Memorandum

To: Town Zoning Board, Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Pam Orr, Town Clerk

Rick Crary, Town Attorney

Date: January 20, 2021

Re: State mandated updates to the Town's Comprehensive Plan

Since the mid 1980's, counties, cities and towns in Florida have been required by law to adopt and adhere to locally-developed growth management plans. These plans, typically called comprehensive plans, must be ratified by local ordinance and must at a minimum include a set of state-prescribed "elements" or chapters. These are: (1) *Future Land Use, (2) Transportation, (3) Housing, (4) Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge, (5) Coastal Management, (6) Conservation, (7) Recreation & Open Space, (8) Intergovernmental Coordination, and (9) Capital Improvements.*

Comprehensive plans are blueprints for future growth and sit atop the hierarchy of local government development standards to the extent that all other regulations such as zoning codes, Planned Unit Development Agreements (PUD's), etc., must be "comp plan consistent" to be enforceable. Local regulations that fail to meet this consistency standard are vulnerable to legal challenge and being overturned.

Town's obligation to update its Comprehensive Plan

With the passage of time, as state laws change, certain elements of a community's comprehensive plan become deficient or outdated. Consequently, about every seven years local governments in Florida are required to examine their plans and update them as required, including any desired amendments accounting for changes in local conditions. The Ocean Breeze Plan was last updated in 2014. Such amendments are called Evaluation and Appraisal Review Based or "EAR-Based" amendments.

Amendment Process

EAR-Based amendments must be adopted by local ordinance. This requires at least one public hearing before the Town's Zoning Board (which acts as an advisory board and consists of the Town Council and a non-voting member from the School Board[1]) and at least two public hearings before the Council. Transmittal of the "updating ordinance" to the Florida Department of Economic Opportunity (DEO) and other reviewing agencies occurs upon its adoption by the Council on first reading. The DEO then has 60 days to advise the Town of any "*objections,*

[1] District 1 School Board Member, Li Roberts, has kindly agreed to serve as the non-voting member.

recommendations, and comments" in a document issued by the agency known as an *ORC Report*. The Town then has 180 days from receipt of the ORC to consider its content, make changes to the amendments if necessary and adopt the ordinance on second and final reading. Jurisdictions adopting (or failing to adopt) amendments which are objected to or insisted upon by the DEO may be subject to legal challenge by the agency. Staff anticipates second reading of Ordinance No. 310-2021 in May, June or at the latest July of this year.

Format and types of amendments

Proposed amendments to the Town's Comprehensive Plan are contained in draft Ordinance No. 310-2021, including "Exhibit A" which is a verbatim version of the current plan with additions and deletions shown as underlined and ~~struck through~~ language. An explanation for each change is provided in the margin.

These proposed amendments fall into three categories: (1) minor housekeeping changes to remove outdated terms, add dates, etc., (2) edits that account for changes in local conditions that have occurred since the Town Plan's last update (particularly development of the OB East and West PUD's), and (3) amendments that must be adopted to meet legislative requirements adopted by the Florida Legislature since 2014. Amendments in this third category are the most substantive; are limited almost exclusively to the Town Plan's *Coastal Element* and are intended to meet the new "Peril of Flood" legislation found in Chapter 163. 3178 (2) (f) 1-6 of Florida Statutes. The law states:

> (2) Each coastal management element required by s. 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:
>
> (f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:
>
> 1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
> 2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
> 3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
> 4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
> 5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.
> 6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

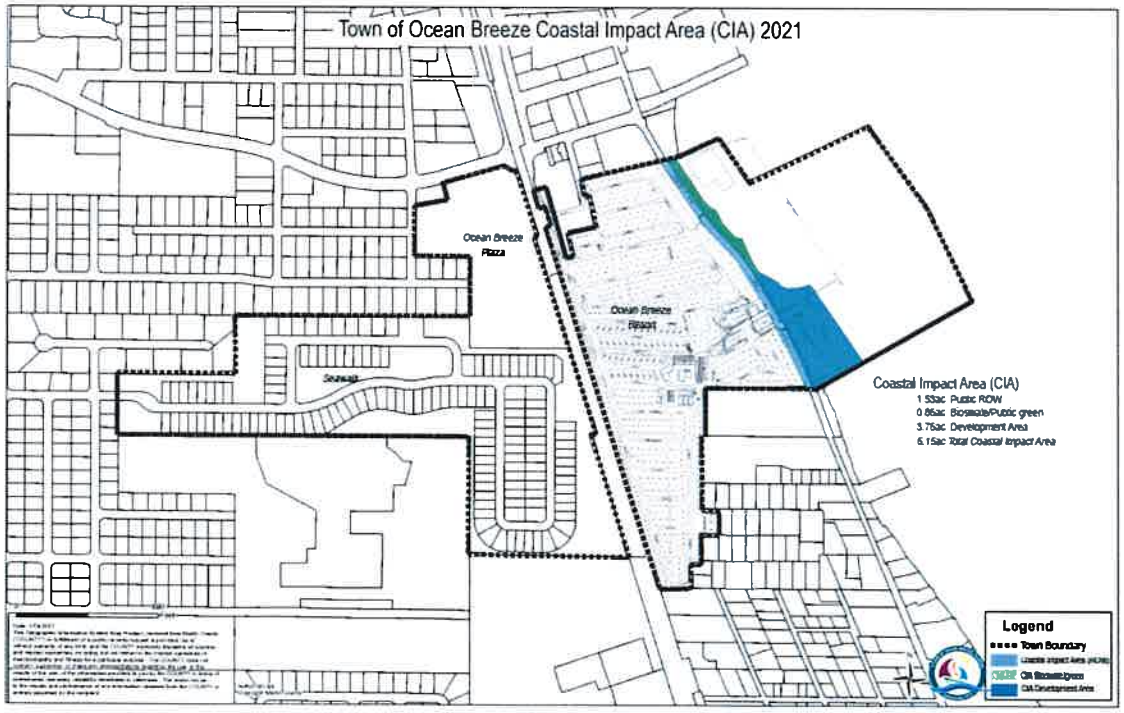
Peril of Flood Analysis

Staff's proposed peril-of-flood amendments are found in the Plan's *Coastal Element* and include a new map exhibit entitled *"Town of Ocean Breeze Coastal Impact Area (CIA) 2021."*

The Town's coastal impact area extends approximately 1,600 feet along the western shore of the Indian River Lagoon in Martin County and has been determined using the County's most recent Coastal High Hazard Area (CHHA) map, FEMA's most recent flood map, as well as exhibits from the County's 2017-2019 Florida Department of Environmental Protection (FDEP) grant funded "Resilience Program" which seeks to forecast the impacts of local sea level rise over time. Maps consulted in preparing the Town's CIA exhibit, copies attached, are listed below:

- Coastal High Hazard Area Map
- FEMA Flood Map
- Martin County Resilience Program (MCRP) "Coastal Flood Exposure Map"
- MCRP "Generalized Inundation"
- MCRP "Critical Infrastructure Vulnerability "
- MCRP "Land Use Vulnerability"
- MCRP "Stormwater Infrastructure Vulnerability"
- MCRP "Potable Water Vulnerability"
- MCRP "Sanitary Sewer Vulnerability"

TOWN OF OCEAN BREEZE COASTAL IMPACT AREA (2021)



The proposed coastal impact area encompasses the Town's entire waterfront and is mostly owned by Sun Communities, DBA Ocean Breeze Resort, which maintains a newly reconstructed concrete seawall along the shoreline's entire length. Except for Indian River Drive, which is maintained by Martin County, all property within the impact area is private property. The area shown is approximately six acres in size. Of this area, 1.5 acres is County right-of-way and approximately .86 acres is a publicly accessible promenade/park, including stormwater baffle boxes and a water quality bio swale. This $1.48 million project was recently completed through a Town-County-Resort partnership, including significant grants from the FDEP, South Florida Water Management District (SFWMD), and Indian River Lagoon Council.

The remaining 3.7 acres, also part of the 45-acre Ocean Breeze Resort, consists of 43 residential sites. Thirty-four of these sites are now occupied by new (elevated) module homes which have been built in accordance FEMA guidelines. The remaining 6 units are older mobile homes which will be replaced over time with flood-compliant modular units. Three sites are currently vacant.

Proposed Peril of Flood Amendments added to the Town's Coastal Element

The following language has been added to the Town's Coastal Element. Language shown in black is essentially verbatim from Chapter 163. 3178 (2) (f) 1-6 F.S. Language shown in red is what the Town specifically proposes to do to implement the State's requirements.

Objective 8:

To address the perils of flooding associated with development and redevelopment activities within the Town's Coastal Impact Area (CIA), the Town shall adhere to Florida Statute Chapter 163.3178(2)(f), 1-6.

Policy 8.1

As called for by Florida Statute Chapter 163.3178(2)(f), to address the perils of flooding associated with development and redevelopment activities within the town's coastal impact area, the town shall:

A. Apply principals, strategies, and engineering solutions (as opportunities arise) that reduce flood risk in coastal areas which result from high-tide events, storm surge, flash floods stormwater runoff and the related impacts of sea-level rise. *Specially, the town shall:*

(1.) continue its participation in FEMA's national flood insurance program, including rigorous application of the Town's FEMA-based flood prevention Ordinance No. 221-2015, as may be amended from time to time, and

(2) require effective and continuous maintenance of the Resort's existing seawall along the Indian River Lagoon and where feasible encourage additional shoreline protection improvements such as rip rap, the planning of native vegetation or other environmentally sound methods of shoreline protection should an opportunity arise to do so, and

(3) prohibit the location of hospitals, nursing homes, and assisted living facilities in the coastal impact area.

B. Encourage the use of best practices development and redevelopment principals, strategies and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. *Specifically, the town shall:*

(1) encourage that further development intended for occupancy within the coastal impact area be limited to modular and manufactured residences only, which are easier and less costly to relocated than site-built structures.

C. Identify site development techniques and best practices that may reduce losses due to flooding claims made under flood insurance policies issued in the state. Specificaly the town shall:

(1) continue its participation in FEMA's national flood insurance program, including rigorous application of the Town's FEMA-based flood prevention Ordinance No. 221-2015, as may be amended from time to time, and

(2) continue its active participation in Martin County's Local Mitigation Strategy (LMS) Program, including its advocacy for locally developed projects which advance flood protection, improved shelter facilities, evacuation routes, regional storm water systems, etc.

(3) Specifically, upon considering a request for an amendment to a development order involving a property which is wholly or partially located within the Coastal Impact Area (CIA), the Town shall encourage an applicant maintaining common recreational buildings to install an emergency electrical generator or generators sufficient to temporality accommodate residents of the subject property following a storm event or other emergency.

(4) The floodplain administrator/building official shall review all permit applications to determine whether proposed development will be reasonably safe from flooding.

D. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

E. Require that any construction activities seaward of the coastal construction control lines established pursuant to Section 161.053, F.S., be consistent with Chapter 161.

F. Encourage participation in the National Flood Insurance Program Community Rating System administered by FEMA to achieve flood insurance premium discounts for residents.

More about the proposed amendments in other elements of the plan

Given the Town's size and limited scope of services, the Ocean Breeze Comprehensive Plan is considerably less extensive than those of larger jurisdictions. At present, the Town does not own any real property, buildings or other appreciable capital assets, nor does it control or maintain any rights-of-way. Water, sewer, fire protection, emergency medical and law enforcement services are provided by Martin County. Except for Indian River Drive, which is a county road, all streets, sidewalks, etc. in the town are privately owned and maintained. There are no publicly maintained parks or schools in the Town. Trash collection is privately provided. Because of these characteristics, the number of mandatory comprehensive plan amendments expected of the Town is comparatively few and again almost exclusively focused on the plan's *Coastal Element*.

That said, the Zoning Board and Council will note that that there are several staff proposed amendments in the *Land Use Element; Housing Element; Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element; Conservation Element and*

Intergovernmental Element, which stem primarily from the fact that, since the comprehensive plan was last update in 2014, both the Ocean Breeze Resort and Seawalk single-family subdivision (together encompassing 90% of the Town's land area) have negotiated PUD agreements with the Town and are now actively under development.

To date, the Ocean Breeze Resort's 500 (+/-) sites are nearly half occupied by new modular units or older mobile homes, while the remaining lots are nearly fully occupied by RV's. Of Seawalk's 143 single-family lots, 67 homes are either built, occupied or actively under construction. Given the trajectory of these two projects, as well as the fact that Ocean Breeze Plaza (10% of the Town's land area) has long-since been developed, it seems reasonable to conclude that the Town's future growth patterns have been largely fixed through the 2035 planning horizon and well beyond.

As for staff proposed amendments stemming from ongoing development of Ocean Breeze Resort and the Seawalk subdivision, examples include:

- Acknowledging that modular (manufactured) units and single-family homes have become an integral form of residential development.

- Recognizing that DR Horton, in developing Seawalk, has successfully remediated (cleaned up) an old, unregulated land fill to the satisfaction of the Florida Department of Environmental Regulation (FDEP) to the extent that there are no obstacles to the developer making use of the entire site.

- Recognition that DR Horton, per the developer's PUD agreement with the Town, has provided a "Preserve Area Maintenance Plan" (PAMP) that undertakes and guarantees perpetual maintenance of the Seawalk project's environmental set aside area.

