCEAN BREEZE PUD MASTER PLAN TO INCORPORATE POTENTIAL VARIATIONS RESULTING FROM THE IMPLEMENTATION OF THE PLAN; MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; PROVIDING A PROCESS FOR ANY POTENTIAL REMEDIAL ACTIONS OF SAID VARIATIONS; PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND FOR OTHER PURPOSES

****

WHEREAS, NHC-FL143 LLC, a Delaware Limited Liability Company, hereafter Applicant, has applied for a second minor amendment to the Ocean Breeze East Planned Unit Development Agreement, approved by Ordinance No. 220-2015 and amended by Resolution No. 223-2015, to allow for the installation of additional community mailbox locations, amend guest parking space configuration and incorporate potential variations resulting from the implementation of the plan, as depicted in Exhibit "A" attached, and

WHEREAS, the Applicant seeks to remediate any minor variations as necessary from the original master plan as amended, and

WHEREAS, the applicant acknowledges that the Town of Ocean Breeze Comprehensive Plan and Ocean Breeze East PUD agreement provide for safeguards against displacement of legacy residents and wishes to include clarifying language as part of this proposed minor amendment, and

WHEREAS, as requested by the Town Council, the applicant held a community workshop to address mailbox locations and guest parking variances and that the attendee's preferences are reflected herein, and

WHEREAS, the Ocean Breeze Town Council has held duly advertised public hearings to consider the Applicant's request and deems it in the public's best interest to grant approval.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA resolves, as follows:

SECTION 1: A minor amendment to the Ocean Breeze East Planned Unit Development Agreement as previously amended is hereby approved to allow for:

a. three additional community mailbox locations within the infill area, as depicted in Exhibit "A" attached, if home delivery is not allowed by the Post Office.

b. a change in layout and quantity of guest parking locations as depicted in Exhibit "A" attached,

c. the reconfiguration of two streets to reflect changes due to the implementation of parking and existing easements as depicted in Exhibit "A" attached,

d. the minor reconfiguration of the seawall as depicted in Exhibit "A" attached,

e. the fixed location of entrance gateways as previously reviewed by the Town Council and as depicted in Exhibit "A" attached,

f. fireproofing retrofits, acceptable to the Town's Building Official, for a small number of existing storage sheds built closer than 5' to adjoining structures, and providing that all future construction must adhere to the Florida Fire Prevention Section of the Florida Building Code as it pertains to separation of structures.

g. the addition of a dog area by the maintenance building, a gazebo on the north end of the property, minor curb corrections, identification of approved entrance features, shade structures over community mailbox areas (if home delivery is not allowed by the Post Office) and the location of entrance gates.

h. Applicant represents that, previously hereto, Applicant has voluntarily established a policy limiting annual increases for legacy residents to no more than 5%. Applicant warrants that it shall promptly file an amendment of its prospectus required under Chapter 723 of the Florida Statutes, such that the prospectus shall confirm that annual rent increases for legacy residents shall never be permitted to exceed five percent (5%) over and above the immediately preceding year. The term "legacy resident" shall refer to owners and renters of units (a/k/a mobile homes), which units were located within the boundaries of

the property described in the PUD as of the date of its adoption, i.e., January 27, 2015, and which such units presently continue to remain on the said property on the date of adoption of this Resolution (hereinafter referred to as "legacy homes"). Nothing herein shall be deemed to prevent Applicant from establishing a First Right of Refusal with regard to any legacy home, provided such right complies with the requirements of Chapter 723 of the Florida Statutes, and provided that the time period for exercising such First Right of Refusal is reasonable. Applicant's failure to abide by the limitations set forth herein shall constitute a violation (or violations) of the PUD."

SECTION 2. Applicant hereby ratifies and confirms all terms and conditions of the PUD as set forth in Ordinance Number 220-2015 and the minor amendment thereto set forth in Resolution Nos. 223-2015 and 238-2016.

SECTION 3: Except as specifically modified herein, all terms and conditions of the said PUD as previously amended shall remain in full force and effect.

SECTION 4. This resolution shall become effective immediately upon adoption.

SECTION 5. This resolution shall be recorded in the public record of Martin County the cost of which shall be paid by the applicant.

Adopted this 1st day of August, 2016.

Council Member DeAngeles offered the foregoing resolution and moved approval on the second reading. The motion was seconded by Council Member Cairns and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
ANN KAGDIS, PRESIDENT	X			
KENNETH DE ANGELES, VICE-PRESIDENT	X			
JERRY COLLINS, COUNCIL MEMBER			X	
EARLENE CAIRNS, COUNCIL MEMBER	X			
ROBERT BODIE, COUNCIL MEMBER		X		
BEATRICE MILLETTE, COUNCIL MEMBER	X			

ATTEST:

PAM ORR
TOWN CLERK

ANN KAGDIS
COUNCIL PRESIDENT

APPROVED AS TO FORM:

WILLIAM F. CRARY, II
TOWN ATTORNEY

DAVID MYERS
MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS RESOLUTION, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Christina Skop

Print Name: Christina Skop

Leah Meray

Print Name: Leah Meray

NHC-FL143, LLC a Delaware limited liability company, Sole Member

By: NRVC-Holding Co., LLC, a Delaware limited liability company, Sole Member

By: National RV Communities, LLC, a Delaware limited liability company, Sole Member

By: Carefree Communities, Inc., a Delaware corporation, Sole Member

By: _____

John McLaren, President and COO

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 238-2016 was acknowledged before me this 11 day of August, 2016, by John McLaren, the President of NHC-FL143 LLC.

STACEY ANN GREEN NOTARY PUBLIC OAKLAND COUNTY, MI

Stacey Ann Green

Notary Public, State of ~~Florida~~ Michigan

My Commission Expires:

Notary Seal

STACEY ANN GREEN
Notary Public, State of Michigan
County of Oakland
My Commission Expires June 25, 2020
Acting in the County of Oakland

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

OCEAN BREEZE EAST PUD

Analysis of Findings

07.24.16

MEMORANDUM

TO: Town of Ocean Breeze

FROM: Marcela Camblor-Cutsaimanis, AICP
MC&A, Inc.

Re: Ocean Breeze East PUD Minor Amendment

The applicant, NCH FL143 LLC, is in receipt of the Ocean Breeze East PUD findings outlined by MacKenzie Engineering and Planning, Inc (MEP).

The table attached (Exhibit "A") - prepared by MEP - identifies 29 potential issues. A column to the right of this table was added to respond to each individual issue. In addition, an amended PUD master plan in attached (Exhibit "B") identifying necessary minor amendments to the PUD master plan.

The applicant has reviewed the issues identified by MEP and states the following:

- 17 of the 29 issues identified do not require a PUD master plan amendment.
- 7 of the parking issues identified were addressed during the public workshop requested by the Town Council and are being dealt with through this minor amendment.
- The remaining 5 issues identified require minor amendments to the PUD master plan (e.g. reversed parking location, flagpole area, path over bioswale, etc) and are reflected in the amended master plan (Exhibit "A").

Additionally, Exhibit "B" identifies two amendments not listed in this table: a dog run and dog bathing area by the new maintenance building, and the inclusion of the entrance features previously approved by the board.

MARCELA CAMBLOR & ASSOCIATES, INC.
[illegible] STUART - FLORIDA [illegible]
[illegible] www.marcelacamblor.com

EXHIBIT "A"

Findings table prepared by MacKenzie Engineering and Planning (MEP) outlining findings and/or inconsistencies with the PUD including added column to the right (yellow) to reflect applicant's actions and/or response to each issue identified.

Issue #	Location	Observed	PUD Plan	Previous Board Actions/Review	Applicant's Action/Response
1	NE corner of Vista Drive & NE Indian River Drive & River Place	3 parking spaces	No parking identified on the plan	Future mailbox location per post-master, requiring parking spaces. 5/23/16 presentation shows as possible location for additional parking.	3 guest spaces were temporarily built. Community agrees that spaces need to remain, especially since site will house a community mailbox. Master Plan is amended to reflect.
2	River Place about 200 SE of Vista Drive	2 Guest parking spaces	No parking identified on the plan		Parking is temporary. It will be removed once unit is in place. No amendment necessary.
3	East side of Plan @ Community Pier Area	None observed (area is under construction)	Community Pier, ADA parking stall, private sundeck		Area is under construction, including parking depicted in master plan. Private sundeck will be rebuilt. No amendment necessary.
4	East side of Plan @ Community Pier Area	New Retaining wall, straight and matching existing retaining wall to the south	Meandering shore line		Straightened retaining wall was presented and agreed by the board on 1/11/16. An upland beach, also presented on 1/11/16 will be built. Amended PUD master plan reflects this change.

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review	Applicant's Action/Response
5	Pedestrian path from NE Bay Dr. to NE OB Dr.	No pedestrian path marking and missing one-way signage at NE Bay Street	Pedestrian path and one-way street		Street was built. Path will be marked. No amendment necessary.
6	NE Ocean Breeze Drive & NE Indian River Drive	No change from original condition	Sidewalk, Crosswalk, & Median islands		Change was pending Indian River Drive agreement approval and gating of Ocean Breeze Dr. Median islands will be removed since exit road is one way only as approved by board. Amended PUD master plan reflects this change.
7	NE Melaleuca Drive & NE Cypress Drive	1 dwelling unit	5 parking spaces	Although 5 spaces were approved – they are presently in conflict (per 5/23/16 PowerPoint presentation). Possible location for additional parking determined just a few feet south (on Melaleuca)	Issue addressed during public workshop. Two guest parking spaces will be built (second when pole is removed) in area between both units). Amended PUD master plan reflects this change.
8	NE Melaleuca Drive @ PUD NE corner	Sign & utilities	3 parking spaces	The 5/23/16 PowerPoint presentation shows as approved parking but in conflict with transformer at this location.	Issue addressed during public workshop. No guest parking spaces will be built. A gazebo will be installed and the area will become a pocket park. Amended PUD master plan reflects this change.
9	NE Melaleuca Drive @ PUD unit 15	2-3 parking spaces	Dwelling unit 15	No approved parking at this location.	Parking is temporary and will be removed once unit is installed. No amendment necessary.