Staff Recommendation

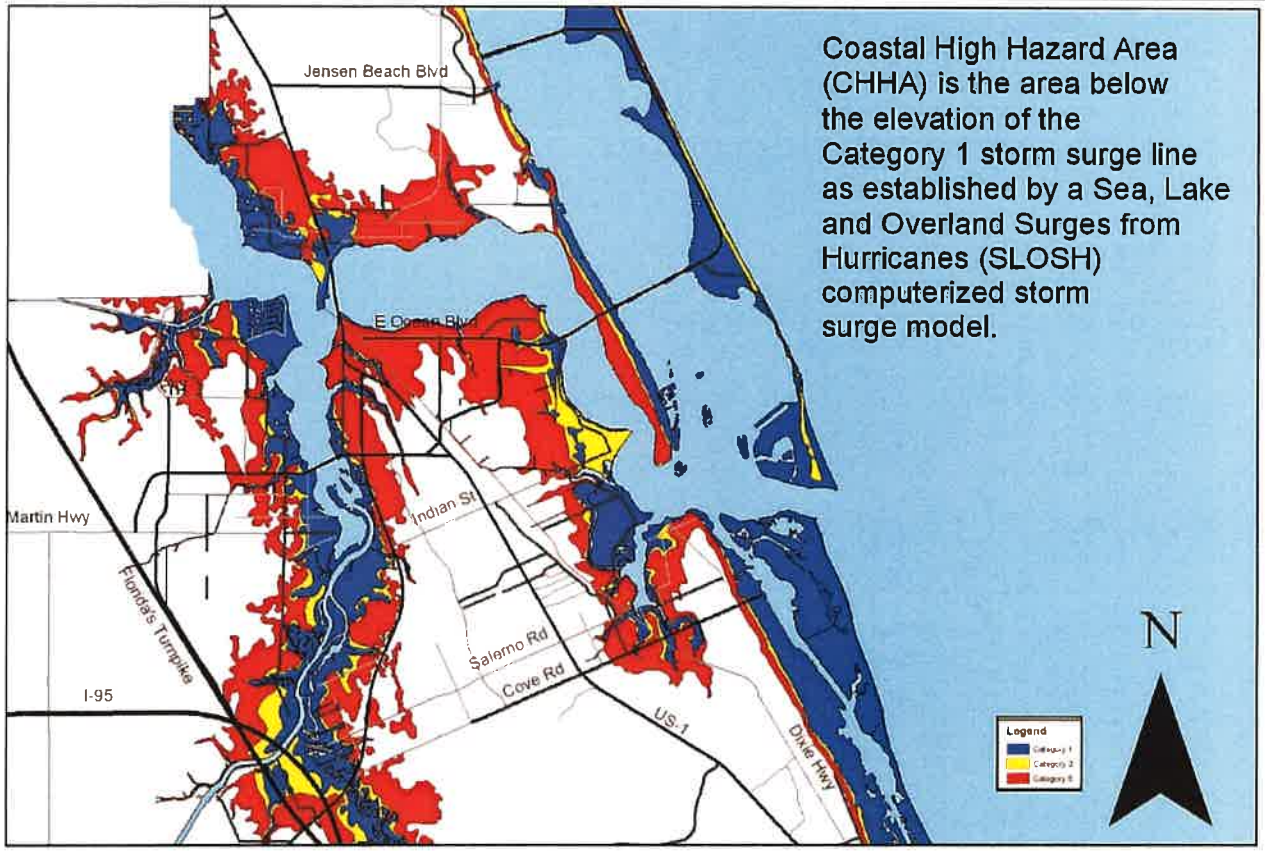
(1) Receive staff presentation of proposed amendments
(2) Provide Zoning Board and Council Comments
(3) Solicit public comments
(4) Approve transmittal of Ordinance No. 130-2021 on first reading, with edits if so directed

Attached Documents:

- Ordinance No. 310-2012, including "Exhibit A"
- Transmittal Correspondence
- Newspaper Advertisement
- Earlier correspondence with DEO
- Town Ordinances No.'s 151-08 and 289-2019 establishing the Town Zoning Board

Town of Ocean Breeze

Coastal High Hazard Area Map



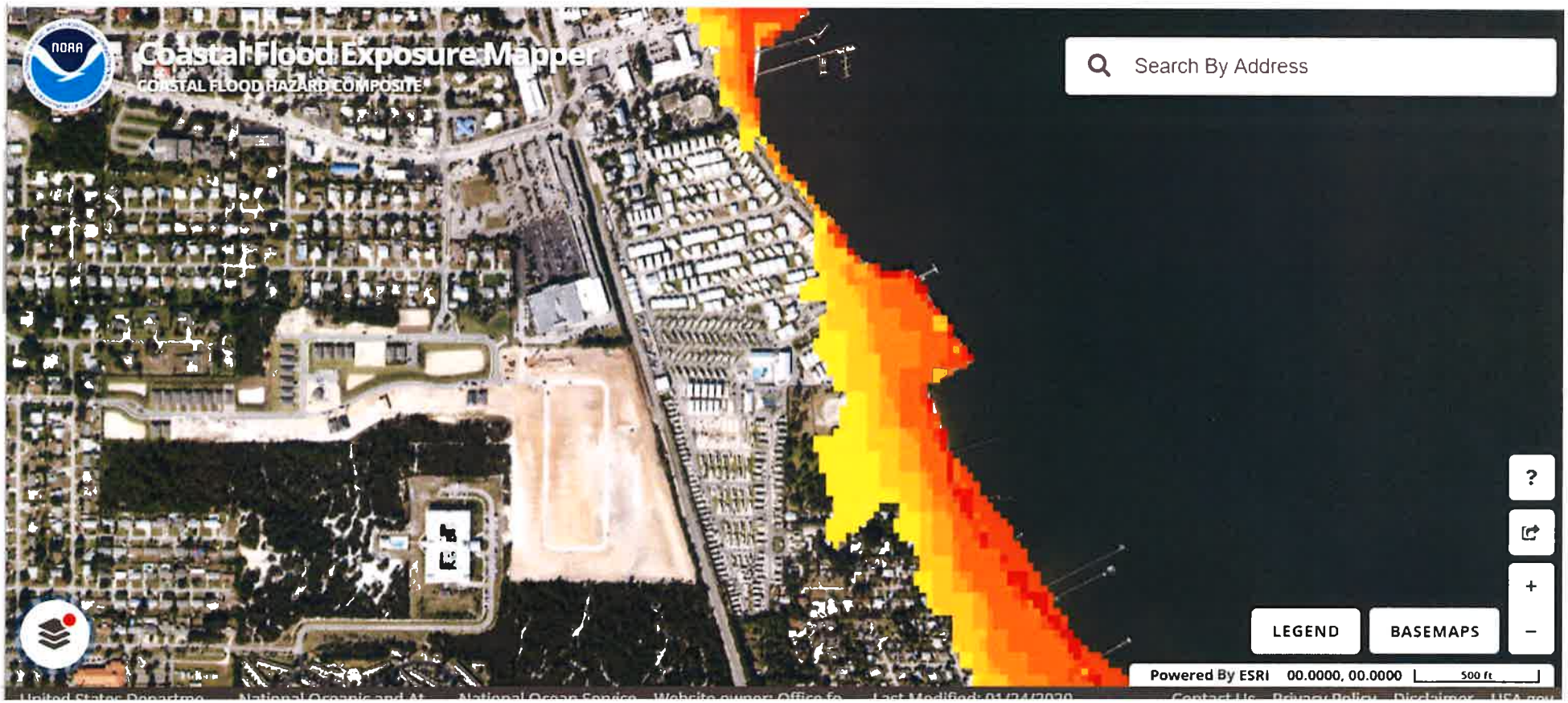
Martin County

File: G:\projects\Wrightwood\CPA's\CGMP_Figures
Created By: Juan le Parte (ITS Dept)
Plot Date: July 9, 2013

TOWN OF OCEAN BREEZE FEMA FLOOD MAP

TOWN OF OCEAN BREEZE COASTAL FLOOD EXPOSURE MAP

Source: Martin County Resilience Program: Martin County has received grant funding from the Florida Department of Environmental Protection (Grant #CM933 in 2017 and Grant #R1911 in 2019) to perform targeted analyses required to develop a resiliency plan that addresses the impacts of sea level rise. Grant products from work in 2018 included an initial map series depicting sea level rise for three time frames using three different model projections. More recent work has focused slightly further in the future on 2040, 2070, and 2100 time frames, with increased detail. The data and maps developed through these grants will allow for the county to develop a resiliency plan that would include mitigation for expected local hazards.



Generalized Inundation

R1911 Resiliency Planning Grant
Martin County, Florida

0 500 1,000 2,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches):	Approx. 40
Scenario:	MHHW
Page:	5 of 24

INDEX

PROJECT PARTNERS

Environmental & Technical Systems
344 S. Woodland Blvd
DeLand, Florida 32720
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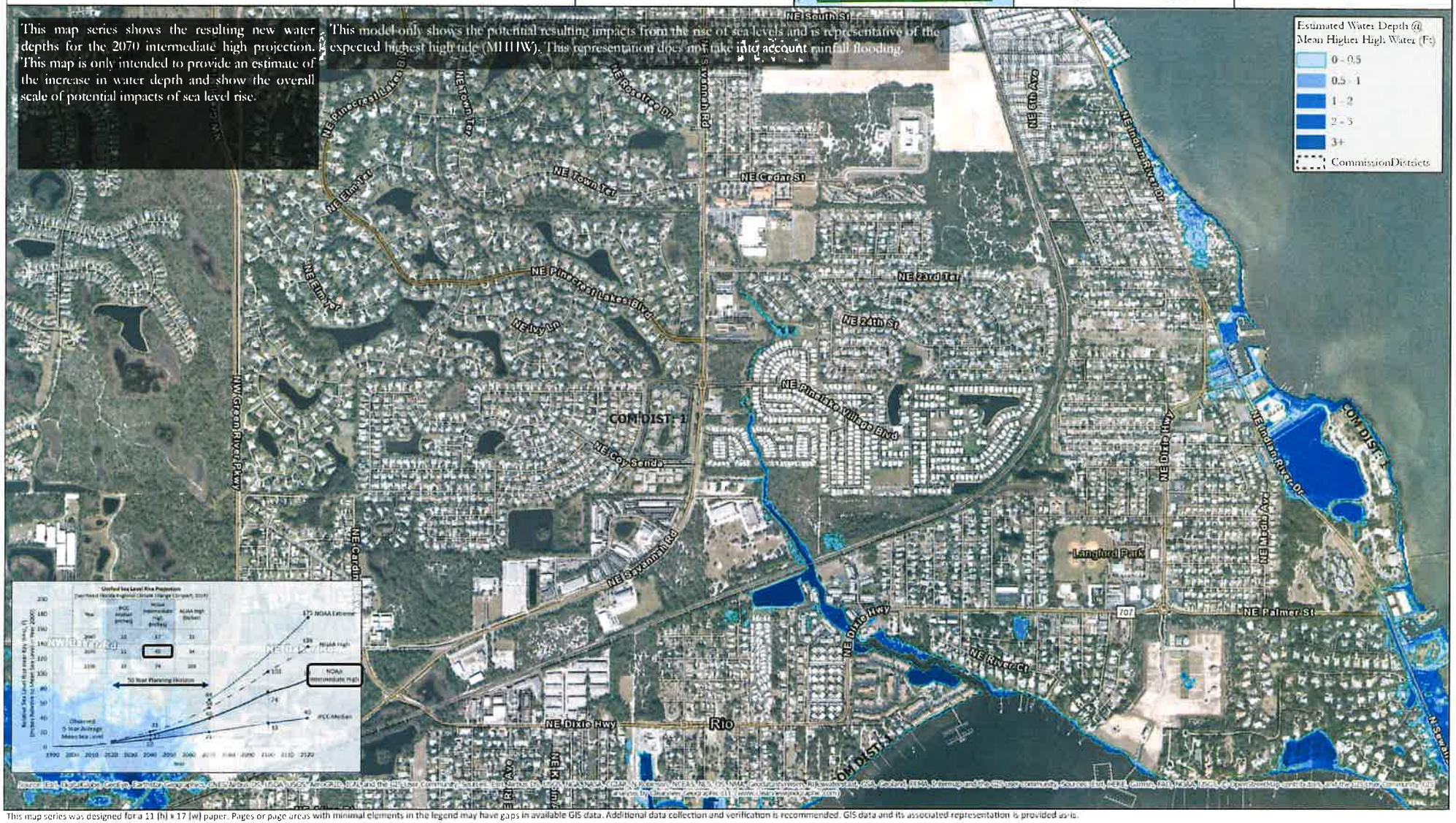

This map series was designed for a 11 (h) x 17 (w) paper. Pages or page areas with minimal elements in the legend may have gaps in available GIS data. Additional data collection and verification is recommended. GIS data and its associated representation is provided as-is.

Critical Infrastructure Vulnerability

R1911 Resiliency Planning Grant
Martin County, Florida

0 500 1,000 2,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches):	Approx 40
Scenario:	MHHW
Page:	3 of 24

INDEX

PROJECT PARTNERS

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This map series shows infrastructure of critical importance to the way of life in Martin County and highlights those that may be vulnerable to the effects of sea level rise.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the expected average highest high tide (MHHW). This representation does not take into account rainfall flooding.

Beyond Study Area
CommissionDistricts
Library
Recreational
Schools
Utility

Jensen Beach
NE Skyline Dr
NE Ivy Ln Dr
NE Sunset Dr
Indian River Dr
COM DIST: 1
NE Ocean Blvd
Jensen Beach Cswy
Jensen Beach Park
Jensen Beach Causeway East
Jensen Public Beach
A1A
Gleason
NE Savannah Rd
NE Barbara Dr
NE Linda Dr
NE Sandra Dr
NE Carmelita Dr
NE Pineapple Dr
NE Sunview Ter
E Jensen Beach Blvd
Ocean Breeze Park
NE Hilltop St
NE South St
Hutchinson Island
Alan's Beach

How to read the results | X = Potential Impact (Flooding > 0");
Identify what it is using the primary legend in the top right of the map.