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review	Applicant's Action/Response
10	NE Melaleuca Drive (along the western fence)	Grassy area	Golf Cart parking spaces	Approved parking spaces noted on plans and confirmed in 5/23/16 presentation.	Will add "golf parking" sign to clarify. No amendment necessary.
11	NW corner of NE Melaleuca Drive & NE Ocean Breeze Drive	Construction staging area/storage area	Road, dwelling units, mailbox, 2 parking stalls, mailbox	2 approved parking spaces and mailbox shown on 5/23/16 presentation on corner of NE Ocean Breeze Drive and NE Melaleuca Dr.	Area is under construction and will be built as depicted in plan. No amendment necessary.
12	NE Ocean Breeze Drive	No change from pre-existing condition, including 2 speeds humps	On-street parking on the north side of NE Ocean Breeze Drive		Parking will be built when road is gated. No amendment necessary.
13	NE West End Boulevard South of NE Ocean Breeze Drive (east side)	1 dwelling unit	7 parking stalls	The 5/23/16 PowerPoint presentation shows as approved parking but in conflict at this location, however it is location of additional mailbox which requires parking spaces.	Issue addressed during public workshop. Guest parking spaces will be built on south side. Amended PUD master plan reflects this change.
14	NE West End Boulevard South of NE Bay Drive (east side)	Open space (passive park)	4 parking stalls	The 5/23 PowerPoint presentation does not show this location approved parking	Issue addressed during public workshop. Guest parking spaces will be built when needed. No amendment necessary.

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review	Applicant's Action/Response
15	NE West End Boulevard NE Key Lime Drive (NE corner)	Dirt area (area under construction)	Pedestrian path		Master plan does not show a pedestrian path here. No amendment necessary.
16	Between Bay Drive & NE Indian River Drive across from Key Lime Drive	1 dwelling unit, no median island	Road connection from NE Bay Drive to NE Indian River Drive & a circular median island		Road was closed as per approved PUD. Dotted line reflected is a print error. Amended PUD master plan reflects this change.
17	Between NE Bay Drive & NE Key Lime Drive	1 parking stall	2 parking stalls	Not shown as approved parking on 5/23/16 presentation.	Temporary guest parking spaces. Will be removed when units are installed. No amendment necessary.
18	Between NE Bay Drive & NE Ocean Breeze Drive	Dwelling units	Pedestrian path		Path will be built as land becomes available. No amendment necessary.
19	NE Key Lime Drive	Existing unchanged condition	6 on-street parking stalls	Approved parking location per 5/23/16 PowerPoint presentation.	Parking will be built when land becomes available. No amendment necessary.
20	NE Kumquat Drive from NE Key Lime Drive to Portside Way	NE Kumquat Drive	PUD Unit 908		Road was removed and unit was proposed per approved PUD. No amendment necessary.
21	NE Kumquat Drive & Sail Way (SW Corner)	Grassy Area	7 on-street parking stalls, 17 golf cart parking, additional mailbox location & Activity building		Road reconfiguration, removed activity building. Amended PUD master plan reflects change.

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review	Applicant's Action/Response
22	NW corner of Sail Way & Seabreeze Way	Grass Island with parking accessed through RV parking stall 617	RV parking stall 617 with grass island; parking along Sail Way		Parking "flipped" to improve ADA access. Amended PUD master plan reflects change.
23	East side of Coastal Drive & north of Ebbtide Way	Grassy area	9 on street parking stalls	Per 5/23/16 PowerPoint presentation - Approved parking location Additional mailbox location per Postmaster, which requires parking spaces.	Power point did not address this area. This area will be built when phase 1a is entered into. No amendment necessary.
24	SW corner of Harbor Way & Pier Way	Bocce Court, Shade structure, and picnic area	Multiple dwelling units		Temporary amenities that will be replaced by permanent ones as shown in PUD master plan. No amendment necessary.
25	Pier Way between Seabreeze Way & Harbor Way	Flagpole	Notched area of pavement		Plan amended to add flagpole and area around it. Amended PUD master plan reflects change.
26	North side of Seabreeze Way west of NE Indian River Drive	Parking lot	Dwelling 664 and a structure (960)	No approved guest parking shown on 5/23/16 presentation.	Temporary parking lot was approved by town and built as per permitted plans. Will be removed once units are installed. No amendment necessary.
27	Dry detention area between Seabreeze Way & Harbor Way	Pedestrian pathway	Dry detention area	As per 5/23/16 there are 9 parking spaces on Harbor Bay Side and 8 parking spaces on Seabreeze Way side.	Path built as per approved and permitted construction documents. Amended PUD master plan reflects change.

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review	Applicant's Action/Response
28	NW corner of Seabreeze Way & Unnamed Street	Model Center	Dwelling units 652-654		Model center will eventually be for-sale units. No amendment necessary.
29	Parking lot. Extension of Palm Dr. & removal of portion of Palm Dr.	Palm Drive (N-S portion), 19 parking stalls	Palm Dr. E/W to Unnamed St., removal of N/S portion & parking lot		Amended due to easement and for ease of parking. Amended PUD master plan reflects change.

EXHIBIT "B"

LEGEND

- ONE WAY TRAFFIC DIRECTION (14' MIN. TRAVEL WAY)
- TWO WAY TRAFFIC DIRECTION (18' MIN. TRAVEL WAY)
- # OF PARKING SPACES
- # OF GOLF CART PARKING SPACES
- COMMUNITY MAIL BOX
- UNIT NUMBER
- STABILIZED GRASS PARKING AREA

A) COMMUNITY PIER
C) RECONFIGURED PRIVATE SUNDECK (TYP.)
ACCESSIBLE PARKING
OFFICE / RECEPTION
UPLAND BEACH AREA
ENTRANCE FEATURES
PROP. WATER METER (MASTER)
INFILL
EXIST. MASTER LIFT STATION
EXIST. WATER MAIN
PARKING
ACTIVITY BLDG
B) OCEAN BREEZE ISLAND (FUTURE)
PROPERTY LINE
PEDESTRIAN PATH(TYP) and ONE WAY STREET
ONE WAY STREET
MIXED USE / STORE / OFFICE
GAZEBO SHADE / STRUCTURE
INFILL
PEDESTRIAN PATH(TYP)
GOLF CART / PEDESTRIAN ACCESS CONNECTION
GATE/ TRAFFIC FEATURE
OUTDOOR STORAGE
DOG AREA
PROP. WELL
PROP. MAINTENANCE BLDG
REDEVELOPMENT AREA LIMITS
OCEAN BREEZE WEST PARCEL
TOWN OF OCEAN BREEZE PARK EAST PUD
OCEAN BREEZE PLAZA
ENVIRONMENTAL STUDIES CENTER
POOL / COMMUNITY HALL / CAFE
LAUNDRY / BATH HOUSE
RECREATION AREA
EXIST. SINGLE FAMILY RESIDENCE (TYP.)
NORTH
GRAPHIC SCALE

1 4 6 7 8 13 16 21 22 25 26 27 29

CAPTEC Engineering, Inc.
Civil Engineering Professionals
301 NW Flagler Ave
Stuart, Florida 34994
Phone: (772) 692-4344
Fax: (772) 692-4341

MC&A
Terry Plassner
Architecture

SCALE VERIFICATION
SQUARE BARS EQUAL TO ONE INCH ON ORIGINAL DRAWING. ADJUST ALL SCALED DIMENSIONS ACCORDINGLY

SUN COMMUNITIES
OCEAN BREEZE EAST PUD
MARTIN COUNTY, FL

MASTER PLAN
UPDATED AUGUST 1, 2016

Joseph W. Capra
301 N.W. Flagler Ave., Ste. 20
Stuart, Florida 34994
P.E. No. 37635

Permit Date

JOB No.: 1543
SHEET 01 OF 01

MacKenzie
Engineering & Planning, Inc.
10795 SW Civic Lane • Port Saint Lucie • Florida • 34987
(772) 345-1948 • www.mackenzieengineeringinc.com

Shaun G. MacKenzie LICENSE No. 61751 STATE OF FLORIDA PROFESSIONAL ENGINEER

7/19/16

To: Town of Ocean Breeze

From: Shaun G. MacKenzie, P.E.

Date: July 8, 2016

Re: Ocean Breeze (082002)
Review of PUD Construction (As of July 7, 2016)

We reviewed the field conditions of Ocean Breeze East PUD on July 7, 2016 and compared the current condition to the Master Plan dated August 12, 2015. Based on our field review observed the following inconsistencies:

Table 1. PUD Inconsistencies

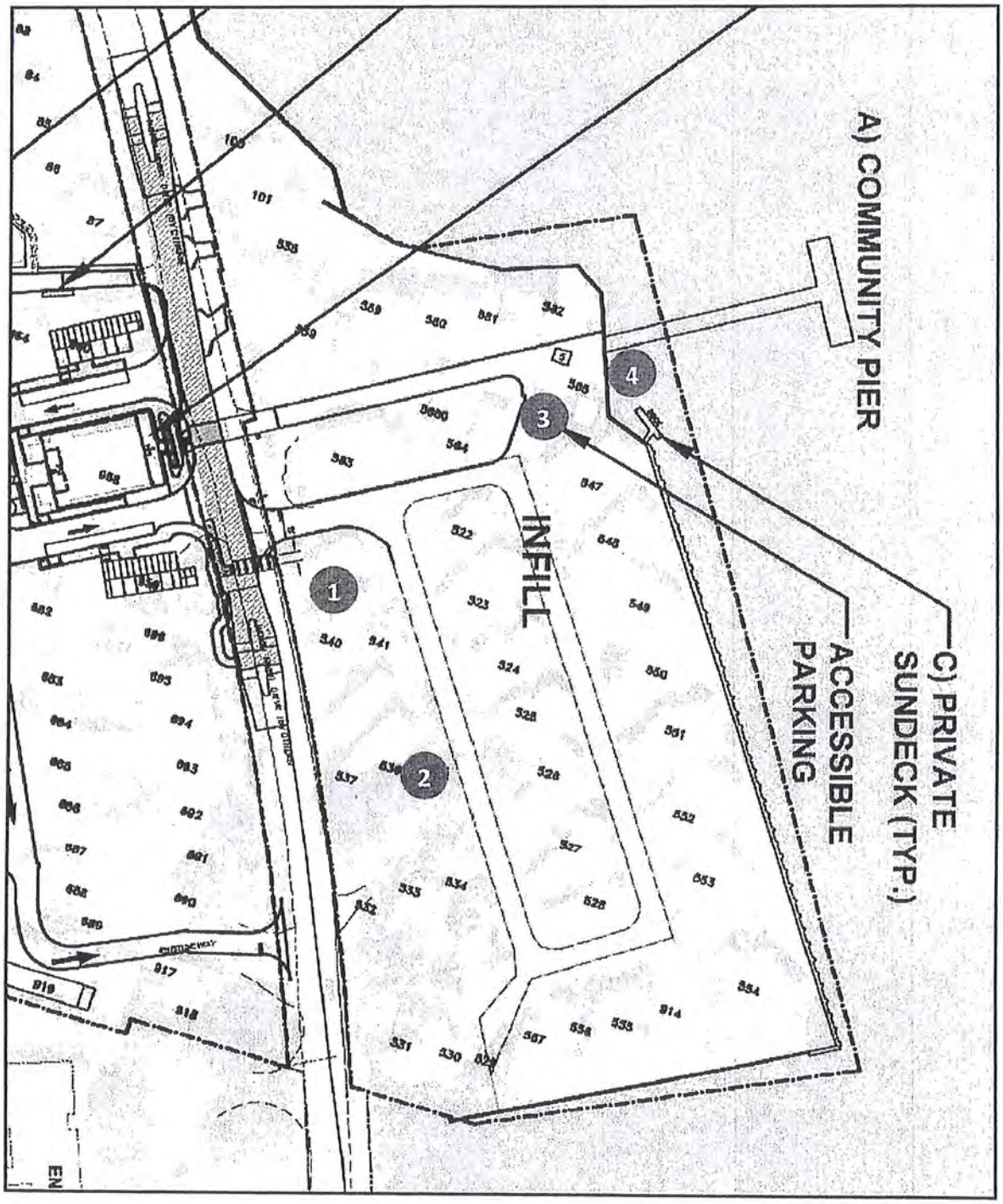
Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review
1	NE corner of Vista Drive & NE Indian River Drive & River Place	3 parking spaces	No parking identified on the plan	Future mailbox location per postmaster, requiring parking spaces. 5/23/16 presentation shows as possible location for additional parking.
2	River Place about 200 SE of Vista Drive	2 Guest parking spaces	No parking identified on the plan	
3	East side of Plan @ Community Pier Area	None observed (area is under construction)	Community Pier, ADA parking stall, private sundeck	
4	East side of Plan @ Community Pier Area	New Retaining wall, straight and matching existing retaining wall to the south	Meandering shore line	
5	Pedestrian path from NE Bay Drive to NE Ocean Breeze Drive	No pedestrian path marking and missing one-way signage at NE Bay Street	Pedestrian path and one-way street	
6	NE Ocean Breeze Drive & NE Indian River Drive	No change from original condition	Sidewalk, Crosswalk, & Median islands	

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review
7	NE Melaleuca Drive & NE Cypress Drive	1 dwelling unit	5 parking spaces	Although 5 spaces were approved – they are presently in conflict (per 5/23/16 PowerPoint presentation). Possible location for additional parking determined just a few feet south (on Melaleuca)
8	NE Melaleuca Drive @ PUD NE corner	Sign & utilities	3 parking spaces	The 5/23/16 PowerPoint presentation shows as approved parking but in conflict with transformer at this location.
9	NE Melaleuca Drive @ PUD unit 15	2-3 parking spaces	Dwelling unit 15	No approved parking at this location.
10	NE Melaleuca Drive (along the western fence)	Grassy area	Golf Cart parking spaces	Approved parking spaces noted on plans and confirmed in 5/23/16 presentation.
11	NW corner of NE Melaleuca Drive & NE Ocean Breeze Drive	Construction staging area/storage area	Road, dwelling units, mailbox, 2 parking stalls, mailbox	2 approved parking spaces and mailbox shown on 5/23/16 PowerPoint presentation on corner of NE Ocean Breeze Drive and NE Melaleuca Dr.
12	NE Ocean Breeze Drive	No change from pre-existing condition, including 2 speeds humps	On-street parking on the north side of NE Ocean Breeze Drive	
13	NE West End Boulevard South of NE Ocean Breeze Drive (east side)	1 dwelling unit	7 parking stalls	The 5/23/16 PowerPoint presentation shows as approved parking but in conflict at this location, however it is location of additional mailbox which requires parking spaces.
14	NE West End Boulevard South of NE Bay Drive (east side)	Open space (passive park)	4 parking stalls	The 5/23 PowerPoint presentation does not show this location approved parking

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review
15	NE West End Boulevard NE Key Lime Drive (NE corner)	Dirt area (area under construction)	Pedestrian path	
16	Between Bay Drive & NE Indian River Drive across from Key Lime Drive	1 dwelling unit, no median island	Road connection from NE Bay Drive to NE Indian River Drive & a circular median island	
17	Between NE Bay Drive & NE Key Lime Drive	1 parking stall	2 parking stalls	Not shown as approved parking on 5/23/16 presentation.
18	Between NE Bay Drive & NE Ocean Breeze Drive	Dwelling units	Pedestrian path	
19	NE Key Lime Drive	Existing unchanged condition	6 on-street parking stalls	Approved parking location per 5/23/16 PowerPoint presentation.
20	NE Kumquat Drive from NE Key Lime Drive to Portside Way	NE Kumquat Drive	PUD Unit 908	
21	NE Kumquat Drive & Sail Way (SW Corner)	Grassy Area	7 on-street parking stalls, 17 golf cart parking stalls, additional mailbox location & Activity building	Per 5/23/16 PowerPoint presentation - Approved parking location Additional mailbox location per Postmaster, which requires parking spaces.
22	NW corner of Sail Way & Seabreeze Way	Grass Island with parking accessed through RV parking stall 617	RV parking stall 617 with grass island; parking along Sail Way	
23	East side of Coastal Drive & north of Ebbtide Way	Grassy area	9 on street parking stalls	The 5/23/16 PowerPoint presentation does not show as approved parking in this location, however it is location of additional mailbox which requires parking spaces.
24	SW corner of Harbor Way & Pier Way	Bocce Court, Shade structure, and picnic area	Multiple dwelling units	

Issue#	Location	Observed	PUD Plan	Previous Board Actions/Review
25	Pier Way between Seabreeze Way & Harbor Way	Flagpole	Notched area of pavement	
26	North side of Seabreeze Way west of NE Indian River Drive	Parking lot	Dwelling 664 and a structure (960)	No approved guest parking shown on 5/23/16 presentation.
27	Dry detension area between Seabreeze Way & Harbor Way	Pedestrian pathway	Dry detension area	As per 5/23/16 presentation there are 9 approved parking spaces on Harbor Bay Side of the dry detention area and 8 parking spaces on Seabreeze Way side.
28	NW corner of Seabreeze Way & Unnamed Street	Model Center	Dwelling units 652-654	
29	Parking lot, Extension of Palm Drive to Unnamed Street, removal of a portion of Palm Drive	Palm Drive (N-S portion), 19 parking stalls	Palm Drive E/W to Unnamed Street, removal of N/S portion of Palm Drive and installation of a parking lot	

Exhibit 1: PUD East Side Map



MacKenzie
Engineering & Planning, Inc.

Exhibit 2: PUD North Map

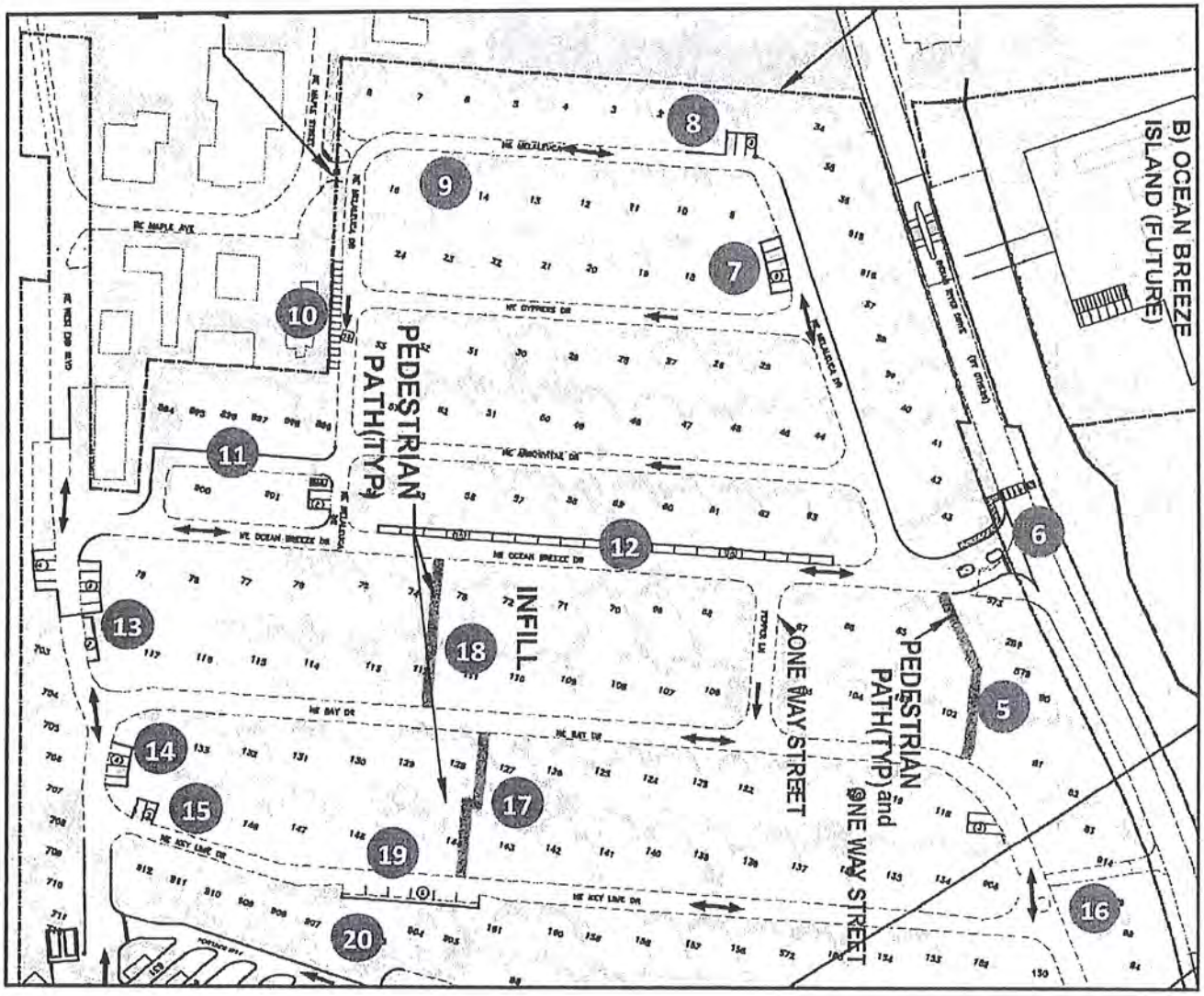
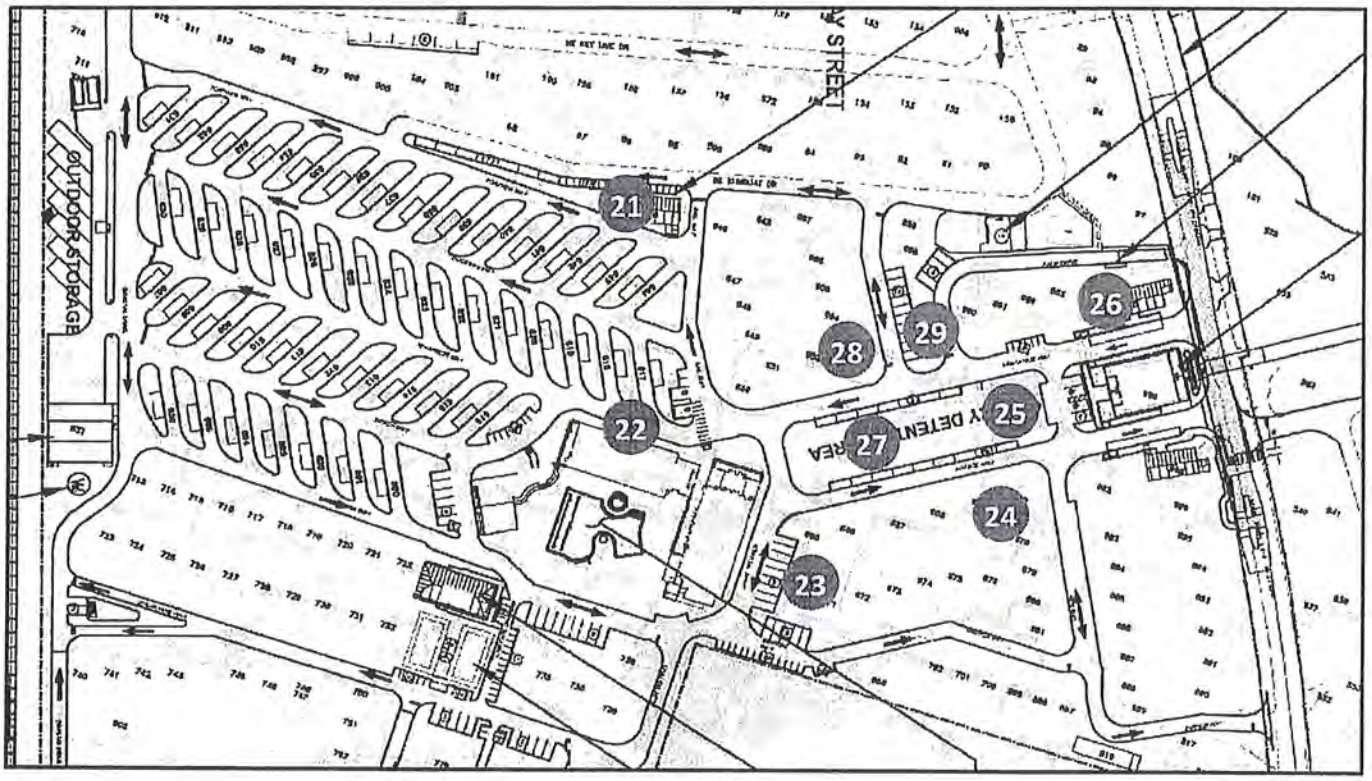