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS-GCS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, GIS analysis by ClearView Geographic LLC (www.clearviewgeographic.com)

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Land Use Vulnerability

R1911 Resiliency Planning Grant

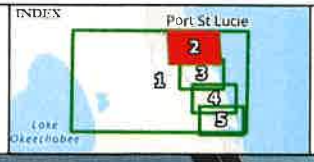
Martin County, Florida

0 2,000 4,000 8,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches):	Approx. 40
Scenario:	MHHW
Page:	2 of 5

INDEX



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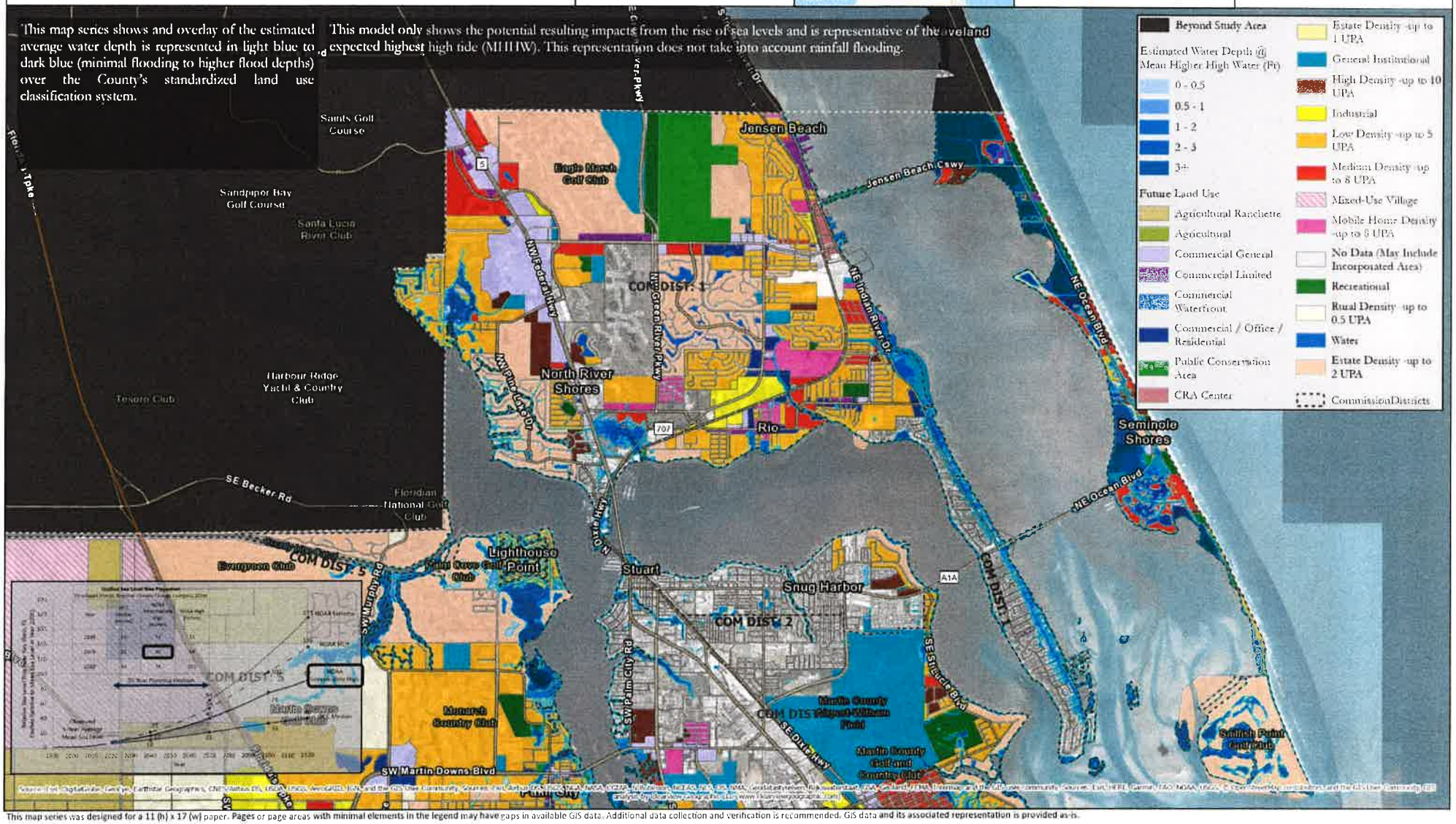
This map series shows and overlay of the estimated average water depth is represented in light blue to dark blue (minimal flooding to higher flood depths) over the County's standardized land use classification system.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the overland expected highest high tide (MHHW). This representation does not take into account rainfall flooding.



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Stormwater Infrastructure Vulnerability

R1911 Resiliency Planning Grant

Martin County, Florida

0 500 1,000 2,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches): Approx	40
Scenario:	MHHW
Page:	5 of 24

INDEX

PROJECT PARTNERS

Environmental & Technical Systems
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(386) [illegible]
www.clearview[illegible]

CLEARVIEW GEOGRAPHIC

Stormwater infrastructure helps safely drain water in the community. This map series highlights potential flooding that may impact the functionality of the stormwater drainage system. It is important to mitigate the risk of flooding by ensuring infrastructure is designed for an increased water condition.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the expected highest high tide (MHHW). This representation does not take into account rainfall flooding.

Inlets
Manholes
Misc.
Inlet
Mains
Channels
Ponds
Estimated Water Depth @ Mean Higher High Water (Ft)
0 - 0.5
0.5 - 1
1 - 2
2 - 3
3+
CommissionDistricts

How to read the results | X = Potential Impact (Flooding > 0");

Identify what it is using the primary legend in the top right of the map.

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Stormwater Infrastructure Vulnerability

R1911 Resiliency Planning Grant

Martin County, Florida

N

0 500 1,000 2,000 Feet

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches):	Approx. 40
Scenario:	MHHW
Page:	3 of 24

INDEX

PROJECT PARTNERS

Environmental & Technical Systems

CLEARVIEW GEOGRAPHIC

Stormwater infrastructure helps safely drain water in the community. This map series highlights potential flooding that may impact the functionality of the stormwater drainage system. It is important to mitigate the risk of flooding by ensuring infrastructure is designed for an increased water condition.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the expected highest high tide (MHHW). This representation does not take into account rainfall flooding.

Beyond Study Area
Inlets
Manholes
Misc.
Mains
Channels
Ponds
Estimated Water Depth @ Mean Higher High Water (Ft)
0 - 0.5
0.5 - 1
1 - 2
2 - 3
3+
Commission Districts

Jensen Beach Cswy
NE Ocean Blvd
Jensen Beach Park
Jensen Public Beach
A1A
NE Skyline Dr
NE Sunset Dr
NE Lyle Dr
NE Lincoln River Dr
NE Grammond Rd
NE Barbara Dr
NE Melba Dr
NE Linda Dr
NE South Dr
NE Jeannette Dr
NE Sylvia Dr
NE Pinedale Dr
NE Sunview Ter
Jensen Beach Blvd
Ocean Breeze Park
NE Hilltop St
NE South St
Hutchinson
Atlantic Ocean

How to read the results | X = Potential Impact (Flooding > 0");
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Potable Water Vulnerability

R1911 Resiliency Planning Grant

Martin County, Florida

0 500 1,000 2,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches):	Approx 40
Scenario:	MHHW
Page:	3 of 24

INDEX

PROJECT PARTNERS

Environmental & Technical Systems
344 S. Woodland Blvd
DeLand, Florida
CLEARVIEW GEOGRAPHIC

This map series shows infrastructure associated with the drinking water in the community. The following map series highlights potential flooding that may impact the functionality of the stormwater drainage system.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the expected highest high tide (MHHW). This representation does not take into account rainfall flooding.

Beyond Study Area
Valves
Meters
Hydrants
Backflows
CommissionDistricts

Jensen Beach Cswy
Jensen Beach Park
Jensen Public Beach
A1A
Ocean Breeze Park
NE Ocean Blvd
NE Pineapple Dr
NE Sunview Ter
NE Hilltop St
NE South St
Jensen Beach Blvd
NE Sylvia Dr
NE Linda Dr
NE Sandra Dr
NE Symmes Rd
NE Lenora Dr
NE Wanda Dr
NE Lenore Dr
NE Sylvia Dr
COM DIST: 1

How to read the results | X = Potential Impact (Flooding > 0");

Identify what it is using the primary legend in the top right of the map.

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Potable Water Vulnerability

R1911 Resiliency Planning Grant

Martin County, Florida

0 500 1,000 2,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches): Approx	40
Scenario:	MHHW
Page:	5 of 24

INDEX

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CLEARVIEW GEOGRAPHIC

This map series shows infrastructure associated with the drinking water in the community. The following map series highlights potential flooding that may impact the functionality of the stormwater drainage system.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the expected highest high tide (MHHW). This representation does not take into account rainfall flooding.

- Sanitary Wells
- Wells
- Valves
- Meters
- Hydrants
- Backflows
- Water Valves
- Meters
- CommissionDistricts

NE South St
NE Pinecrest Lakes
NE Town Ter
NE Rosetree Dr
NE Dixie Hwy
NE 5th Ave
NE Indian River Dr
NE Cedar St
NE Elm Ter
NE 23rd Ter
NE Pinelake Villas Blvd
NE Ivy Ln
NE 24th St
NE Pinelake Villas Blvd
COM DIST 1
NE Coy Senda
NW Green River Pkwy
NE Savannah Rd
NE Dixie Hwy
NE Indian River Dr
NE Madison Ave
Langford Park
NE Palmer St
707
NW Baker Rd
NE Baker Rd

How to read the results | = Potential Impact (Flooding > 0");

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Sanitary Sewer Vulnerability

R1911 Resiliency Planning Grant

Martin County, Florida

0 500 1,000 2,000 Feet

N

Projection:	NOAA Intermediate High
Year:	2070
Water Rise (Inches): Approx.	40
Scenario:	MHHW
Page:	6 of 24

INDEX

PROJECT PARTNERS

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CLEARVIEW GEOGRAPHIC

This map series shows wastewater systems which may be impacted throughout the county. The County septic to sewer conversion program will help minimize the risk to septic systems. It is important to minimize water quality impacts that may arise from rising sea levels.

This model only shows the potential resulting impacts from the rise of sea levels and is representative of the expected highest high tide (MHHW). This representation does not take into account rainfall flooding.

Service
Pump
Manhole
Liftstation
Septic
CommissionDistricts

Alex's Beach
NE Jose Point Rd
Bryan Mawr
Stokes
NE Ocean Blvd
A1A
Virginia Forest
Seminole Shores
NE Dixie Hwy
NE Indian River Dr
NE Mediterranean Ave
COM DIST 1
COM DIST 4
NE Palmer St

How to read the results | X = Potential Impact (Flooding > 0");
Identify what it is using the primary legend in the top right of the map.

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BEFORE THE TOWN COUNCIL

TOWN OF OCEAN BREEZE, FLORIDA

ORDINANCE NO. 310-2021

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA UPDATING THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH FLORIDA STATUTE SECTION 163.3191; ADOPTING NEW PROVISIONS DEEMED MANDATORY BY FLORIDA LAW SINCE THE TOWN PLAN'S LAST UPDATE IN 2014, INCLUDING "PERIL OF FLOOD" STANDARDS SET FORTH IN FLORIDA STATUTES CHAPTER 163.3178 (2) (F) 1-6, AS WELL AS OTHER MINOR AMENDMENTS REFLECTING CHANGES IN LOCAL CONDITIONS; PROVIDING FOR TRANSMITTAL OF PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY, AKA THE DEPARTMENT OF ECONOMIC OPPORTUNITY BUREAU OF COMMUNITY PLANNING, AS WELL AS OTHER RELEVANT AGENCIES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND FOR OTHER PURPOSES

* * * * * * * *

WHEREAS, Florida law requires that local governments review and update their comprehensive plans from time to time; and

WHEREAS, on February 20, 2020, the Town submitted an "Evaluation and Appraisal Notification Letter" to the Florida Department of Economic Opportunity, Bureau of Community Planning, acknowledging its obligation to review and update its comprehensive plan within one year; and

WHEREAS, on February 20, 2020 the Florida Department of Economic Opportunity acknowledged receipt to the Town's letter; and

WHEREAS, upon review by town staff, draft amendments to the Town's comprehensive plan were prepared in accordance with Section 163.3191; and

WHEREAS, said amendments are set forth by "Exhibit A" attached; and

WHEREAS, on February 8, 2021, the Town's Zoning Board, which also serves as the Town's Land Planning Agency, conducted a duly advertised public hearing to consider the proposed amendments and voted to recommend their approval to the Town Council; and

WHEREAS, on February 8, 2021, the Town Council conducted a duly advertised public hearing to consider the Zoning Board's recommendations, as wells as public comments, and voted on first reading of this ordinance forth by Exhibit "A" and approved transmittal to the Florida Department of Economic Opportunity (DEO) and all other relevant agencies; and

WHEREAS, the Town Council has provided for full public participation in the comprehensive planning and amendment process and has considered and responded to public comments.

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

SECTION 1: The Ocean Breeze Town Council does hereby approve the proposed Comprehensive Plan amendments set forth by "Exhibit A" attached.

SECTION 2: The Ocean Breeze Town Council does hereby approve transmittal of this Ordinance on first reading to the Florida Department of Economic Opportunity (DEO) and all relevant agencies and local governments for the purpose of a sufficiency review.

SECTION 3: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance 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 Ordinance.

SECTION 5: This ordinance shall take effect upon adoption of second and final reading.

PASSED on First Reading this 8th day of February, 2021.

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

	YES	NO	ABSENT
KEN DE ANGELES, PRESIDENT			
RICHARD GEROLD, VICE-PRESIDENT			
RICHARD WAGNER, COUNCIL MEMBER			
TERRY LOCATIS, COUNCIL MEMBER			
KEVIN DAUGHERTY, COUNCIL MEMBER			
BILL ARNOLD, COUNCIL MEMBER			

ADOPTED on this _____ day of _____, 2021.

ATTEST:

_____

PAM ORR

TOWN CLERK

_____

KEN DE ANGELES

PRESIDENT

_____

KAREN OSTRAND

MAYOR

APPROVED AS TO FORM:

_____

RICK CRARY, II

TOWN ATTORNEY

TOWN OF

OCEAN BREEZE, FLORIDA

2035 COMPREHENSIVE PLAN

TOWN OF OCEAN BREEZE

MARTIN COUNTY, FLORIDA

Local Government Comprehensive Planning and Land Development Regulation Act Florida Statute 163.3161 has mandated the preparation of local comprehensive planning programs to guide and control future development. It is the intent of the Act to "encourage the most appropriate use of land, water, and resources, consistent with the public interest."

This report constitutes the revised Comprehensive Plan for the Town of Ocean Breeze and the preparation has followed the guidelines of Florida Statutes 163.3164 . It should be noted that the limited land area of the Town effectively restricts the application of many of the planning elements plus the fact that the Town has no goal or objective to grow or expand beyond the existing Town boundaries.

PLAN PREPARATION DATE: October 17, 1988;

REVISIONS TO PLAN COMPLETED: March 1, 1990

PLAN PREPARED BY:
Glenn E. Massnick
3162 S. E. Dixie Highway Stuart, FL 34997
(407) 286-1662
REVISIONS TO PLAN PREPARED BY:

Eileen E. Miller, AICP
E.E. Miller & Associates, Inc. 1339 E. Ocean Blvd.
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Final editing of revisions in association with: Cathy S. Reeder

2008 PLAN AMENDMENTS PREPARED BY:
Lucido and Associates, Inc.
221 S.E. Ocean Boulevard
Stuart, Florida 34996
(772) 220-2100
Final Editing of revisions by: Monica Graziani, Town Planner

2014 PLAN AMENDMENTS PREPARED BY:
Terry O'Neil, Town Management Consultant
Pinal Gandhi-Savdas, Planning Consultant

2021 PLAN AMENDMENTS PREPARED BY
Terry O'Neil, Town Management Consultant

TOWN OF OCEAN BREEZE

MARTIN COUNTY, FLORIDA

TABLE OF CONTENTS

(1) Future Land Use Element

(2) Transportation Element

(3) Housing Element

(4) Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element,

(5) Coastal Management Element,

(6) Conservation Element,

(7) Recreation & Open Space Element,

(8) Intergovernmental Coordination Element

(9) Capital Improvements Element

TOWN OF OCEAN BREEZE COMPREHENSIVE PLAN

The Town of Ocean Breeze Comprehensive Plan is comprised of 9 elements that address full range of topics affecting physical development of the Town. Together, these elements shape the Town's growth in a socially, economically and environmentally sustainable way.

Each element includes one or more goals. A goal is a long-term statement toward which programs and activities are ultimately directed. Each goal is supported by one or more objectives, which are specific, measurable action items that are achievable and mark progress toward a goal. Some objectives include a target completion date. Most Comprehensive Plan objectives are on-going and are targeted to continue throughout the planning period and can be updated as part of future comprehensive plan amendments. Objectives are implemented according to the direction provided by one or more policies. Policies describe the way in which specific programs and activities should be conducted to achieve the identified goal. Together, the adopted goals, objectives and policies make up the Comprehensive Plan Policy Document.

Each element has a companion Supporting Document that includes data and analysis to clarify and elaborate on the rationale for adopting the goals, objectives and policies. The Comprehensive Plan also includes a series of maps. Some maps are adopted as part of the Policy Document, while other are supporting data included in the Supporting Document. The Policy Document is adopted by Town Council, and changes must be transmitted to the Florida Department of Economic Opportunity for approval. The Support Document is for reference purposes, and may be updated from time to time as conditions change.

FUTURE LAND USE ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

To maintain the Town's existing modular home and mobile home ~~park~~ resort community, ~~and~~ commercial center and single-family subdivision, and to provide for appropriate residential and commercial uses of undeveloped lands with adequate levels of service for needed facilities and minimal impact on Town resources.

Commented [TO1]: Changes reflect development patterns that have emerged since last plan's last update in 2014.

OBJECTIVE 1:

The Town of Ocean Breeze, through its Zoning and Land Development Code and/or Planned Unit Development (PUD) agreements, will establish zoning standards that will apply to a specific parcel of land such that the resulting development will be of superior quality and design while protecting the health, safety and welfare of the general public.

POLICY 1.1

Through the zoning code establish minimum requirements that will implement the goal of the comprehensive plan through the year 2035 planning horizon.

Commented [TO2]: State rules require that the plan's "planning horizon" be identified in the land use element.

POLICY 1.2

All facilities and services shall meet all level of service standards established within this plan (potable water, sanitary sewer, drainage, solid waste, transportation, parks) and shall be available concurrent with the impacts of development. Development orders and permits shall be conditioned on the availability of the facilities and services necessary to serve the proposed development and shall be authorized at the same time the land uses are authorized.

POLICY 1.3

Provide for convenient on-site traffic flow and require adequate off street parking facilities through adoption of appropriate land development regulations and/or use of negotiated planned unit development agreements.

POLICY 1.4

Innovative development patterns shall be encouraged to provide recreational facilities adequate for the number of units in the development.

POLICY 1.5

Requests for development permits shall be coordinated, as appropriate, with Martin County and ~~the Treasure Coast Regional Planning Council.~~ other relevant agencies.

Commented [TO3]: Florida law and this document's "Intergovernmental Coordination" element provide guidance here. Only selected development permit requests fall into this category. The reference to the TCRPC is out of place.

POLICY 1.6

No changes shall be permitted within the developed portions of the Town that would create a net decrease in available open space, or decrease the effectiveness of the existing drainage and stormwater management system. New development shall maintain a minimum of 35% open space in residential areas and 25% open space in commercial areas and meet the drainage and stormwater management regulations of the South Florida Water Management District. In the case of stormwater retention and detention requirements, the Town will work with the South Florida Water Management District to assure that management schemes fully recognize the unique percolation capacity of the Town's soils and any accrued benefits derived from xeriscape landscaping and minimal use of sod.

POLICY 1.7

Provide for zoning district regulations that implement the land use designations established in this Comprehensive Plan.

POLICY 1.8

Any planned development agreement utilized to control future development shall, at a minimum:

1). Commit to compliance with all applicable portions of the adopted Town of Ocean Breeze Comprehensive Plan, including level of service standards for public facilities;

2). Reflect the findings of an acceptable transportation impact study, including a neighborhood traffic management plan;

3). Reflect consultation with the Florida Fish and Wildlife Conservation Commission (FWC) regarding adequate protection of any rare, endangered, threatened or special concern plant and animal species present on the affected property;

4). Provide for acceptable buffers along property boundaries and a high priority on preservation of existing vegetation;

5). Payment of impact fees to address off-site impacts of the new development; and

6). Comply with the Indian River Lagoon Comprehensive Conservation and Management Plan.

7). Reflect consultation with Martin County to address compatibility of project with existing and planned development on adjacent unincorporated lands; and

POLICY 1.9

~~The actual number of acres that will be restricted for building use due to prior use as a land-fill area can only be determined by a further engineering study. The Town will require that as part of any future development, an accounting of the Florida Department of Environmental Protection (FDEP) requirements~~

~~be provided to ensure that no current or future contamination will occur or that all of the offending materials be removed from the site.~~ Under a permit obtained by the developer, that portion of the Ocean Breeze West PUD site previously used as a land fill has undergone excavation and remediation acceptable to the Florida Department of Environmental Regulation (FDEP) such that the agency offers no objection to its use for development. The Town shall maintain all records in its possession confirming cleanup of the site.

Commented [TO4]: DR Horton has remediated (closed) the old landfill site to the state's satisfaction.

POLICY 1.10

All new development must provide central water and sanitary sewer along with roads that meet the standards of Martin County or roadway standards specifically adopted by the Town. Before building permits are issued the developer must provide for all services, including the collection and disposal of solid waste. All public services must be in place and available concurrent with the impact of the development.

POLICY 1.11

Uses anticipated in the Transportation Element are permitted within all land uses.

OBJECTIVE 2: While the Town currently contains no blighted areas, should such conditions develop in the future the Town will establish a plan for redevelopment and renewal.

OBJECTIVE 3: The Town, which currently contains no incompatible land uses, will avoid future incompatibilities by requiring planned use development regulations to guide growth on undeveloped lands.

OBJECTIVE 4: The natural resource of the Indian River Lagoon shall continue to be protected by the Town by continued compliance with the Indian River Lagoon Comprehensive Conservation and Management Plan and the Lagoon Surface Water Improvement and Management (SWIM) plan. Future development on lands west of the FEC railroad shall be allowed only upon a finding that the proposed

development plan is consistent with protection of natural resources. (More detailed objectives and policies are contained in the Coastal Management Element of this plan.)

OBJECTIVE 5:

Future development within the Town shall be allowed only upon a finding that the proposed development is in compliance with the regional hurricane evacuation plan.

OBJECTIVE 6:

The Town shall allow appropriate development of currently vacant lands to discourage urban sprawl.

OBJECTIVE 7:

Prior to the issuance of any development order, all new development must demonstrate that adequate public facilities are available consistent with the level of service requirements of this Comprehensive Plan.

OBJECTIVE 8: Except for the Ocean Breeze Plaza property, ~~N~~new development and redevelopment shall be allowed only pursuant to a negotiated Planned Unit Development between the developer and Town.

Commented [TO5]: Change reflects the fact that OB East and OB West are already Planned Unit Developments, while the plaza has straight "Business" zoning. The plaza owners may at some point wish to propose a PUD agreement to accommodate future development but are not compelled to do so.

OBJECTIVE 9: FUTURE LAND USE CATEGORIES

The Town of Ocean Breeze has as its principal goals the maintenance of the existing modular home, mobile home ~~park~~ resort community and commercial center, including future ~~expansion~~ redevelopment of the existing commercial center, as well as preservation of its single-family residential **subdivision**, and appropriate future residential or development of undeveloped lands. The Future Land Use Map, included in this element, provides a blueprint for a complete build-out of all the land area incorporated into the Town.

Commented [TO6]: Changes reflect development patterns that have emerged since last plan's last update in 2014.

POLICY 9.1

The future land use categories defined below provide general descriptions intended to encompass all present and future land uses in the Town of Ocean Breeze. The "Table of Land Use Densities and Intensities", "Exhibit A" herein, provides specific density and intensity measures that shall establish the maximum density and intensity allowed in each land use category. The Future Land Use Map establishes the optimum, overall distribution of land uses on a Town-wide basis.

The Town of Ocean Breeze has designated the following land use categories and allowed uses for all land within the Town of Ocean Breeze:

A. ***Mobile Home Residential development*** **(Ocean Breeze East, Approximately 44.35 acres)** – Mobile homes not exceeding 16.46 units per acre. Communication towers shall be allowed subject to zoning standards. Redevelopment activities occurring under a Planned Unit Development (PUD) Agreement may allow:

1) A variety of building types including mobile homes, modular homes, manufactured homes and recreational vehicles to ensure a diverse and affordable quality environment.

2) 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.

3) Storage for vehicles for the convenience of the residents.

4) Neighborhood commercial uses, primarily serving Town residents, not exceeding 25,000 square feet in floor area.

5) Public waterfront amenities such as piers, docks, or boardwalks (see Coastal Management Element for details).

B. If the development is a PUD, 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, shuffle board courts, etc. ***Low Density Residential Future Land Use (Ocean Breeze West, Approximately 9.4 acres)*** - The low density residential designation is reserved for land serviced by a full complement of urban services. Densities permitted in this area shall not exceed six units per gross acre for site-built residential units or fifteen units per acre for mobile home or recreational vehicle residential units. Projects meeting the requirements for provision of senior or affordable housing shall be allowed a density bonus as outlined below. Notwithstanding any other Goals, Objectives and Policies of this Comprehensive Plan, group homes, foster homes, nursing care facilities, and assisted living facilities shall be allowed not to exceed 30 beds per acre. Maximum building height shall be 2 stories in this district unless the parcel depth exceeds 100' measured from the Town limits and all setbacks from adjacent unincorporated Martin County are a minimum of 60' providing a minimum 25' buffer in which case the maximum height shall be 4 stories.

1) With the exception of mobile home development, group homes, foster homes, nursing care facilities and assisted living facilities, a 25% gross density bonus will be granted to residential development that is restricted to senior housing (either limited to occupancy by residents 62 years of age or older or to those intended and operated for occupancy by persons 55 years of age or older provided that at least 80 per cent of the occupied units are occupied by at least one person 55 years of age or older) or a 50% bonus will be granted to residential development that is committed to a proportion of owner occupied or rental housing meeting the definition of very low and low income as defined by the State of Florida guidelines for the State Housing Incentive Program (SHIP). Projects receiving a density bonus must further meet the criteria listed below.

a. The project must be subject to a Planned Unit Development Agreement.

b. For sites that share a common boundary with a single-family land use, a buffer must be provided.

c. Senior housing projects must include the following design standards:

i) at least one zero step entrance

ii) all interior doors providing at least 31 ¾ inches of unobstructed passage space, and

iii) at least a half bathroom on the main floor.

d. For affordable housing projects; a minimum of 15% of the proposed units must be allocated to persons of very low and/or low income as defined by the State of Florida Guidelines for the State Housing Incentive Program (SHIP), for a minimum period of 20 years or such longer period as set forth by a controlling grant or other affordable housing program such as the Martin County Local Housing Assistance Plan. The units intended for affordable housing shall be subject to a recorded land use restriction for not less than 20 years and shall include resale provisions to ensure long-term affordability for very low and/or low income homeowners and renters.

For the purpose of this policy, the density bonuses are not cumulative. For example, an affordable housing development dedicated to senior residents will be granted a total density bonus of 50% as a result of the 50% bonus for affordable housing. In this case, the 25% bonus for senior housing would not apply.

C. ***Medium Density Residential Future Land Use (Ocean Breeze West, Approximately 32.1 acres)*** - The medium density residential designation is reserved for land serviced by a full complement of urban services. Densities permitted in this area shall not exceed ten units per gross acre for site-built

residential units or fifteen units per acre for mobile home or recreational vehicle residential units. Projects meeting the requirements for provision of senior or affordable housing shall be allowed a density as outlined in below. Notwithstanding any other Goals, Objectives and Policies of this Comprehensive Plan, group homes, foster homes, nursing care facilities, and assisted living facilities shall be allowed not to exceed 30 beds per acre. Maximum building height shall be 3 stories in this district unless set back from adjacent unincorporated Martin County by a minimum of 60' providing a minimum 25' buffer in which case the maximum height shall be 4 stories.

1) With the exception of mobile home development, group homes, foster homes, nursing care facilities and assisted living facilities, a 25% gross density bonus will be granted to residential development that is restricted to senior housing (either limited to occupancy by residents 62 years of age or older or to those intended and operated for occupancy by persons 55 years of age or older provided that at least 80 per cent of the occupied units are occupied by at least one person 55 years of age or older) or a 50% bonus will be granted to residential development that is committed to a proportion of owner occupied or rental housing meeting the definition of very low and low income as defined by the State of Florida guidelines for the State Housing Incentive Program (SHIP). Projects receiving a density bonus must further meet the criteria listed below.

   a. The project must be subject to a Planned Unit Development Agreement.

   b. For sites that share a common boundary with a single-family land use, a buffer must be provided.

   c. Senior housing projects must include the following design standards:

      i) at least one zero step entrance

      ii) all interior doors providing at least 31 ¾ inches of unobstructed passage space, and

iii) at least a half bathroom on the main floor.

d. For affordable housing projects; a minimum of 15% of the proposed units must be allocated to persons of very low and/or low income as defined by the State of Florida Guidelines for the State Housing Incentive Program (SHIP), for a minimum period of 20 years or such longer period as set forth by a controlling grant or other affordable housing program such as the Martin County Local Housing Assistance Plan. The units intended for affordable housing shall be subject to a recorded land use restriction for not less than 20 years and shall include resale provisions to ensure long-term affordability for very low and/or low income homeowners and renters.

For the purpose of this policy, the density bonuses are not cumulative. For example, an affordable housing development dedicated to senior residents will be granted a total density bonus of 50% as a result of the 50% bonus for affordable housing. In this case, the 25% bonus for senior housing would not apply.