Exhibit 3: PUD South Map

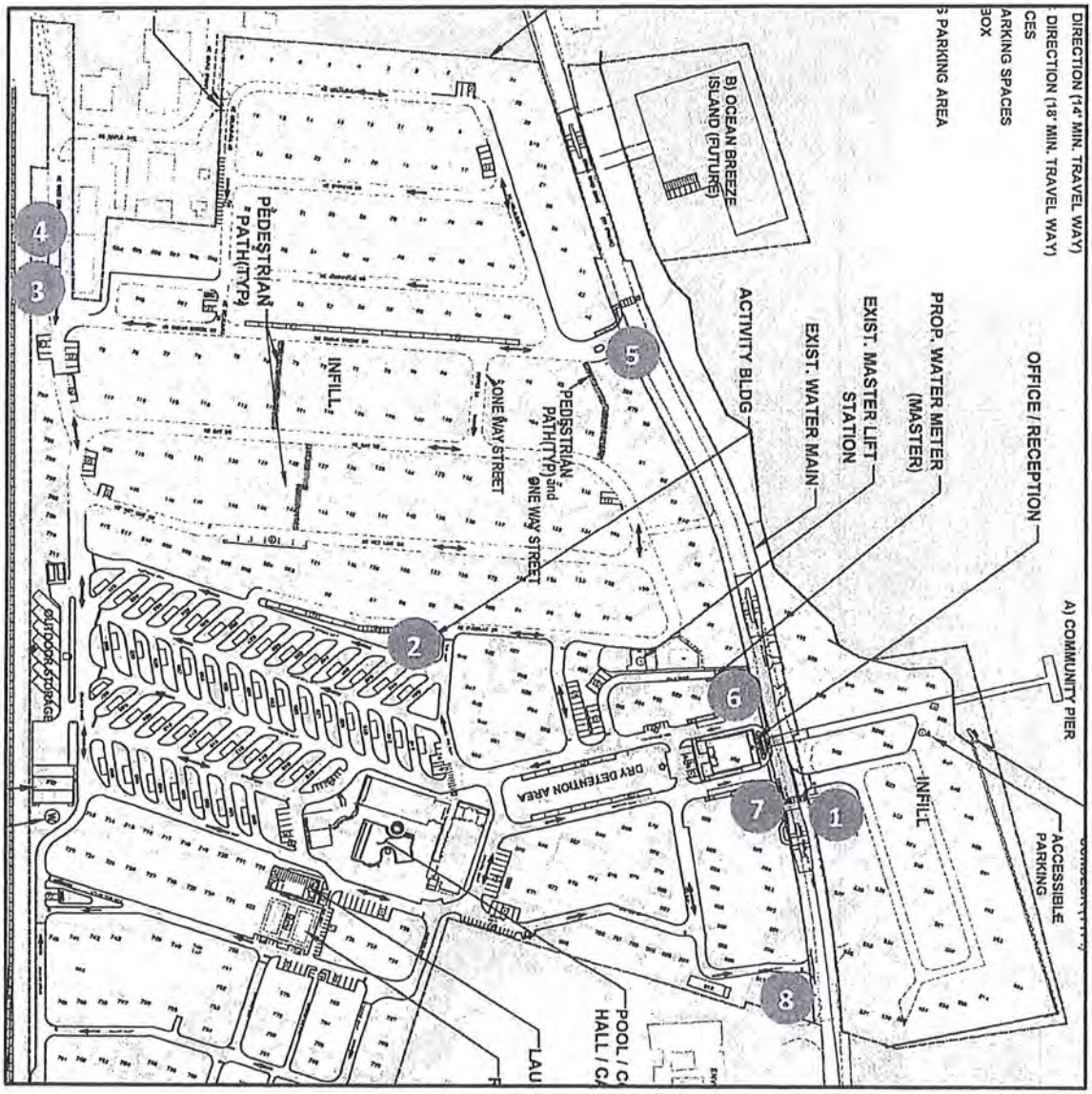


Future Potential Issues were identified based on information provided by the existing developer related to mailbox locations. In addition, it is our understanding that gated entrances are proposed. Therefore, MEP compiled additional issues that should also be resolved related to the PUD master plan.

Table 2. PUD Master Plan Future Issues

Issue#	Location	Potential Inconsistency	PUD Plan
1	NE corner of Vista Drive & NE Indian River Drive & River Place	Group mail box location as determined by Postmaster	No mail box
2	SW corner of NE Kumquat Drive & Sail Way	Group mail box location as determined by Postmaster	No mail box
3	NE Ocean Breeze Drive & NE West End Blvd	Group mail box location as determined by Postmaster	No mail box
4	NE West End Blvd	U-turn area and/or gates	Addressed at 2/9/16 council meeting as Resolution 234-2015
5	NE Ocean Breeze Drive	U-turn area and/or gates	
6	Seabreeze Way	U-turn area and/or gates	
7	Harbor Way	U-turn area and/or gates	
8	Ebbtide Way	U-turn area and/or gates	

Exhibit 4. PUD Master Plan Future Issues



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(5 Pgs)
RECORDED 02/10/2017 01:28:50 PM
CAROLYN TIMMANN
MARTIN COUNTY CLERK

BEFORE THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA
ORDINANCE NUMBER 241-2016

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA PROVIDING FOR A MAJOR AMENDMENT TO THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT AGREEMENT, ADOPTED BY ORDINANCE NO. 220-2015, AND AMENDED BY RESOLUTIONS NO. 223-2015, NO. 234-2015 AND NO. 238-2016 THEREBY ALLOWING FOR CHANGES TO THE STREET NETWORK IN THE PROPOSED REDEVELOPMENT AREA, REDUCTION OF THE OVERALL DENSITY, EXPANSION OF AMENITY AREA, REMOVAL OF BUILDINGS IDENTIFIED AS ACTIVITY BUILDINGS, ALLOWING FOR UP TO 20,000SF OF COMMERCIAL USE, IMPROVEMENTS TO EXISTING NEIGHBORHOODS, DEVELOPMENT OF PRIVATE DOCKS, INCREASE OF FENCING MATERIALS, ALLOWING ENTRANCE FEATURES AT MAIN GATE AREAS AND ALLOWING FOR THE OCEAN BREEZE ISLAND COMPONENT TO BE CONSIDERED BY MEANS OF A FUTURE MINOR PUD AMENDMENT; MORE FULLY DESCRIBED BY EXHIBITS "A" THROUGH "G" ATTACHED; PROVIDING FOR POTENTIAL REVISIONS RELATED TO INDIAN RIVER DRIVE IMPROVEMENTS; PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND FOR OTHER PURPOSES

****

WHEREAS, NHC-FL143 LLC, a Delaware Limited Liability Company, hereafter Applicant, has applied for a major amendment to the Ocean Breeze East Planned Unit Development Agreement, approved by Ordinance No. 220-2015 and amended by Resolutions No. 223-2015 and No. 238-2106, and

WHEREAS, the Applicant seeks to make changes to the proposed future network, site numbering and street names, and

WHEREAS, the Applicant seeks to improve the existing north and east neighbor-hoods designated as "Infill Phase" in Exhibit "C" attached, to include pocket parks, street lighting, pavement improvements and specify timetable of development for items not previously defined as outlined in Exhibits "E", "F" and "H" attached, and

WHEREAS, the Applicant seeks to make changes to the areas designated as "Amenity Core Phase" and "Redevelopment Phase" as outlined in Exhibit "C" attached that will result in wider roads, a reduction in density and an expanded amenity core, and

WHEREAS, the Applicant seeks to increase material selection and height of fences along the FEC tracks to mitigate sound from increased train traffic, and

WHEREAS, existing private docks need to be reconstructed and new private docks will be built for waterfront sites at the request and expense of residents residing in said sites, and

WHEREAS, the Applicant seeks to amend the OBEPUD to allow for the Ocean Breeze Island to be addressed through a minor amendment at a future date and not before completion of Infill Phase improvements, and

WHEREAS, consistent with the Town of Ocean Breeze Comprehensive Plan, the seeks to allow for up to 20,000sf of commercial uses in areas accessible to the general public without affecting the safety of the Town's residents, and

WHEREAS, the Applicant seeks to modify Ordinance 220-2015 Development Conditions, and

WHEREAS, the Applicant seeks to encourage sustainable development practices, and,