D. Commercial Future Land Use (Ocean Breeze West, Approximately 3.71 acres as described below) - Land Uses and activities within this designation shall be predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. This includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, group homes, foster homes, nursing care facilities, and assisted living facilities shall be allowed not to exceed 111 total beds within that portion of the Commercial future land use designation described below. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. BEING A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 22, THENCE SOUTH 00°19'03" EAST, ALONG THE EAST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 22, A DISTANCE OF 171.98 FEET TO A POINT ON THE SOUTH LINE OF OCEAN BREEZE PLAZA AS RECORDED IN OFFICAL RECORD BOOK 992, PAGE 2566 PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE SOUTH 89°59'10" EAST,

ALONG SAID SOUTH LINE A DISTANCE OF 561.29 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE SOUTH 17°44'05" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 280.87 FEET; THENCE NORTH 89°59'10" WEST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 645.36 FEET TO A POINT ON THE AFOREMENTIONED EAST LINE OF THE SOUTHWEST ONE QUARTER OF SAID SECTION 22; THENCE NORTH 00°19'03" WEST, ALONG SAID EAST LINE A DISTANCE OF 267.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.71 ACRES, MORE OR LESS.

E. Commercial (Ocean Breeze Plaza, Approximately 12 acres) – Commercial uses within the area designated as Commercial on the future land use map shall be limited to a maximum of 125,000 square feet. Land Uses and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions and restaurants.

1) Redevelopment within the Commercial (Ocean Breeze Plaza – Approximately 12 acres) future land use designation may be granted an intensity bonus of 25% if developed with prominent quality architectural and site design attributes as set forth in the Town's land development regulations. At a minimum the land development regulations shall include but not be limited to the following criteria:

   a. an integrated pedestrian system
   b. a bus stop and shelter
   c. bicycle racks
   d. interconnections between complementary neighboring land uses
   e. a clear definition of rights-of-way and streets
   f. well defined open spaces
   g. a variety of building types and uses.

The Land Development Regulations shall also address architectural standards, including but not limited to building fenestration, proportions of openings, building massing and composition, building materials and surface treatment and pitch of roofs. Such development shall be approved via a Planned Unit Development.

POLICY 9.1

Within the Low Density Residential Future Land Use, Medium Density Residential Future Land Use, and Commercial Future Land Use (Ocean Breeze West, Approximately 3.71 acres), a buffer shall be required between any proposed development and adjacent existing residential units when the density of the proposed development exceeds two times that of the adjacent residential area measured within the first tier of units. A buffer shall also be required for sites designated and developed for medium density residential use adjacent to any boundary of unincorporated Martin County designated for single family use. A buffer shall be a minimum of 25' in width and contain a 100% opaque screen that is six feet in height within one year of installation. No permanent above ground improvements shall be constructed within the buffer except for landscaping, buffer fence or wall, utility systems, and/or drainage facilities.

POLICY 9.2

Within the Low Density Residential Future Land Use, Medium Density Residential Future Land Use, and Commercial Future Land Use (Ocean Breeze West, Approximately 3.71 acres), the developer shall provide a dedicated funding mechanism for the continued provision of fire service and solid waste collection service. (This policy is not intended to be a requirement for the dedication of land for a fire station.)

POLICY 9.3

APPROPRIATE PLANNED LAND DEVELOPMENT - New development within the Low Density Residential Future Land Use, Medium Density Residential Future Land Use, and Commercial Future Land Use (Ocean Breeze West, Approximately 3.71 acres) shall:

1) Only be approved based upon a finding that the proposed development will be appropriate to the topography, soil conditions, availability of facilities and services and surrounding land uses;

2) Ensure the protection of natural and historical resources;

3) Be coordinated with appropriate local or regional hurricane evacuation plans, when applicable;

4) Be coordinated with any appropriate resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet;

5) Ensure the availability of suitable land for utility facilities necessary to support proposed development; and

6) Encourage the use of innovative land development techniques as may be appropriate to the situation of the land; and

7) Be subject to a Planned Unit Development Agreement.

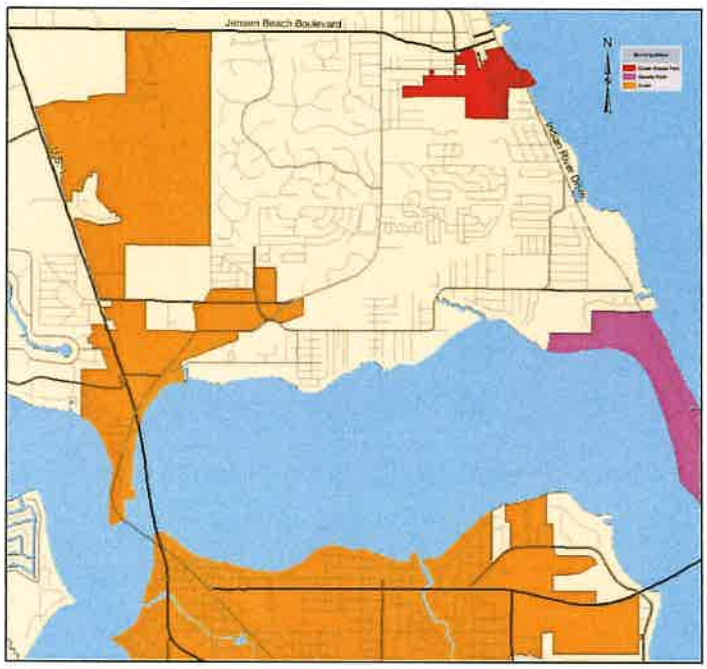
FUTURE LAND USE CATEGORY – EXHIBIT A

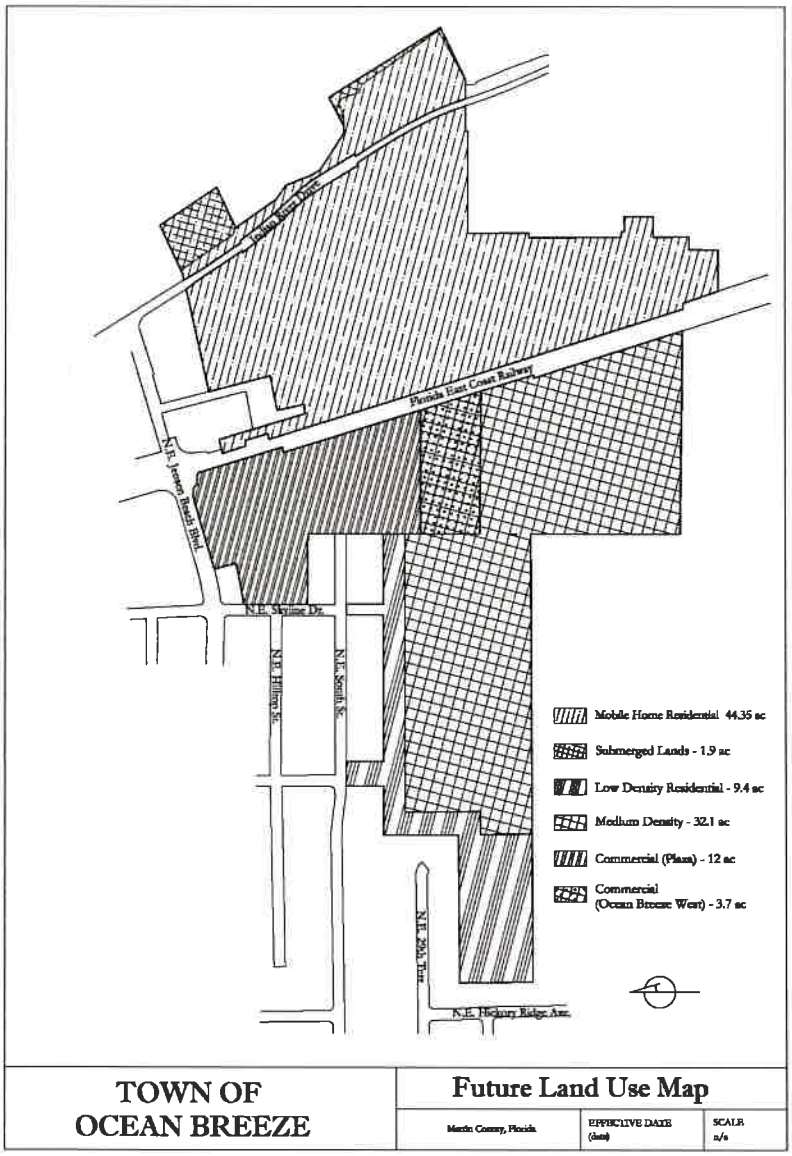
TABLE OF LAND USE DENSITIES AND INTENSITIES

Future Land Use	Acreage	Density and Persons Per Household			Intensity	Population Estimate
		Site Built	Senior/ Affordable	Mobile Home		
Low Density Residential	9.4	10 upa 2.50 pph	9 upa 2.50 pp	15 upa 2.50 pp	N/A	352
Medium Density Residential	32.1	10 upa 2.50 pph	12.5 upa 2.50 pph	15 upa 2.50 pph	N/A	1,204
Mobile Home Development	44.35	15 upa 1.74 pph	15 upa 1.74 pph	16.46 upa 1.74 pph	<25,000 SF	1,270
Commercial (Ocean Breeze West)	3.71	N/A	N/A	N/A	<48,750 SF	N/A
Commercial (Plaza)	12.0	N/A	N/A	N/A	<125,000 SF	N/A
				Total		2,826

TOWN OF OCEAN BREEZE

MUNICIPALITIES MAP DETAIL





TOWN OF OCEAN BREEZE	Future Land Use Map		
	Martin County, Florida	EFFECTIVE DATE (date)	SCALE n/a

Town of Ocean Breeze Future Land Use Map – through 2035

Commented [TO7]: State requires the planning horizon be shown on the future land use map.

TRANSPORTATION ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

To provide a safe, convenient and efficient motorized and non-motorized transportation facilities in a way that sustains the community small Town character and its aesthetic characteristics.

OBJECTIVE 1:

The Town will cooperate with Martin County and private land owners to achieve coordinated planning of land uses, transportation programs and traffic circulation as to achieve and maintain level of service adopted by the County and to protect the necessary rights of way through development permitting.

POLICY 1.1

The Town shall not allow changes in the developed portions of the Town (i.e., east of the FEC Railway) that would result in a less safe, convenient and efficient transportation system. Further, new development on undeveloped lands (i.e., west of the FEC Railway) shall comply with all provisions of this plan and other Town ordinances to provide a safe, convenient and efficient transportation system.

POLICY 1.2

The Town will maintain its small-town character by limiting the width of roadway corridors throughout the Town to no more than two through lanes.

POLICY 1.3

The Town will cooperate fully with Martin County and private land owners in encouraging transportation improvements and services which are consistent with this Comprehensive Plan, the Treasure Coast Regional Policy Plan and State and County transportation plans.

POLICY 1.4

The Town of Ocean Breeze hereby adopts the following peak hour LOS standards:

(1)	Indian River Drive (CR 707)	"D"
(2)	Jensen Beach Blvd. (CR-707A)	"D"

*Martin County 2012 Roadway Level of Service Inventory Report

*If facilities within Martin County are shown to operate below their required levels of service, payment of the development's fair share contribution to the impacted roadway system in addition to the payment of the appropriate County impact fees shall be deemed adequate to meet the level of service standards of the Comprehensive Plan.

POLICY 1.5

The Town shall not permit developments which will result in traffic impacts which will cause the established level of service to be exceeded, provided if facilities within Martin County are shown to operate below their required level of service, payment of the development's fair share contribution to the impacted roadway system in addition to the payment of the appropriate County impact fees shall be deemed adequate to meet the level of service standards of the Comprehensive Plan.

POLICY 1.6

Timely traffic data will be obtained by the Town through close coordination with Martin County.

POLICY 1.7

Connections and access points of driveways and roads to roadways shall continue to be controlled by a development review process as established in Zoning and Land Development Code or in development agreements.

POLICY 1.8

Provision of safe and convenient on-site traffic flow, considering needed motorized and non-motorized vehicle parking including handicap accessibility, shall continue to be accomplished by a development review procedure established. in Zoning and Land Development Code or development agreements.

POLICY 1.9

Unless an overall beneficial urban design approach indicates otherwise, protection of existing and future public roadway rights-of-way from building encroachment shall be accomplished by maintaining the following right-of-way requirements for all future construction except replacements of existing structures: (1) Major Arterials - 100'/ Minor Arterials - 80', (2) Collectors - 60', 50' with curb-and-gutter construction.

POLICY 1.10

The Town will maintain and enforce driveway/street intersections, sight distance requirements and other relevant regulations to assure that acceptable design standards are met for onsite traffic flow and parking, access drive to public thoroughfares, pedestrian circulation facilities, bicycle and golf carts prior to authorizing specific development projects.

POLICY 1.11

The Town shall work with Martin County, Martin County MPO and private land owners as well as local and regional mass transit providers to promote transit to and from the Town of Ocean Breeze. This coordination shall include: identifying destinations and traffic generators preferred by Town residents,

identifying safe stopping places for mass transit, and identifying and helping to obtain needed right-of-way for mass transit stops.

POLICY 1.12

As the means to reduce the vehicles miles traveled, the Town shall encourage alternate transportation mode including mass transit, bicycles, golf carts and pedestrian facilities as a condition for development approvals.

POLICY 1.13

The Town will continue to coordinate its emergency evacuation efforts for its at-risk population through close coordination with the Martin County Emergency Management Services Department.

POLICY 1.14

The Town shall coordinate with Martin County, Martin MPO, the Florida Department of Transportation and other agencies in order to ensure the use of consistent Level of Service standards and common methodologies for evaluating transportation impacts.

POLICY 1.15

The traffic circulation system shall be coordinated with future land use through land development regulations and Planned Unit Development (PUD) agreements and the requirement for a competent traffic study that demonstrates that the adopted levels of service for traffic circulation will be maintained through build-out.

POLICY 1.16

Unless an overall beneficial urban design approach indicates otherwise, east of the Railroad, no new structures except replacements of existing structures shall be placed within 65' of the center of the right-of-way of any collector or arterial. Unless an overall beneficial urban design approach indicates otherwise,

west of the FEC Railroad, no structure shall be built within 50 feet of the center line of a public plotted ROW that is not designated a through traffic highway and or within 65 feet of the center line of a designated through traffic highway.