WHEREAS, it is anticipated that improvements to Indian River Drive, including but not limited to pedestrian safety enhancements, drainage infrastructure and pavement improvements will be implemented in accordance with an Interlocal Agreement between Martin County and the Town and agreed to by the Applicant, which, if made, shall be incorporated herein without the need to further amend the PUD, and

WHEREAS, the Town's Zoning Board has held properly noticed public hearings to consider the amendment referenced herein and has recommended approval thereof, and,

WHEREAS, the Ocean Breeze Town Council has held duly advertised public hearings to consider the Applicant's request and deems it in the public's best interest to grant approval, and,

WHEREAS, at the public hearings the Applicant has showed by substantial and competent evidence that the amendments referenced herein are consistent with the Town's Comprehensive Plan and procedural requirements of law.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA resolves, as follows:

SECTION 1: A major amendment to the Ocean Breeze East Planned Unit Development Agreement as previously amended is hereby approved to allow for:

a. Improvement of existing north and east neighborhoods to include pocket parks, street lighting, pavement improvements and specify timetable of development for items not previously defined as outlined in Exhibits "A", "B" and "D" attached;

b. amendment of the street network, street names and site numbers as depicted in Exhibit "A" attached;

c. expansion of the Amenity Core and activities as depicted in Exhibit "A" attached;

d. elimination of buildings identified as "Activity Building" dispersed throughout the PUD as depicted in Exhibit "A" attached;

e. reduction of the number of sites from 515 to 499 as depicted in Exhibit "A" attached;

f. rebuilding of a dock that was removed to allow for the reconstruction of the seawall and allowing for individual, private docks to be built adjacent to waterfront sites at the request and expense of each individual waterfront resident as depicted in Exhibit "A" attached;

g. increase of materials and height permitted for fencing along the FEC corridor to allow for sound walls to be erected if necessary as depicted in Exhibit "F" attached;

h. up to 20,000sf of commercial uses consistent with the commercial guidelines as established in the PUD and depicted in Exhibit "F" "Commercial Standards", majorly outside the development's gates and will result in innovative design that will support and increase the Town's tax base and improve the health of the Indian River Lagoon;

i. amending the OBE PUD to allow approval of the Ocean Breeze Island by means of a future minor amendment to the OBE PUD with the understanding that approval of ultimate design and permitting by the Town Council and other Agencies will be necessary before proceeding with this proposed development as depicted in Exhibit "A" attached and that such minor amendment will not be pursued until completion of the Infill Phase as outlined in Exhibit "G" attached; AND

j. allowing individual unit owners to install solar panels at their own expense provided that such panels are flat, roof mounted, not visible from the street, not overhanging the unit's roof and of a size not to exceed 20% of the total roof area of the unit.

k. allowing for such revisions to the OBE PUD as may be reasonably necessary to match and incorporate plans created, and field conditions to be set in place, if and when a presently anticipated project to make improvements to Indian River Drive proceeds. Such revisions shall become effective upon written approval by the Town's planning staff of an exhibit, or exhibits, regarding such revisions.

l. Use of lots for motorhomes to be discontinued: Except for the area shown on the Ocean Breeze East PUD Master Site Plan specifically designated to accommodate motorhomes, the placement of motorhomes or any other similar vehicles on land elsewhere on the Ocean Breeze East property shall permanently cease by January 2022. In the meantime, motorhomes or any other similar vehicles which are placed on lots within the northern and waterfront areas of the property, as shown by the map exhibit below, shall not be allowed for less than (90) ninety consecutive days.

SECTION 2. Applicant hereby ratifies and confirms all terms and conditions of the PUD as set forth in Ordinance Number 220-2015 and the minor amendments thereto set forth in Resolution Nos. 223-2015, 234-2016 and 238-2016.

SECTION 3: Except as specifically modified herein, all terms and conditions of the said PUD as previously amended shall remain in full force and effect.

SECTION 4. This ordinance shall become effective upon recording of this ordinance, or a verified copy thereof, in the public records of Martin County, Florida after final adoption by the Town Council and proper execution of the attached Acceptance and Agreement by the Applicant. If this ordinance is not properly executed by the Applicant within sixty (60) days of its final adoption, this ordinance shall become void.

SECTION 5. This Ordinance shall be recorded in the public record of Martin County the cost of which shall be paid by the applicant.

Passed on First Reading this 14th day of November, 2016

Adopted this 12th day of December, 2016.

Council Member De Angeles offered the foregoing Ordinance and moved approval on the second reading. The motion was seconded by Council Member Cairns and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
ANN KAGDIS, PRESIDENT	X			
KENNETH DE ANGELES, VICE-PRESIDENT	X			
JERRY COLLINS, COUNCIL MEMBER			X	
EARLENE CAIRNS, COUNCIL MEMBER	X			
RONALD REILLY, COUNCIL MEMBER	X			
BEATRICE MILLETTE, COUNCIL MEMBER	X			

ATTEST:

Pam Orr
PAM ORR
TOWN CLERK

Ann G. Kagdis
ANN KAGDIS
COUNCIL PRESIDENT

APPROVED AS TO FORM:

WILLIAM F. CRARY, II
TOWN ATTORNEY

Karen M. Ostrand
KAREN M. OSTRAND
MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE

FOREGOING ORDINANCE, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS, WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Carmen Peterson

Cindy Kotz

NHC-FL143, LLC,
a Delaware limited liability company

By: NRVC-Holding Co. LLC,
a Delaware limited liability company, Sole Member

By: Sun Communities Operating Limited Partnership,
a Michigan limited partnership, Sole Member

By: Sun Communities, Inc.,
a Maryland corporation, General Partner

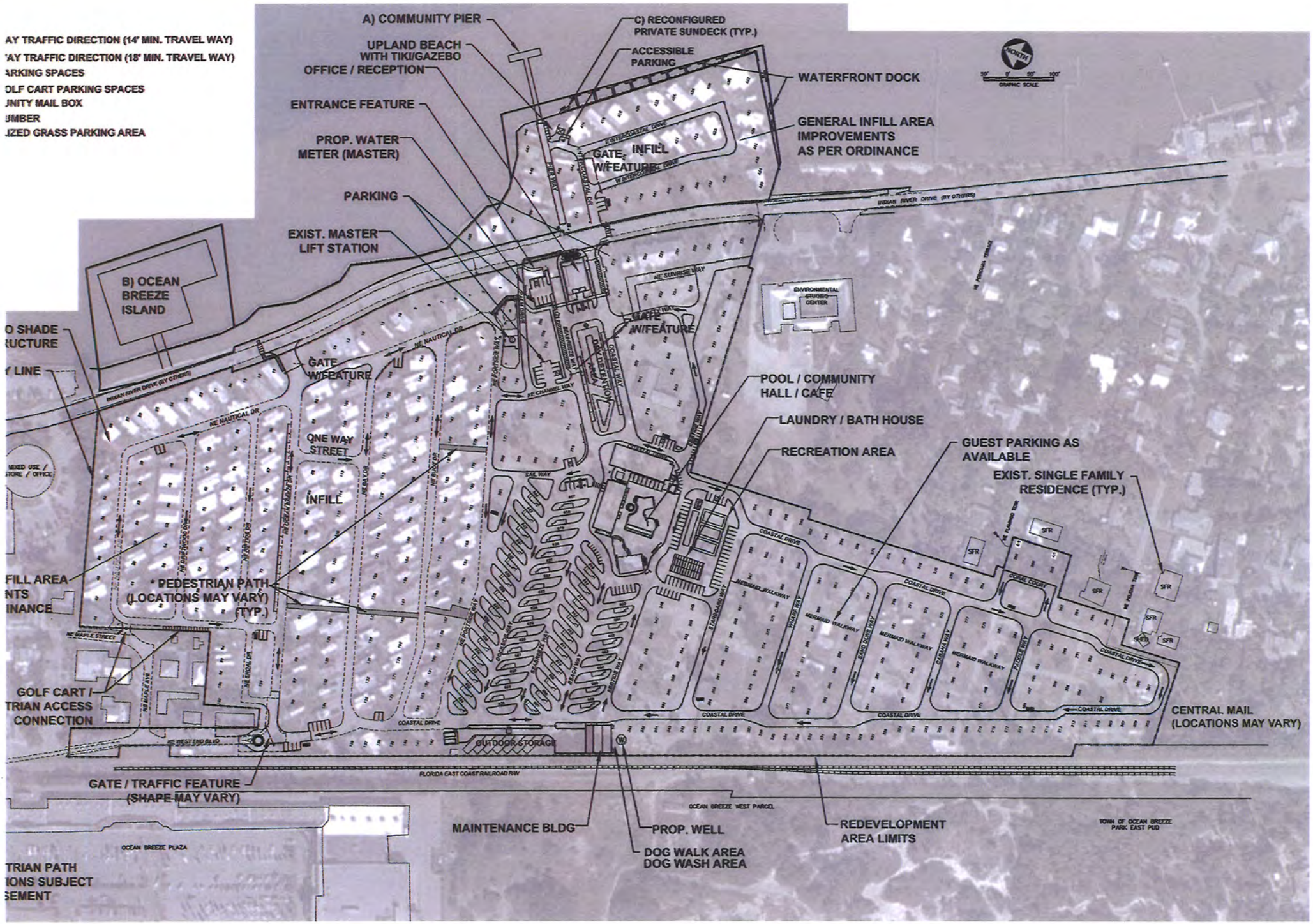
By: _____
John McLaren, President and Chief Operating Officer

STATE OF Michigan
COUNTY OF Oakland

2017 The foregoing instrument was acknowledged before me this 1 day of February, ~~2016~~, by John McLaren, as President and COO of Sun Communities, Inc., a Maryland corporation, which is the general partner of Sun Communities Operating Limited Partnership, a Michigan limited partnership, which is the sole member of NRVC-Holding Co., LLC, a Delaware limited liability company, which is the sole Member of NHC-FL143, LLC, a Delaware limited liability company, who is (PLEASE CHECK ONE OF THE FOLLOWING) [X] personally known to me, or [ ] has produced _____ as identification.