TOWN OF OCEAN BREEZE

EXISTING CIRCULATION MAP

Detail

TOWN OF OCEAN BREEZE

2035 FUTURE CIRCULATION MAP

Detail

HOUSING ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

The goal of this housing element is to employ principles, guidelines, standards, and strategies, within the Town's capabilities, that will: (a) meet current and anticipated housing needs, (b) eliminate substandard housing, (c) improve the structural and aesthetic conditions of existing housing, (d) provide for and maintain adequate sites for future housing, including mobile homes, senior housing, workforce housing, housing for low-income, very low-income, and moderate-income families, and group home facilities and foster care facilities, including supporting infrastructure, (e) encourage relocation housing, (f) conserve historically significant housing (if any), (g) encourage or participate in housing implementation programs, where practicable, and (h) promote a mix of housing that preserves the Town's history and character as a safe and affordable place to live.

OBJECTIVE 1:

Improve the quality of life by promoting adequate, affordable, safe and sanitary housing in the form of mobile homes and possibly other residential unit types, and by promoting improved provisions for services with an emphasis on independence and self-sufficiency. Working directly with the owners of the Ocean Breeze Park mobile home park and the Ocean Breeze Park West (PUD) Planned Unit Development property, and using State of Florida and U.S. Census Bureau resources, the Town shall, to the extent feasible, compile and maintain data and analysis that addresses: the number and distribution of dwelling units by type, tenure, age, rent, value, monthly cost of owner-occupied units, and rent or cost to income ratio, number of substandard units, condition of housing, approximate number of households by size, income range, and age of residents, as well as the minimum housing need of the current and anticipated future residents of the jurisdiction.

POLICY 1.1

Maintain communication with all residents to keep fully informed of the needs and requirements of town residents and promote their economic independence.

POLICY 1.2

Through its land development regulations, including the use of Planned Unit Development zoning (where appropriate), as well as effective application of the Florida Building Code, Florida Life Safety Code and other relevant codes, the Town shall: (a) address current and anticipated housing needs, (b) eliminate substandard housing through repair and replacement, (c) improve the quality and appearance of existing housing, (d) maintain adequate sites for future housing, including mobile homes, senior housing, workforce housing, housing for low-income, very low-income, and moderate-income families, and group home facilities and foster care facilities, including supporting infrastructure, (e) encourage relocation housing, (f) encourage the preservation of historically significant housing (if any), (g) encourage or participate in housing implementation programs, (where practicable), including the Small Cities CDBG Program, Weatherization Assistance Program, Community Contribution Tax Credit Program and Brownfield Loan Guarantee and (h) promote a mix of housing that preserves the Town's history and character as a safe and affordable place to live.

POLICY 1.3

Through its land development codes and regulatory oversight of the Ocean Breeze Park West Planned Unit Development (PUD) property, the Town shall continue to ensure that all federal, state and local regulations are met with regard to the site's now-closed landfill area (now remediated and closed to the FDEP's satisfaction) for the purpose of restoring its economic use, including housing.

Commented [TO8]: Change reflects DR Horton's state approved cleanup.

POLICY 1.4

To promoting affordable, infill housing, the Town shall advocate for credits against Martin County impact fees for any vacant parcels which previously accommodated residential living units.

POLICY 1.5

Through its land development regulations and oversight of the Ocean Breeze Park West Planned Unit Development (PUD) property, the Town shall employ policies which encourage connection to Martin County's water and sewer facilities, providing, however, that doing so shall not diminish access to affordable housing or risk displacement.

POLICY 1.6

Through its land development regulations and oversight of the Ocean Breeze Park West Planned Unit Development (PUD) Agreement, the Town shall encourage private and non-profit sectors involvement in housing production through partnerships or other means and shall: (a) promoting innovative design, site plan or construction standards, including energy efficiency, to reduce construction costs, infrastructure costs, and operational costs, and (b) encourage grants and other funding possibilities.

OBJECTIVE2:

Provide adequate sites for housing for low and moderate income families and for mobile homes by: (a) continuing the existing conditions in the mobile home park that provide affordable housing and (b) by review of any proposed new development for potential for additional housing sites for low and moderate income families, as well as (c) allowing the mobile home park development option for all undeveloped land in the Town.

POLICY2.1

Through its land development regulations and oversight of the Ocean Breeze Park West Planned Unit Development (PUD) Agreement, the Town shall address the location of group homes or foster care facilities based upon documented need and demand, considering that the entire existing mobile home park provides to all of its residents many of the services provided by foster and group homes.

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

Through private sector development and through application of its development regulations, the Town shall continue to ensure that adequate public services are available to meet the present and future needs of the Town of Ocean Breeze.

SANITARY SEWER

OBJECTIVE 1:

Through continuing cooperation with Martin County Utilities, ~~To~~ provide for reliable sewage collection and disposal to meet the present and future needs of Town of Ocean Breeze.

Commented [TO9]: Records confirm that all properties with the Town the Resort, Sea Walk subdivision and Ocean Breeze Plaza) are now entirely connected to the County's sanitary sewer system.

POLICY 1.1

Periodically, the Town Council shall identify deficiencies in the existing sanitary sewer facilities and outline measures to eliminate these deficiencies.

POLICY 1.2

All existing septic tanks shall be maintained at a level of service as specified by the conditions of

the Health Department permit. All new residential development shall be required to connect to Martin County regional wastewater systems.

~~The package plant serving Ocean Breeze Plaza shopping center shall continue to provide 30,000 gallons per day minimum LOS.~~ All new commercial development ~~may~~ must connect to ~~the existing Ocean Breeze Plaza package plant if determined by the Town Engineer that adequate capacity exists and a minimum 20 year useful life remains on the plant; otherwise, all new development will connect to~~ the Martin County regional wastewater system and shall not impose a cost on the Town or its residents.

Commented [TO10]: Change reflects the fact that the old Ocean Breeze Plaza package plant has been eliminated and of the site'buildings are connected to the County's wastewater system.

POLICY 1.3

The Town will coordinate with Martin County for sanitary sewer services in the extension of the regional system to serve the future development of undeveloped lands.

POLICY 1.4

In order to assure that future development in Ocean Breeze has adequate sanitary sewer service to meet its needs, any developer connecting to the Martin County system must submit to the Town Council, prior to development approval, a formal notice from Martin County Utilities Department indicating that system capacity will be available concurrent with the impacts of the development.

POLICY 1.5

The Town adopted the following level of service standards for sanitary sewer:

90 gallons per capita per day (residential)
0.1 gallon per square foot per day (non-residential)

SOLID WASTE

OBJECTIVE 2:

Through its development regulations, the Town shall ensure the adequate provisions of solid waste collection services through private providers.

POLICY2.1

The Town does not provide solid waste collection service. The Town will continue the development to be serviced by private providers. The Town adopted the following level of service standard for solid waste:

3.5 pounds per person per day (Residential: Single-Family & Multi- Family)

2.1 pounds per person per day (Residential: Mobile Homes)

0.007 pounds per square foot per day (Non-Residential)

POLICY 2.2

The Town will continue to require development to seek the reduction of solid waste requiring disposal through support of and participation in the recycling program of the solid waste collection service provider.

POLICY 2.3

The Town shall encourage solid waste collection providers to participate in the recycling program.

POLICY 2.4

Prior to any development approval for land west of the FEC railroad, a dedicated funding mechanism must be in place for solid waste collection service. Solid waste collection services for the area west of the FEC railroad shall not impose a cost on the Town or residents east of the FEC railroad.

POLICY 2.5

n order to assure that future development in Ocean Breeze has adequate solid waste collection and disposal service to meet its needs, any developer must submit to the Town Council, prior to development approval, a formal notice from an appropriate service provider indicating that system capacity will be available concurrent with the impacts of the development.

POLICY 2.6

The Town will maintain data relating to the amount of solid waste generated. The Town will require the solid waste collection contractors to provide waste tonnage records.

POLICY 2.7

The Town shall cooperate with Martin County, as appropriate and reasonable, in accomplishing the Town's objectives of ensuring the long term solid waste service needs of the Town's residents by conducting analysis of the inclusion of the limits of the Town within the MSTU service area of the County's solid waste service program as an alternative to the current private means of collection.

DRAINAGE

OBJECTIVE 3: Adequate stormwater drainage will be provided for protection against flooding and to prevent the degradation of the quality of the receiving waters.

POLICY 3.1

The Town shall identify measures and practices necessary to maintain groundwater quality as provided by state regulations.

POLICY 3.2

The Town shall use the State Water Quality and Constructions policies, and element of the State Water Quality Management Plan, as a general source for evaluation of water quality. These policies will be incorporated into existing Zoning and Land Development Codes.

POLICY 3.3

The Town shall coordinate with the Indian River Lagoon Surface Water Improvement and Management (SWIM) plan for the Indian River Lagoon to protect water quality of stormwater run-off.

POLICY 3.4

The Town will require, prior to permitting, that all future new developments within the Town comply with all requirements of the Florida Department of Environmental Protection (FDEP) and South Florida Water Management District (SFWMD). Redevelopment construction shall adhere to requirements as set forth by FDEP and SFWMD to the extent feasible, prioritizing no displacement of existing residents and affordability for new ones.

POLICY 3.5

The Town will coordinate with State regulatory agencies and the South Florida Water Management District to ensure that all existing and future development within the Town provide and maintain stormwater management facilities in accordance with regulations and requirements of such agencies and that existing conditions which are in conflict with such regulations and requirements be mitigated in accordance therewith.

POTABLE WATER

OBJECTIVE 4:

The Town shall support Martin County in its effort to maintain access to raw water supply systems to meet the Town's future potable water needs and maintain adequate reserve capacity to meet all Federal and State drinking water regulations.

POLICY4.1

Before issuance of a development order or permit, the Town will determine that service can be supplied by the proposed development without reducing the level of service for potable water below the adopted level of service standards:

100 gallons per capita per day consumption (residential)
0.1 gallon per square foot per day (non-residential)

POLICY 4.2

–No potable water wells shall be permitted in the areas designated Low or Medium Density Residential or Commercial on future land use map so long as potable water is available from a regional source. Water wells for purposes other than human consumption (such as lawn sprinkling) may be permitted where such wells would not adversely affect natural resources or increase saltwater intrusion.

POLICY 4.3

The Town will coordinate with Martin County's plan to set separate levels of service in the future for each regional water plant and its service area.

POLICY 4.4

The Town will promote water conservation by requiring that all new construction and all remodeling activities utilize fixtures conforming to the Florida Building Code standards for water efficiency and conservation. The Town will encourage that new construction features include water-saving plumbing fixtures.

POLICY 4.5

The Town will promote community awareness regarding water conservation, the necessity of xeriscaping concepts and temporary water use restrictions when imposed by the County through public notice.

POLICY 4.6

The Town's potable water service is provided by the Martin County Consolidated Water System. Martin County has included the Town's estimated population and water demand projections in the Martin County Comprehensive Growth Management Plan data and analysis. The Town adopts by reference the Martin County Water Supply Facilities Work Plan, as updated on July 10, 2012. The Town will coordinate with Martin County on population projections, water demands, water conservation, and alternative water supply as needed.

POLICY 4.7

The Town shall coordinate with Martin County in the County's wellfield protection program should wellfields be identified within the Town's boundaries.

OBJECTIVE 5:

Through the Town's Future Land Use Map and land uses policies, the Town will encourage infill development and redevelopment which will maximize the use of existing facilities and discourage urban sprawl.

OBJECTIVE 6:

The Town shall take reasonable means to protect the functions of natural recharge areas and drainage features to ensure an adequate supply of recharge waters to the surficial aquifer.

POLICY 6.1

Land use and development shall be regulated to protect the functions of groundwater recharge areas by continuing to comply with all Department of Environmental Protection (DEP) and South Florida Water Management District (SFWMD) regulations and requiring a minimum of 35% open space in residential areas and 25% open space in commercial areas in all new development. Redevelopment construction shall adhere to the requirements of this policy to the extent feasible, prioritizing no displacement of existing residents and affordability for new ones.

POLICY 6.2

The Town will coordinate with Martin County and the South Florida Water Management District to protect areas within the Town that are found to be significant recharge areas through land use controls and other appropriate means.

POLICY 6.3

The Town will protect the functions of any natural drainage features (such as wetlands, natural outfalls, and natural drainage ways) through appropriate design of new development.

POLICY 6.4

Land use and development shall be regulated to protect the functions of drainage features through application of the requirements of the South Florida Water Management District and new land development regulations which incorporate such measures as: a) vegetated littoral zones, b) landscaping

design that protects the natural permeability of soils, and c) drainage system design that supports the continued function of natural drainage features.

COASTAL MANAGEMENT ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

To reduce the vulnerability of people and property to the effects of hurricanes, flooding, sea level rise and other emergencies and to protect and enhance the biological health of the Indian River Lagoon estuary.

Commented [TO11]: Peril of Flooding-base changed.

OBJECTIVE 1:

To evacuate or shelter all Town residents in order to protect them from the effects of hurricanes and other emergencies.

POLICY 1.1

Through its coordination with Martin County's Emergency Management Services Department, the Town shall ensure that residents are notified of the location of the designated shelter and the route of travel in the event of an order to vacate due to the threat level of an anticipated storm or other emergency.

POLICY 1.2

The Town shall encourage Martin County to maintain adequate shelter spaces to serve the Ocean Breeze area and work closely with Martin County Emergency Management Services Department to locate and secure additional shelter spaces.

POLICY 1.3

Any new mobile home development within the Low Density Residential or Medium Density Residential land use categories shall include a designated shelter appropriate for use during a hurricane or other

emergency constructed in accordance with the standards established for such a structure by Martin County.

POLICY 1.4

In the event of an ordered evacuation by authorized State or County officials, the Town shall cooperate with said order and assist to the extent feasible. Further, the Town shall encourage special needs residents to register for the Martin County Public Safety Department early evacuation transportation program.

POLICY 1.5

The Town shall assist the Martin County Emergency Management Services Department in assuring that public information may continue to be developed and disseminated by this office on who should evacuate; how to evacuate and what services are available for the population in a hurricane or other emergency.

OBJECTIVE 2:

To properly manage the Town's coastal area, protect life and property from hurricanes and minimize the impacts of new development on emergency evacuation times.

POLICY 2.1

The Town will continue to enforce existing provisions of flood plain and stormwater management plan to control run-off from CR-707 (Indian River Drive) to the Indian River Lagoon.

POLICY 2.2

Immediate repair and clean-up actions needed to protect the public health and safety shall receive first priority in emergency permitting decision. These actions include repairs to facilities for transportation

(roadways), sanitary sewer, potable water, waste water and power facilities; removal of debris; and stabilization of any structures which are a threat to collapse and constitute a hazard.

POLICY 2.3

Structures which suffer damage shall be restored by owners to existing condition prior to storm, and all such restoration shall comply with the current zoning and construction requirements. Structures which are not repairable shall be demolished and removed. Structures which suffer repeated damage and are proposed to be rebuilt, may be required to rebuild landward of their current location or modified in structure to avoid future damage.

POLICY 2.4

The Town's land development regulations shall continue to include provisions to ensure that required infrastructure is available to serve development and redevelopment in accordance with adopted level of service standards, sound practices of coastal resource protection, and safe evacuation.

POLICY 2.5

Through cooperation with Martin County, Treasure Coast Regional Planning Council and through its development regulations, the Town shall apply policies which maintain or reduce evacuation clearance times.

POLICY 2.6

On continuing basis, the Town shall identify any areas needing redevelopment, containing unsafe conditions or, or containing land uses that it finds inappropriate in vulnerable areas.

POLICY 2.7

With the exception of improvements that enhance waterfront access for the Town's residents, improve water quality, or restore native habitat, the Town shall limit its expenditure of public funds for capital

improvements (or the maintenance thereof) that fall within the Coastal High Hazard Area (CHHA). In no instance shall the Town adopt or enforce policies which disrupt or threaten the continued use of existing (and replacement) homes on the east side of Indian River Drive. The Town shall prohibit commercial marinas, including commercial anchorages. However, through its land development regulations and PUD agreements, the Town may allow less intensive waterfront uses such as fishing piers, public access platforms, day-docks or longer-term docking facilities, designed to serve Town residents, at the Town's discretion under the terms of a planned unit development agreement.

POLICY 2.8

The Town shall limit public funds to subsidize development in Coastal High Hazard Area (CHHA) other than expenditures necessary to achieve the objectives and policies of the Comprehensive Plan.

POLICY 2.9

The Town shall define its CHHA as the area required by Florida Statutes.

POLICY 2.10

POLICY 2.11

The Town shall cooperate and coordinate with Martin County as well as State agencies in an effort to protect and preserve existing natural systems.

POLICY 2.12

The Town adopts the objectives and policies and supports the implementation of the Indian River Lagoon Comprehensive Conservation and Management Plan and Jensen Beach to Jupiter Inlet Aquatic Preserve Management Plan.

OBJECTIVE 3:

Through its land development regulations, the Town shall continue to encourage existing and expanded access to the waterfront, where appropriate.

POLICY 3.1

Through its development regulations, the Town shall continue to encourage the access to the shoreline of the Indian River lagoon to current and future residents and visitors as is currently provided for in the Town.

OBJECTIVE 4:

To establish levels of service, service areas and phasing of infrastructure to ensure that adequate public facilities and services are available to current and future residents and visitors of the Town.

POLICY 4.1

The Town's development approval process shall require that all future development and redevelopment provide necessary infrastructure at the time the impact occurs, without a cost impact to the Town. The infrastructure shall be provided at the adopted levels of service as established in this Comprehensive Plan for Transportation Element, the Infrastructure (Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge) Element and the Capital Improvements Element. The infrastructure shall protect natural resources.

OBJECTIVE 5:

To protect, conserve and enhance coastal wetlands and living marine resources, and to maintain or improve existing estuarine quality and productivity by prohibiting any future change or activity that would have a detrimental effect.

POLICY 5.1

The Town shall coordinate review of estuarine shoreline development with appropriate Federal, State, regional and local agencies to prevent irreparable or irretrievable loss of natural resources in the coastal zone.

POLICY 5.2

Through its development regulations, the Town will actively support protection and conservation of coastal natural resources including manatees, sea turtles, seagrass beds and mangrove strands.

POLICY 5.3

Through its development regulations, the Town will coordinate with the appropriate agencies in order to ensure the protection of its coastal natural resources, including manatees, sea turtles, seagrass beds and mangrove strands.

POLICY 5.4

The Town shall maintain and enforce provisions to protect its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove strands, in its development regulations.

POLICY 5.5

The Town will coordinate with the South Florida Water Management District (SFWMD) to ensure that all future new developments meet stormwater retention criteria and requirements of that agency.

Redevelopment construction shall adhere to the criteria and requirements as set forth by the SFWMD to the extent feasible, prioritizing no displacement of existing residents and affordability for new ones.

POLICY 5.6

All additions to landscaping along the shoreline of the Indian River Lagoon shall consist of native species or xeriscape materials.

OBJECTIVE 6:

The criteria for prioritizing shoreline uses shall be based upon public benefit to current and future residents of the Town. As all shoreline of the Town is currently developed for public access, recreation and residential uses, these uses shall remain the highest priority until such time as redevelopment may be considered. Should redevelopment be considered in the future, the highest priority shall be given to water related and water-dependent uses.

OBJECTIVE 7:

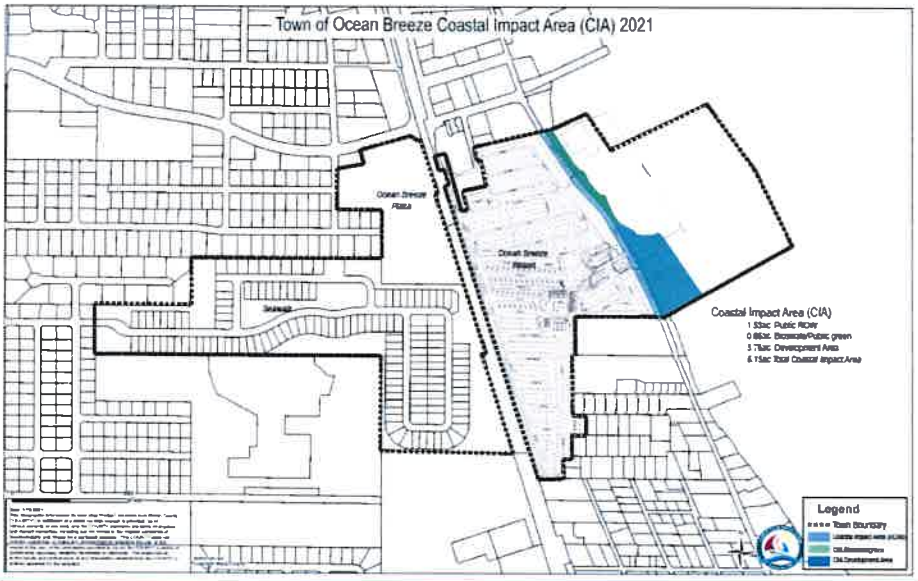
On continuing basis, the Town shall review its Comprehensive Plan and other relevant plans as needed, to provide for post-disaster redevelopment, the Town shall at a minimum:

a. Provide for emergency building permits;
b. Coordinate with Federal and State officials to prepare disaster assistance applications;
c. Analyze and recommend to Town Council hazard mitigation options including abandonment, reconstruction, or relocation of damaged public facilities
d. Prepare a redevelopment plan; and
e. Recommend amendments to the Comprehensive Plan and other appropriate plans.

Objective 8:

Commented [TO12]: New language and map are intended to meet Chapter 163.3178 (2) (f) 1-6 F.S.

To address the perils of flooding associated with development and redevelopment activities within the Town's Coastal Impact Area (CIA), the Town shall adhere to Florida Statute Chapter 163.3178(2)(f), 1-6.



Policy 8.1

As called for by Florida Statute Chapter 163.3178(2)(f), to address the perils of flooding associated with development and redevelopment activities within the town's coastal impact area, the town shall:

A. Apply principals, strategies, and engineering solutions (as opportunities arise) that reduce flood risk in coastal areas which result from high-tide events, storm surge, flash floods stormwater runoff and the related impacts of sea-level rise. *Specially, the town shall:*

(1.) continue its participation in FEMA's national flood insurance program, including rigorous application of the Town's FEMA-based flood prevention Ordinance No. 221-2015, as may be amended from time to time, and

(2) require effective and continuous maintenance of the Resort's existing seawall along the Indian River Lagoon and where feasible encourage additional shoreline protection improvements such as rip rap, the planning of native vegetation or other environmentally sound methods of shoreline protection should an opportunity arise to do so, and

(3) prohibit the location of hospitals, nursing homes, and assisted living facilities in the coastal impact area.

B. Encourage the use of best practices development and redevelopment principals, strategies and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency. *Specifically, the town shall:*

(1) encourage that further development intended for occupancy within the coastal impact area be limited to modular and manufactured residences only, which are easier and less costly to relocated than site-built structures.

C. Identify site development techniques and best practices that may reduce losses due to flooding claims made under flood insurance policies issued in the state. Specificaly the town shall:

(1) continue its participation in FEMA's national flood insurance program, including rigorous application of the Town's FEMA-based flood prevention Ordinance No. 221-2015, as may be amended from time to time, and

(2) continue its active participation in Martin County's Local Mitigation Strategy (LMS) Program, including its advocacy for locally developed projects which advance flood protection, improved shelter facilities, evacuation routes, regional storm water

(3) Specifically, upon considering a request for an amendment to a development order involving a property which is wholly or partially located within the Coastal Impact Area (CIA), the Town shall encourage an applicant maintaining common recreational buildings to install an emergency electrical generator or generators sufficient to temporality accommodate residents of the subject property following a storm event or other emergency.

(4) The floodplain administrator/building official shall review all permit applications to determine whether proposed development will be reasonably safe from flooding.

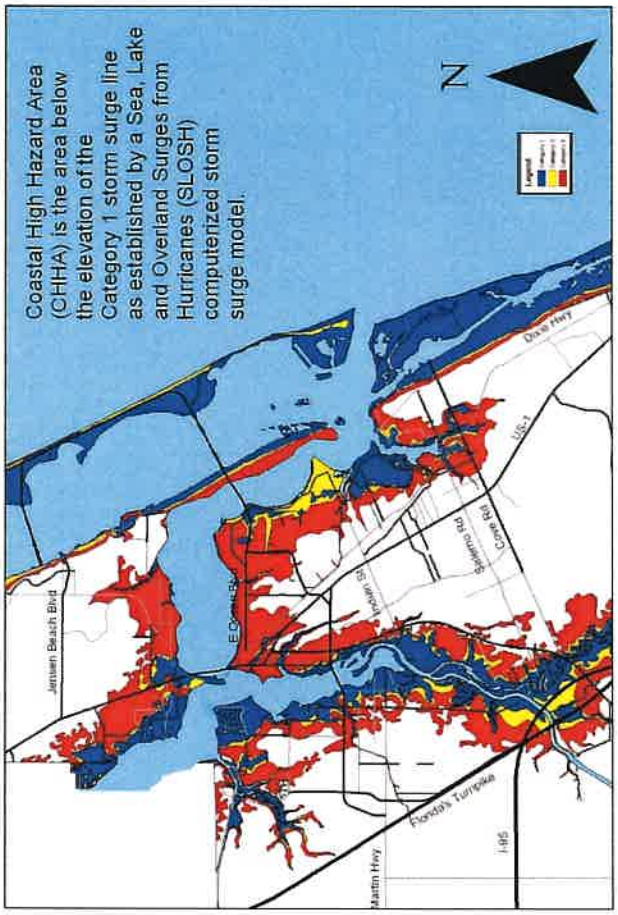
D. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

E. Require that any construction activities seaward of the coastal construction control lines established pursuant to Section 161.053, F.S., be consistent with Chapter 161.

F. Encourage participation in the National Flood Insurance Program Community Rating System administered by FEMA to achieve flood insurance premium discounts for residents.

TOWN OF OCEAN BREEZE

COASTAL HIGH HAZARD AREA MAP



CONSERVATION ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

To preserve and enhance the quality of the natural environment through preservation, conservation, and appropriate management of the vital natural resources so that the economical, environmental, social and aesthetic values that they provide to the community are preserved and enhanced.

OBJECTIVE 1:

The Town shall protect the natural functions of the 100-year floodplain to maintain its current flood carrying and flood storage capacity and to minimize damage to property caused by flooding.

POLICY 1.1

Wherever in existence, natural shoreline buffers or setbacks shall be maintained for surface water bodies, the extent of which will depend on, at minimum, existing soils; cover and type of vegetation; topography, wildlife habitat; ambient water quality; and the protective status of the water body.

POLICY 1.2

The Town shall retain in its Flood Plain Ordinance the provision that any filling activity within the 100 year flood elevation must be mitigated by compensating storage on-site.

POLICY 1.3

The Town shall improve, maintain or restore surface water quality consistent with relevant Federal and State standards. No development order will be issued which result in degradation of the receiving water

body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification by the Department of Environmental Protection.

POLICY 1.4

The Town shall monitor its floodplain ordinance for effectiveness and review the ordinance at least once every five years. It should be reviewed for consistency with established Federal Emergency Management Agency (FEMA) flood insurance guidelines, rates, and maps, as well as the latest SFWMD's stormwater ordinance criteria found in SFWMD Permit Manual IV.

POLICY 1.5

The Town shall continue to ensure effective stormwater management and flood prevention throughout the Town through application of its Zoning and Land Development Code and Code of Ordinances.

OBJECTIVE 2:

The Town shall continue to protect and sustain ambient air quality.

POLICY 2.1

Cooperate with Martin County and state agencies to ensure that air quality standards are met and/or exceeded to provide for a cleaner environment.

POLICY 2.2

Ensure that development meets or exceeds the minimum air quality standards established by the Florida Department of Environmental Protection (FDEP)

POLICY 2.3

Prohibit un-permitted burning of trash and debris within the Town.

OBJECTIVE 3:

The Town shall coordinate with the SFWMD and Martin County to address current and future water use, traditional and alternative water supply sources and water conservation strategies while sustaining water quality, water quantity and protection of surface and ground waters.

POLICY 3.1

All new development shall comply with the stormwater quality standards as set forth by the South Florida Water Management District (SFWMD). Redevelopment construction shall adhere to the standards as set forth by the SFWMD to the extent feasible.

POLICY 3.2

The Town's potable water service is provided by the Martin County Consolidated Water System. Martin County has included the Town's estimated population and water demand projections in the Martin County Comprehensive Growth Management Plan data and analysis. The Town adopts by reference the Martin County Water Supply Facilities Work Plan, as updated on July 10, 2012. The Town will coordinate with Martin County on population projections, water demands, water conservation, and alternative water supply as needed.