Stacey Ann Green
Notary Public – State of _____
My Commission Number: _____
My Commission Expires: _____

STACEY ANN GREEN
Notary Public, State of Michigan
County of Oakland
My Commission Expires June 25, 2020
Acting in the County of Oakland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OFFICE / RECEPTION
ENTRANCE FEATURE
PROP. WATER METER (MASTER)
PARKING
EXIST. MASTER LIFT STATION
C) RECONFIGURED PRIVATE SUNDECK (TYP.)
ACCESSIBLE PARKING
WATERFRONT DOCK
GENERAL INFILL AREA IMPROVEMENTS AS PER ORDINANCE
GATE W/FEATURE
INFILL
B) OCEAN BREEZE ISLAND
O SHADE
RUCTURE
Y LINE
GATE W/FEATURE
ONE WAY STREET
INFILL
FILL AREA
NTS
INANCE
PEDESTRIAN PATH (LOCATIONS MAY VARY) (TYP.)
GOLF CART / TRIAN ACCESS CONNECTION
GATE / TRAFFIC FEATURE (SHAPE MAY VARY)
TRIAN PATH
IONS SUBJECT
SEMENT
OCEAN BREEZE PLAZA
MAINTENANCE BLDG
PROP. WELL
DOG WALK AREA
DOG WASH AREA
REDEVELOPMENT AREA LIMITS
POOL / COMMUNITY HALL / CAFE
LAUNDRY / BATH HOUSE
RECREATION AREA
GUEST PARKING AS AVAILABLE
EXIST. SINGLE FAMILY RESIDENCE (TYP.)
CENTRAL MAIL (LOCATIONS MAY VARY)
INDIAN RIVER DRIVE (BY OTHERS)
FLORIDA EAST COAST RAILROAD R/W
OCEAN BREEZE WEST PARCEL
TOWN OF OCEAN BREEZE PARK EAST PUD
OUTDOOR STORAGE
COASTAL DRIVE
NE NAUTICAL DR.
NE SUNRISE WAY
NE CHANNEL WAY
NE MAPLE STREET
NE WEST END BLVD
ENVIRONMENTAL STUDIES CENTER
SFR
NORTH
GRAPHIC SCALE

EXHIBIT A

OBEPUD
241-2016

EXHIBIT B - DEVELOPMENT CONDITIONS

OBEPUD Ordinance 220-2015 - EXHIBIT C - Development Conditions will be amended as follows:

Development and Construction

28. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site. Additional measures such as the use of water-saws and saw vaccums will be implemented during construction.

Development Timetable

25. The project's Timetable for development shall be as follows

PHASE	DESCRIPTION	EXECUTION DATE
1	Certificates of occupancy for development outlined as Phase 1 in Master Site Plan shall be obtained within ~~30~~ 36 months of approval of the OBEPUD. Construction for area outlined as Phase 1 in the Master Site Plan shall include up to ~~9~~ 6 Civic/ Community buildings (including administrative building, community building, spa/fitness building washrooms, pool and pool amenities) and their corresponding parking as outlined in Exhibit C of the Master Site Plan, as well as infrastructure to support ~~119~~ 45 new residential units and ~~45~~ 44 RV lots.	~~30~~ 36 months from date of approval of ordinance 225-2015 (NOTE: Maintenance building and administrative building are complete. Infrastructure for 44 RV lots is complete. Infrastructure for Phase 1 and all sites supported in this area is complete.

2	Construction for Area outlined as ~~Phase 2 –~~ Redevelopment Phase in Exhibit C of the Master Site Plan including infrastructure to support all proposed residential units in the redevelopment area and the corresponding parking as outlined in the master site plan shall ~~commence within 84 months of approval of the OBEPUD~~ be completed within 14 months of approval of this ordinance.	On or before ~~January 31st, 2022~~ 14 months of approval of this ordinance
~~3~~	~~Construction for Area outlined as Phase 3 in the Master Site Plan including: infrastructure to support 20 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD~~	~~On or before January 31st, 2022~~
~~4~~	~~Construction for Area outlined as Phase 4 in the Master Site Plan including: infrastructure to support 29 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD~~	~~On or before January 31st, 2022~~
~~5~~	~~Construction for Area outlined as Phase 5 in the Master Site Plan including: infrastructure to support 21 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD~~	~~On or before January 31st, 2022~~
~~6~~	~~Construction for Area outlined as Phase 6 in the Master Site Plan including: infrastructure to support 26 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD~~	~~On or before January 31st, 2022~~

OBEPUD
241-2016

~~6 Infill Redevelopment~~	~~Improvements for Area outlined as Infill in the Master Site Plan including master site plan shall commence within approval of Ocean Breeze PUD, as sites become available.~~	~~On or before January 31st, 2022~~
Infill Improvements	Greens as outlined in the -Exhibit "D", including irrigation, a gazebo in the northernmost park, benches, or other furnishings as appropriate and approved by the Council.	Within 6 months of approval of this ordinance
Infill Improvements	Pedestrian walkway as outlined in Exhibit "A", the Master Site Plan	Within 3months of approval of this ordinance
Infill Improvements	Streetlights throughout the infill area.	Within 6 months of approval of this ordinance
Infill Improvements	Community Pier as outlined in Exhibit "A", the Master Site Plan	Permit set to be submitted to the Town within 30 days of receipt of other state and federal agency permits
Infill Improvements	Upland Beach Area as outlined in Exhibit "A", the Master Site Plan, including a pavilion structure.	Within 6 months of approval of this ordinance
Infill Improvements	Road Repairs throughout infill area.	Currently under way, to be completed prior to 2nd hearing of this ordinance.

Infill Improvements	Road Resurfacing throughout infill area.	On or before December 31st, 2017. To be done in conjunction with new road infrastructure.
Infill Improvements	Gates, including decorative gate/entrance features consistent with the character of those currently erected at the Town's entrance	Permit set to be submitted within 60 days of approval of this ordinance. Installation initiated upon permit approval by the Town.
7	Ocean Breeze Island	Minor Amendment to define details not to~~to~~ be pursued ~~upon~~ until completion of ~~Phase 1~~Infill Phase Improvements.
8	Pending Code-Related Issues	Under way. To be completed and/or under way on or before 2nd hearing of this ordinance.

Upgrades

41. All upgrades shall be done consistent with the OBEPUD guidelines and ~~Carefree's~~ Sun Communities' standards.

Demolition and Major Landscaping

27. Prior to demolishing any existing structure or major landscaping removal the owner will appropriately fumigate and/or contain the site to prevent potential dispersing of bees, insects, rodents etc.

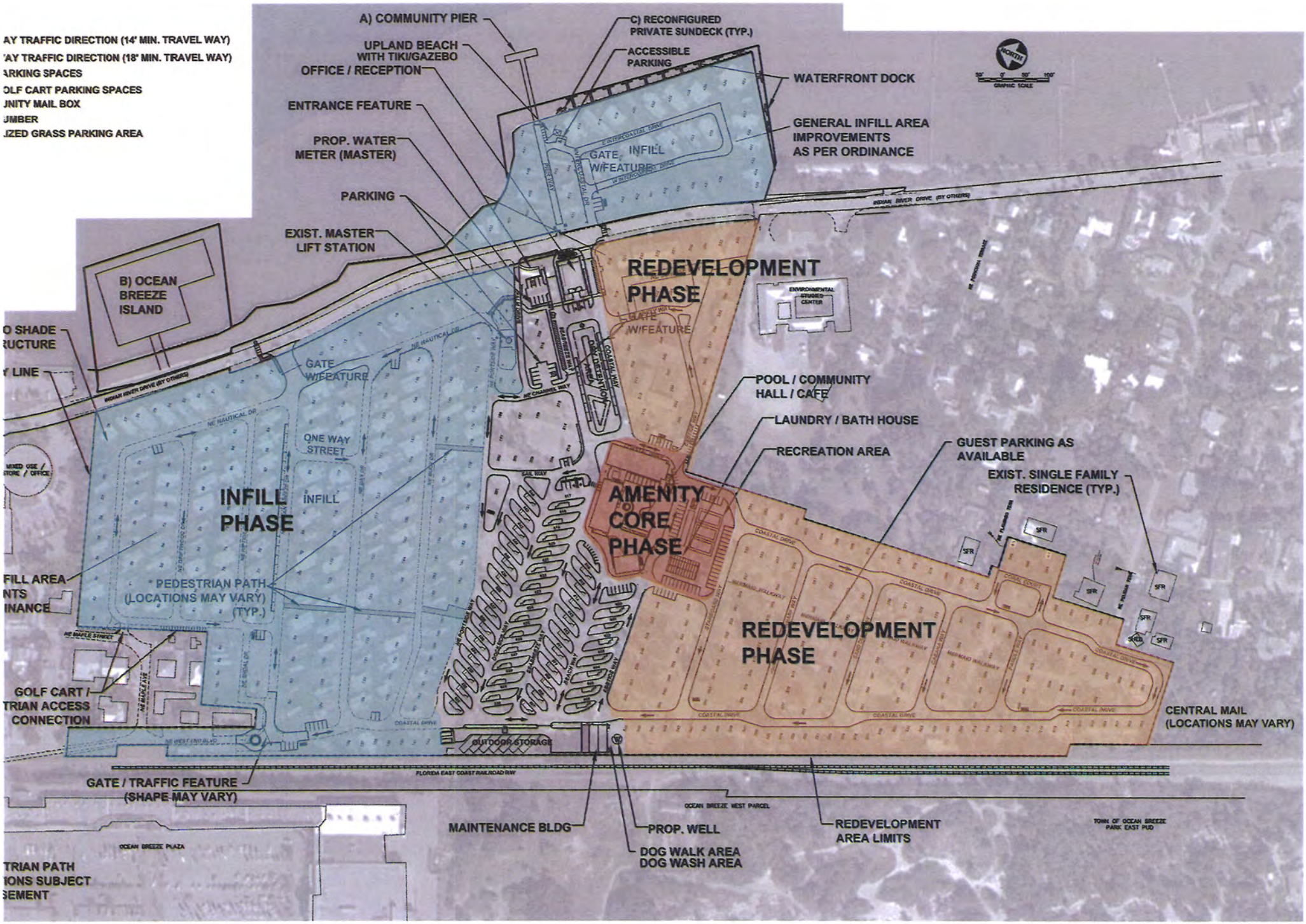

EXHIBIT C - Phasing

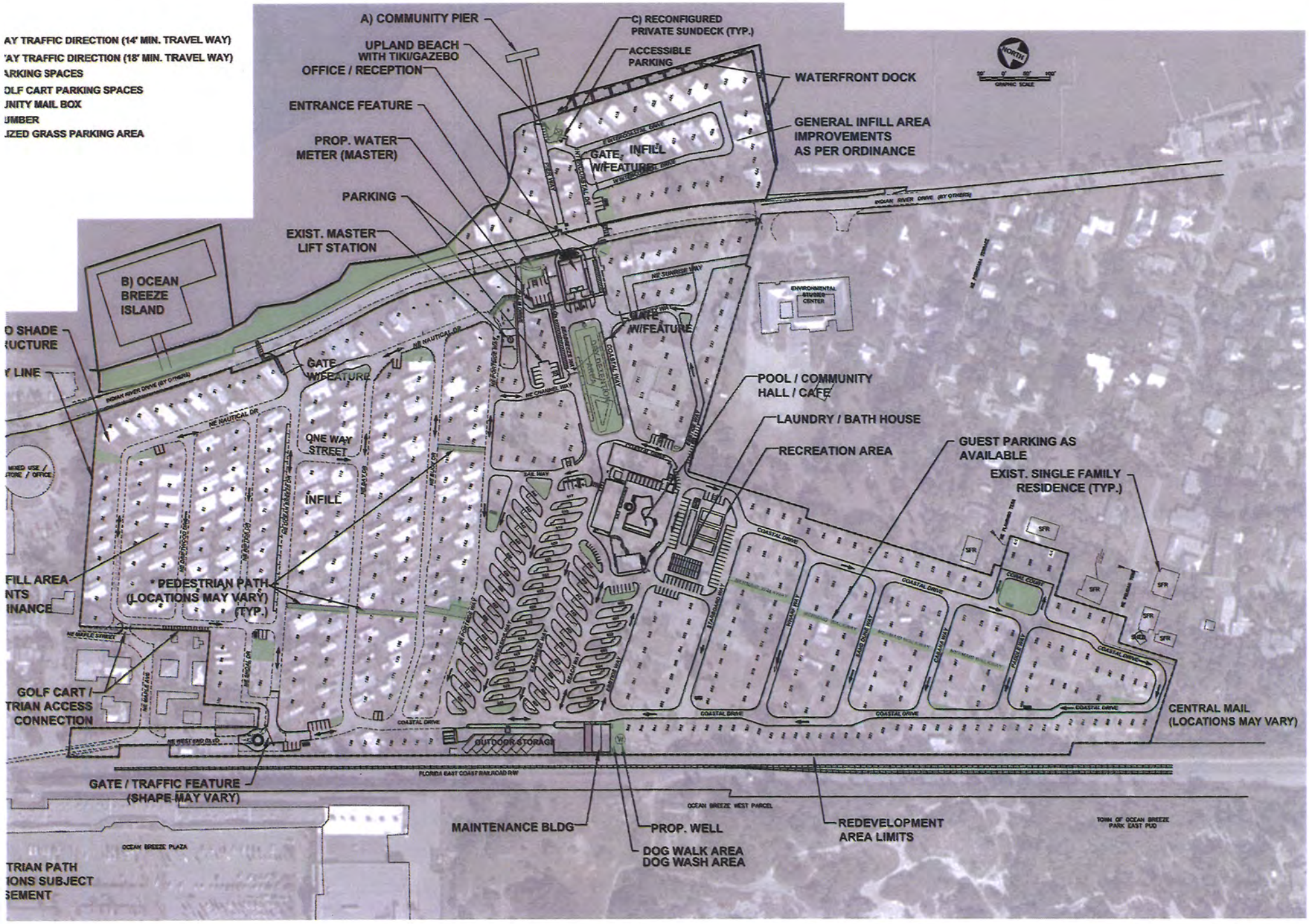

EXHIBIT D - GREENS

7. Fences, Walls and Hedges

Table 7.1 outlines fence, wall and hedge requirements.

Table 7.1
Fence, Wall and Hedge Requirements

Fence, Wall and Hedge Type	
Front	3ft. to 4ft picket fence or hedge
Side	no fence

General

- Picket fences shall be composed of vinyl or similar material.
- Picket fence diversity is encouraged.
- Where the overall property abuts adjacent municipalities, a min. 6ft opaque fence will be erected. This fence shall not impede pedestrian, bicycle and golf cart connectivity where appropriate.
- Where parcels front streets, a picket fence no taller r than 4ft shall be installed.
- Where the property abuts the FEC right-of-way, a sound-proof fence may be installed.

Figure 7.1
Commercial-Grade Opaque Vinyl Fence (6ft)
Character example

Figure 7.2
Commercial-Grade Vinyl Picket Fence (up to 4ft)
Character example

Figure 7.3
Commercial-Grade Vinyl Picket Fence (up to 4ft)
Character example

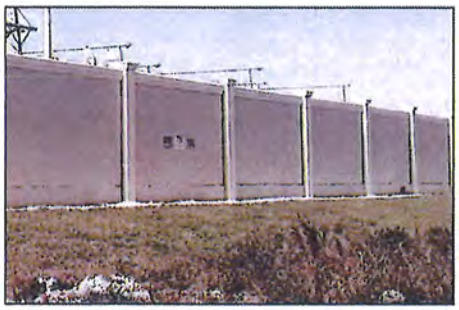

Figure 7.4
Sound-Barrier Wall
Character example

6. Commercial Standards

Table 6.1 provides the dimensional requirements regarding lot size, building placement, building size, height, intensity and parking for retail. **Figures 6.1** and **6.2** and **6.3** depict character examples of the scale and character outlined in the table.

Table 6.1
Commercial Requirements

Lot Size		
Lot Width		n/a
Lot Area		n/a
Building Placement		
A	Front Setback	0 ft. min - 25 ft. max
B	Side Building Separation[1]	10 ft. combined min.
C	Rear Building Separation[1]	10 ft. combined min.
Building Height		
Max. Building Height		1 story
Parking		
Min. Parking Required		2/1000

1.Commercial buildings shall be consistent in scale and character with the Florida Vernacular style and that of the community as a whole.
2. Outdoor activities such as outdoor seating and an outdoor marketplace may be provided with approval from the Town.
3. An open-air market may be developed as part of the Ocean Breeze Island with approval from the Town.
4. Parking requirements for all commercial uses shall be calculated based on building area only.

Figures 6.1, 6.2 & 6.3
Character examples

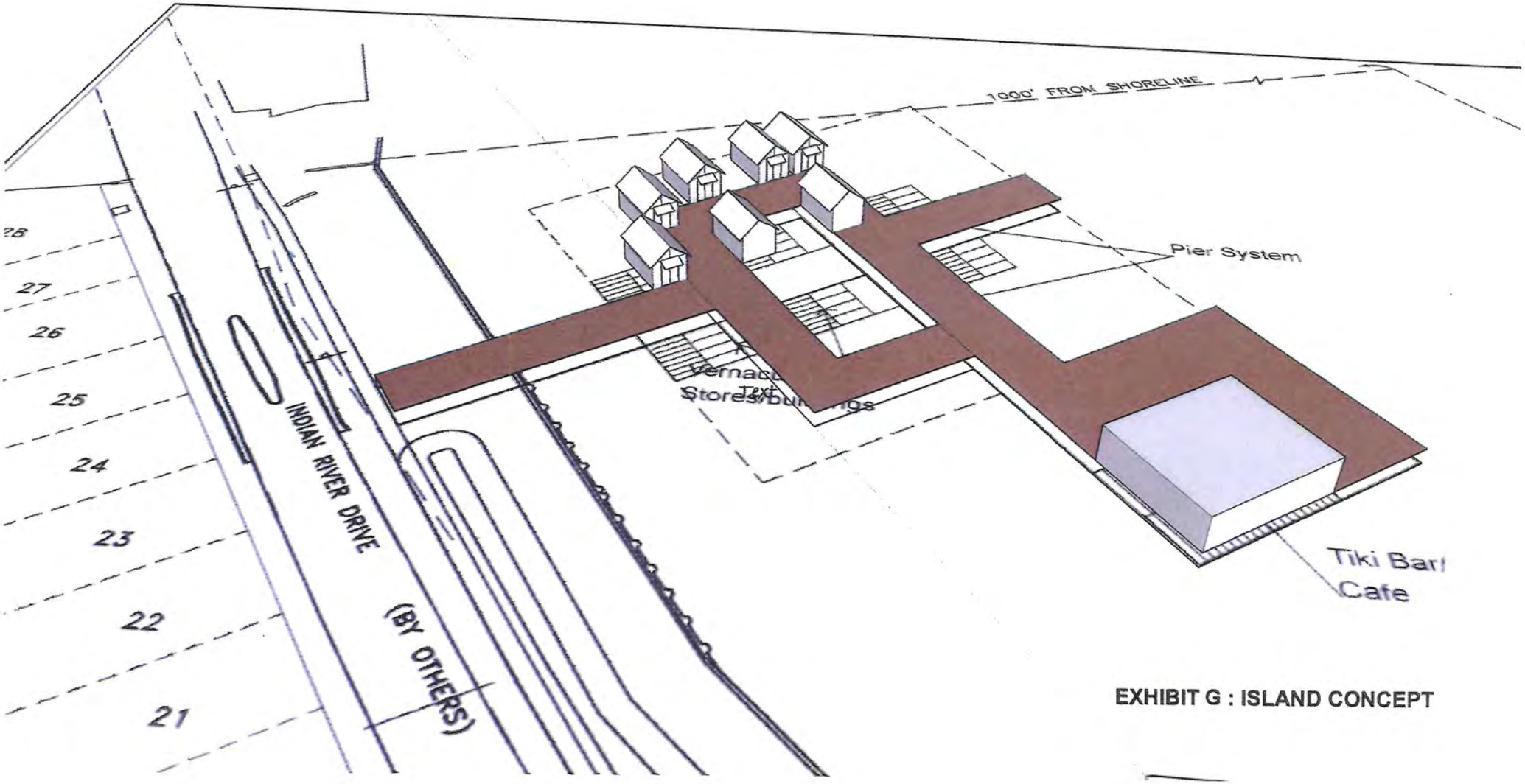

EXHIBIT G : ISLAND CONCEPT

Inst. # 2767152
Bk: 3073 Pg: 1782 Pages: 1 of 6
Recorded on:7/26/2019 4:14 PM Doc: GOV
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: $52.50

BEFORE THE TOWN COUNCIL
OF THE TOWN OF OCEAN BREEZE, FLORIDA

RESOLUTION NUMBER 291-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA APPROVING MINOR AMENDMENTS TO THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT AGREEMENT ADOPTED BY ORDINANCE N0. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND ORDINANCE NO. 241-2016; THEREBY CORRECTING MINOR DIVERGENCES BETWEEN THE PROJECT'S AS-BUILT FEATURES AND THE PUD MASTER PLAN; ADOPTING REVISED STANDARDS FOR A MASTER LIGHTING PLAN, APPROVING A ROOF STRUCTURE OVER THE COMMUNITY PIER AND A CANOE/KAYAK LAUNCH; ACCEPTING MODIFIED ENTRANCE FEATURES, ADOPTING TEMPORARY SIGNAGE PROVISIONS; AS WELL AS OTHER MINOR CHANGES; PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND FOR OTHER PURPOSES

****

WHEREAS, NHC FL143 LLC, a Florida Limited Liability Company, hereafter Applicant, has applied to amend the Ocean Breeze East Planned Unit Development Agreement, approved by Ordinance No. 220-2015, thereby correcting minor divergences between the project's as-built features and the latest PUD Master Plan; adopting revised standards for a master lighting plan, approving a roof structure over the community pier and a canoe/kayak launch; accepting modified entrance features, adopting temporary signage provisions; as well as other minor changes; as depicted in Exhibits "A" Revised Master Site Plan, Exhibit "B" Lighting Standards attached hereto and Section 1 below, and

WHEREAS, the Ocean Breeze Town Council has held duly advertised public hearings to consider the Applicant's request and deems it in the Public's best interest to grant approval.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA resolves, as follows:

SECTION 1: The following minor amendments to the Ocean Breeze East Planned Unit Development Agreement, as previously amended, are hereby approved as follows:

a. The installation of an approximately 12' x 30' canoe/kayak launch, as shown on Exhibit "A".

b. The installation of an approximately 10' x 10' roof structure over a portion of the community pier, as shown on Exhibit "A".

c. Temporary promotional signage. Notwithstanding any Town ordinances to the contrary, the applicant shall be permitted to display up to (6) six temporary, feather signs, not to exceed 14' in height and 3' in width, within 150' north and south of the resort's main office building fronting Indian River Drive. These signs shall be limited to the applicant's private property on the west side of Indian River Drive and shall not, in any way, obstruct a motorist's view of traffic. Use of one or more of these signs, for up to 7 consecutive days, shall be permitted during daylight hours and shall constitute a single "display event". A display event shall be permitted up to (12) twelve times per calendar year upon prior written notice of the display event's starting date and duration to the Town Clerk. Other temporary signage, that is signage which does not require a building permit, that is either inside a structure's window or not visible from a public right-of-way, shall be permitted, provided said signage shall not pose a threat to public safety.

d. New and existing one-way traffic patterns, as shown on Exhibit "A".

e. Revised entrance features, as shown on Exhibit "A".

f. Lighting standards, prescribed by Ordinance No. 220-2015, are hereby amended as shown on Exhibit "B" attached. Further, the applicant shall, with approval of the Town's engineering representative as to design and safety, amend its site construction permit and plan to include lighting features within 30 days of the date of this resolution's approval. Moreover, the applicant shall install and perpetually maintain all lighting shown on said lighting plan within 75 days of this resolution's approval. Changes to the final lighting plan shall require site construction permit amendment.

g. Street names. The master site plan is hereby amended to shown street names as currently existing, as shown on Exhibit "A".

h. Provision of dimensions and ground materials to be used for the upland beach area's "Tiki Hut", as shown on Exhibit "A".

i. Reconfiguration of parking spaces adjacent to the resort's main office building fronting Indian River Drive, as shown on Exhibit "A".

j. The reconfiguration of parking spaces in the north area of the resort, west of Indian River Drive, as shown on Exhibit "A".

k. Additional dog park. The master site is hereby amended to reflect an additional, existing dog park in the resort's southern node, as shown on Exhibit "A".

l. Mailbox pavilions/kiosks. The master site is hereby amended to reflect several existing mailbox pavilions and kiosks, as shown on Exhibit "A".

m. Recreation area. The master site is hereby amended to reflect the existing, as-built configuration of the resort's central recreation facilities.

SECTION 2. All ordinances and resolutions or parts of resolutions and ordinances in conflict herewith shall be repealed.

SECTION 3. If any word, clause, sentence, paragraph, section or part thereof contained in this resolution is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this resolution.

SECTION 4. Applicant hereby ratifies and confirms that all terms and conditions of Ordinance No. 220-2015 and Resolution Numbers 223-2015, 234-2016 and 238-2016 and Ordinance No. 241-2016, except as may be amended herein, shall remain in full force and effect.

SECTION 5. This resolution shall become effective immediately upon adoption, however, if the applicant fails to execute the "Acceptance and Agreement" provisions contained herein within (45) forty-five days of the approval of this resolution, this resolution shall become void.

SECTION 6. This resolution shall be recorded in the public record of Martin County, the cost of which shall be paid by the applicant.

Council Member Locatis offered the foregoing resolution and moved approval on the second reading. The motion was seconded by Council Member Wagner and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
KEN DE ANGELES, PRESIDENT	X			
ANN KAGDIS, VICE-PRESIDENT	X			
TERRY LOCATUS, COUNCIL MEMBER	X			
RICHARD GEROLD, COUNCIL MEMBER	X			
DAVID WAGNER, COUNCIL MEMBER	X			
KEVIN DOCHERTY, COUNCIL MEMBER	X			

Adopted this 8th day of July, 2019.

ATTEST:

Pam Orr

PAM ORR
TOWN CLERK

KEN DE ANGELES
COUNCIL PRESIDENT

APPROVED AS TO FORM:

WILLIAM F. CRARY, II
TOWN ATTORNEY

KAREN OSTRAND
MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 OF THIS RESOLUTION NUMBER 291-2019 AND THEIR CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, AS AMENDED IN THIS RESOLUTION, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, AND IN THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 HEREOF, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Kamala Watkins

Print Name: Kamala Watkins

Tyuana L. Willis

Print Name: Tyuana Willis

NHC FL143 LLC
a Florida limited liability company,
By: John McLaren,

Its President

By: _____
Name: John McLaren

Title: COO

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 291-2019 was acknowledged before me this 24th day of July, 2019, by John McLaren, the President of NHC FL143 LLC.

Sara Herr

Notary Public, State of ~~Florida~~ Michigan
My Commission Expires:
Notary Seal

SARA HERR
Notary Public, State of Michigan
County of Oakland
My Commission Expires Dec. 29, 2023
Acting in the County of Oakland

Personally Known X
OR Produced Identification _____ Type of Identification Produced _____

EXHIBIT A

NORTH

WATERFRONT DOCKS

C) RECONFIGURED PRIVATE SUNDECK (TYP)

A) COMMUNITY PIER/GATED AS PER APPROVED PLAN.

STRUCTURE COVERING CENTER OF PIER (Approx. 10'X10' wood & metal roof)

UPLAND BEACH (GRASS/PAVERS) (Approx. 11' to 13' x 14' to 19') (Includes picnic table and seating)

INDIAN RIVER LAGOON

FLOATING ALUMINUM KAYAK/CANOE LAUNCH W/RAMP

ENTRANCE FEATURES

PROP. WATER METER (MASTER)

PARKING

TEMPORARY PARKING AS APPROVED

EXIST. MASTER LIFT STATION

GENERAL INFILL AREA AS PER ORDINANCE

FUTURE GATEWAY FEATURES

PROPERTY SIGN

ENVIRONMENTAL STUDIES CENTER

TEMPORARY PARKING/GAZEBO

POOL/COMMUNITY HALL/ CAFE/FITNESS

LAUNDRY/BATH HOUSE/ RECREATION AREA

DOG PARK/ PAVILION

B) OCEAN BREEZE ISLAND

FUTURE GATEWAY FEATURES

GAZEBO SHADE STRUCTURE W/BENCH/TABLE

PROPERTY LINE

GENERAL INFILL AREA IMPROVEMENTS AS PER ORDINANCE

PEDESTRIAN PATHS (LOCATIONS MAY VARY SUBJECT TO EASEMENT) (TYP.)

GUEST PARKING AS AVAILABLE

REDEVELOPMENT AREA LIMITS

PROP. WELL

DOG WALK AREA DOG WASH AREA PAVILION/SHADE

GOLF CART/PEDESTRIAN ACCESS CONNECTION

GATE/ TRAFFIC FEATURE (SHAPE MAY VARY)

ENTRANCE FEATURES

LEGEND

ONE-WAY TRAFFIC DIRECTION

TWO-WAY TRAFFIC DIRECTION

NUMBER OF PARKING SPACES

DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY CAPTEC ENGINEERING, INC. SHALL BE WITHOUT LIABILITY TO CAPTEC ENGINEERING, INC.

MCA TOWN PLANNING, ARCHITECTURE

CAPTEC Engineering, Inc.
Civil Engineering Professionals

301 NW Flagler Ave, Ste. 201
Stuart, Florida 34994
Phone: (772) 692-4344
Fax: (772) 692-4341

Engineering Business No. EB-0007657

DATE: 02.18.2019
DRAWN BY: MCA
CHECKED BY: MCA
PROJECT No.:
HORZ. SCALE: 1:100
VERT. SCALE: N/A
CADD FILE: CADDFILE

NO.	DATE	BY	REVISIONS

OCEAN BREEZE EAST PUD
TOWN OF OCEAN BREEZE
MARTIN COUNTY - FLORIDA

OCEAN BREEZE RESORT
04.24.2019

ENGINEER OF RECORD
Rhett Keene, P.E.
301 N.W. Flagler Ave.
Stuart, Florida 34994
P.E. No. 65626

Printed Date:

JOB No.: 23204004

EXHIBIT A

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WATERFRONT DOCKS

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FLOATING ALUMINUM KAYAK/CANOE LAUNCH W/RAMP

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PROP. WATER METER (MASTER)

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TEMPORARY PARKING AS APPROVED

EXIST. MASTER LIFT STATION

GENERAL INFILL AREA AS PER ORDINANCE

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PROPERTY SIGN

TEMPORARY PARKING/GAZEBO

POOL/COMMUNITY HALL/ CAFE/FITNESS

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DOG PARK/ PAVILION

B) OCEAN BREEZE ISLAND

FUTURE GATEWAY FEATURES

GAZEBO SHADE STRUCTURE W/BENCH/TABLE

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PEDESTRIAN PATHS (LOCATIONS MAY VARY SUBJECT TO EASEMENT) (TYP)

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GUEST PARKING AS AVAILABLE

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DOG WALK AREA DOG WASH AREA PAVILION/SHADE

REDEVELOPMENT AREA LIMITS

LEGEND

ONE-WAY TRAFFIC DIRECTION

TWO-WAY TRAFFIC DIRECTION

NUMBER OF PARKING SPACES

MCA

CAPTEC Engineering, Inc.

Civil Engineering Professionals

301 NW Flagler Ave. Ste. 201
Stuart, Florida 34994
Phone: (772) 692-4344
Fax: (772) 692-4341

Engineering Business No. 0000057

DATE: 01.18.2019
DRAWN BY: MCA
CHECKED BY: MCA
PROJECT NO.:
HORZ. SCALE: 1:100
VERT. SCALE: NA
CADD FILE: CATONSLE

NO.	DATE	BY	REVISIONS

OCEAN BREEZE EAST PUD
TOWN OF OCEAN BREEZE
MARTIN COUNTY - FLORIDA

OCEAN BREEZE RESORT
04.24.2019

ENGINEER OF RECORD
Rhett Keene, P.E.
301 N.W. Flagler Ave.
Stuart, Florida 34994
P.E. No. 65626

Printed Date:

JOB No.: 03201901
SHEET
01 OF 01

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9. Lighting Standards

Figures 9.1. and **9.2** depict the general type post-top lights mounted on fiberglass tops - ~~supplied and approved by FPL~~ that will be used along streets as specified in each specific Phase master plan. Light fixtures may be powered by conventional, solar or alternative green, sustainable sources. **Figures 9.3** and **9.4** depict typical, lantern-style appropriate traditional fixtures to furnish community buildings. Bottom mounted fixtures to illuminate entrance features are permitted. Changes to an approved lighting master plan to address any potential health and safety concerns as determined by the Town's engineer shall be processed administratively.

Figure 9.1

Figure 9.2

Figure 9.3

Figure 9.4