POLICY 3.3

The Town shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, other services and level-of-service standards with the Martin County Utilities Department, Martin County and SFWMD.

POLICY 3.4

If in the future there are issues associated with water supply, conservation or reuse the Town will immediately contact Martin County Utilities Department and Martin County. In addition, the Town will follow adopted communication protocols with the Water Utilities Department to communicate and/or prepare an appropriate action plan to address any relevant issue associated with water supply, conservation or reuse.

POLICY 3.5

The Town will encourage the use of Florida Friendly Landscape guidelines and principals and the use of porous surface materials (mulch, pervious concrete, gravel) on walkways and driveways.

OBJECTIVE 4:

To protect, conserve and appropriately use soils, native vegetative communities, wildlife and wildlife habitat and marine habitat resources in accordance with State and Federal regulations.

POLICY 4.1

The Town shall require new development to consider hydrologic, topographic, and vegetative cover factors in their development plans through negotiated planned development agreements.

POLICY 4.2

Continue current shoreline management practices, as described in this plan, and require new development to demonstrate by data, analysis and design that development plans accommodate appropriate protection, conservation and use. New development shall be planned, to the extent feasible, to conform to any review, comment and recommendations regarding protection of rare, endangered or special concern species of plants and animals, from the U.S. Fish and Wildlife Service and Florida

Department of Environmental Protection (DEP). Such comments and recommendations shall be provided to by the Town prior to development approval.

~~POLICY 4.3~~

~~Based upon available information regarding the possibility of hazardous materials in the Town's closed landfill and the availability of hazardous waste handling services, the Town shall: (1) require removal or management of the closed landfill based upon DEP regulations and recommendations, and (2) shall continue to dispose of hazardous wastes by utilizing the services of the Martin County franchised solid waste hauler, "Amnesty Day" programs conducted by Martin County and methods and services recommended by DEP. As part of any development application for any tract of land encompassing the closed landfill, the applicant for development shall demonstrate compliance with federal, state, and local regulation.~~

Commented [TO13]: Language is superfluous due to the landfill's FDEP-approved closure.

OBJECTIVE 5:

To protect native upland vegetative communities through the site plan review process and negotiated planned development agreements.

Policy 5.1

Through its continued enforcement of the *"2016 Ocean Breeze West PUD Preserve Area Maintenance Plan"* (PAMP), approved under the Ocean Breeze West Planned Unit Development (PUD) Agreement, t~~T~~he Town will protect Sand Pine Scrub communities by requiring native upland preservation where shown on Existing Land Use Map.

Formatted: Font: Italic

Commented [TO14]: The PAMP obliges the developer and eventually the Seawalk Homeowners Association to perpetually maintain the area in question.

POLICY 5.2

A program for the removal of exotic pest species (e.g., Brazilian pepper, Melaleuca, and Australian pine) from public lands and the requirement of removal, in a manner that prevents the spread and reoccurrence

of such species, shall be implemented through land development regulations and actions and services provided by the Town Council.

POLICY 5.3

The Town shall coordinate with Martin County to encourage contiguous and connected preserve areas within Martin County along the common boundary between the Town and Martin County to maximize habitat value.

POLICY 5.4

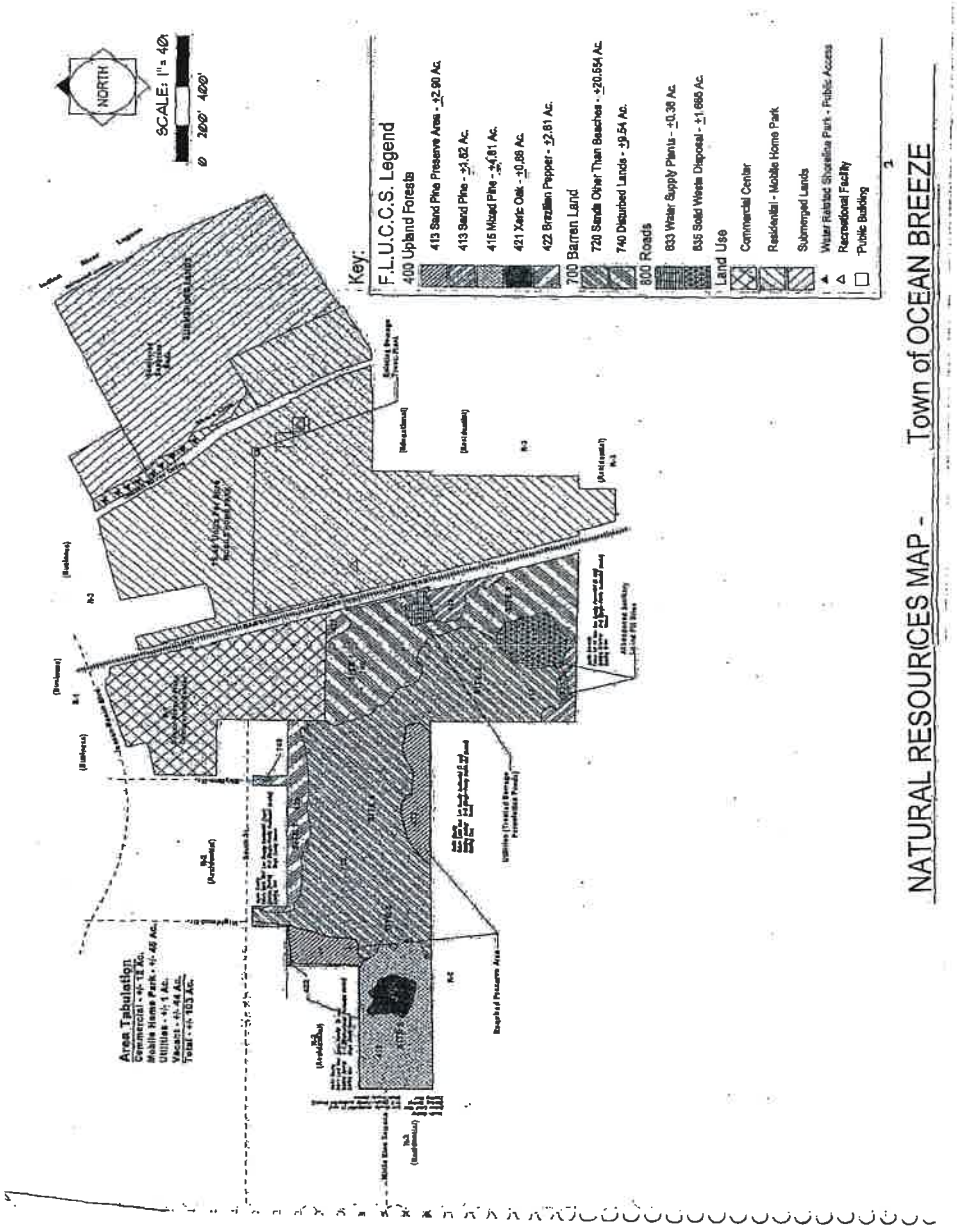
Gopher tortoises shall be preserved on site to the extent of the carrying capacity of the required preserve as determined by applicable State permitting agencies. All remaining gopher tortoises shall be relocated off-site unless otherwise permitted by State permitting agencies

OBJECTIVE 6:

The Town shall seek to reduce greenhouse gas emissions and conserve energy resources.

Policy 6.1

The Town shall limit greenhouse gas emissions through the implementation of strategies to reduce the number of vehicle miles traveled. These strategies include: the promotion of compact mixed use development that provides for a mixture of residential and non-residential uses in a pedestrian friendly environment.


NORTH
SCALE: 1" = 400'
0 200' 400'
Key:
F.L.U.C.C.S. Legend
400 Upland Forests
413 Sand Pine Preserve Area - ±2.90 Ac.
413 Sand Pine - ±3.62 Ac.
415 Mixed Pine - ±4.81 Ac.
421 Xeric Oak - ±0.88 Ac.
422 Brazilian Pepper - ±2.81 Ac.
700 Barren Land
720 Sands Other Than Beaches - ±20.594 Ac.
740 Disturbed Lands - ±9.54 Ac.
800 Roads
833 Water Supply Plants - ±0.38 Ac.
835 Solid Waste Disposal - ±1.665 Ac.
Land Use
Commercial Center
Residential - Mobile Home Park
Submerged Lands
Water Related Shoreline Park - Public Access
Recreational Facility
Public Building
Area Tabulation
Vacant - ±1.44 Ac.
Total - ±6.103 Ac.
Bayfront Pressure Area
NATURAL RESOURCES MAP - Town of OCEAN BREEZE

RECREATION AND OPEN SPACE ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1: To provide sufficient recreation and open space opportunities to satisfy the health, safety, and welfare concerns of residents and visitors.

OBJECTIVE 1:

The Town will ensure adequate and safe access to public recreation facilities and sites, including Indian River Lagoon.

POLICY 1.1

The Town will ensure, through its Zoning and Land Development Code and/or PUD agreement, that redevelopment of mobile home park plan identifies a site for recreation facilities (equal or greater in area) to replace what which will be lost.

POLICY 1.2

The Town's shall ensure, through its Zoning and Land Development Code and/or PUD agreement, that open space and recreation facilities are efficiently and adequately provided for the number of units in the mobile home park development.

POLICY 1.3

The Town will encourage the preservation of current access to the shore of the Indian River Lagoon and other recreation sites in the Town without a user fee or charge to Town residents.

POLICY 1.4

In areas designated as low and medium density residential on the future land use map, the recreation LOS shall be 2.0 acres per 1000 population as measured within the North Martin County Recreation Planning

Area or provided on site. If an onsite recreational facility is provided, the recreational facility must meet Martin County standards as protection from hurricanes. In addition, all future new development shall contribute to Martin County the appropriate County impact fee or an equitable donation of land and/or facilities or funds for land purchase.

POLICY 1.5

New development in the Town should either provide for recreation facilities or contribute to the County to cover provision of community park facilities.

POLICY 1.6

The cost of providing recreation facilities west of the FEC railroad will be the obligation of the developer or his successors or assigns, and will not impact the Town budget.

OBJECTIVE2

Ensure the provision of open space by public agencies and private enterprise by use of minimum buffer, open space and natural reservation requirements for new development, and by preserving existing open space and water access in the developed portions of the Town.

POLICY 2.1

The Town will maintain and enforce requirements addressing "open space" in its land development regulations, and ensure these requirements will be met by all future developments.

POLICY 2.2

The Town will maintain or improve existing levels of shore access and access to waterways by the specific implementation programs or activities supporting policies of the Coastal Management Element of this Comprehensive Plan. .

INTERGOVERNMENTAL COORDINATION ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1

The Town of Ocean Breeze shall strive to achieve maximum coordination with other governmental jurisdictions, agencies, and entities.

OBJECTIVE 1:

The Town will participate in effective coordination of the Comprehensive Plan with the plans of State, regional, Martin County and agencies having responsibility for planning and operating facilities serving the Town so as to achieve efficient and orderly service delivery.

POLICY 1.1

The Town will communicate with affected local governments and public agencies to request plans, amendments, policies and related information and provide, reciprocally, such information as may be requested by them.

POLICY 1.2

The Town will maintain supporting document that include data and analysis to clarify and elaborate on the rationale for adopting the goals, objectives and policies of all the elements of this Comprehensive Plan.

POLICY 1.3

The Town Mayor shall provide overall direction for the Town's intergovernmental coordination program and designate persons to have lead responsibility for each identified coordination issue.

POLICY 1.4

In the event of conflict with other units of local government, the Town shall work through Treasure Coast Regional Planning Council to achieve solutions through informal mediation.

POLICY 1.5

The Town shall identify and coordinate anticipated future annexation areas with Martin County and surrounding municipalities.

POLICY 1.6

The procedure to resolve annexation issues can be coordinated through use the informal mediation process of the Treasure Coast Regional Planning Council to resolve disputes or conflicts with other local governments.

POLICY 1.7

The Town Mayor shall, under the general direction on the Town Council, monitor intergovernmental coordination needs, provide relevant information to the Council members and outside agencies as well as the citizens of the Town regarding all services secured from outside of Town, including but not limited to potable water service by Martin County Utilities, fire protection, police protection and emergency medical services by Martin County, by applicable agreements so as to assure informed and timely communication and participation in interjurisdictional service-related decision and implementation of those decisions.

POLICY 1.8

The Town shall coordinate the adopted Comprehensive Plan with the units of local government providing services but not having regulatory authority over the use of land, and with the comprehensive plan of adjacent municipalities, with the State comprehensive plan and with the South Florida Water Management District's regional water supply plan.

POLICY 1.9

The Town shall coordinate the planning of potable water and sanitary sewer facilities, water supply sources, demands, and other services and level-of-service standards with the Martin County Water Utilities Department and South Florida Water Management District.

POLICY 1.10

The Town shall participate in providing input to Martin County Board of County Commissioners regarding emergency planning and assist in planning and implementing evacuation routes, as appropriate.

POLICY 1.11

The Town shall continue to adhere to Treasure Coast Regional Planning Council Emergency Preparedness Plan and Martin County's Emergency Plan.

POLICY 1.12

The Town shall coordinate its proposed level of service standards with the level of service standards of other governmental entities (local, regional or state) having responsibility for operating or maintaining serving the citizens of the Town.

POLICY 1.13

The Town shall coordinate planning and development activities with agencies and other units of local government providing essential services to the Town and which do not have regulatory authority over land use, to ensure coordination in the provision of essential services pursuant to the adopted level of service standards.

POLICY 1.14

The Town shall coordinate planning activities, as needed, with the Treasure Coast Regional Planning Council and utilize the professional resources and services it offers.

POLICY 1.15

The Town shall coordinate planning activities, as needed, with the Department of Economic Opportunities (DEO) and utilize the professional resources and services it offers. The Comprehensive Plan shall maintain consistency with the goals and policies of the State Comprehensive Plan.

POLICY 1.16

The Town shall support the development and adoption of interjurisdictional natural resource management plan for Indian River Lagoon.

POLICY 1.17

The Town shall continue to coordinate with South Florida Water Management District to promote the provisions of the Indian River Lagoon Comprehensive Conservation and Management Plan.

POLICY 1.18

The Town shall coordinate planning and permitting activities, as needed, with the Department of Environmental Protection (DEP) which has jurisdictional authority over environmental issues and natural resources protection.

POLICY 1.19

The Town shall coordinate with the Department of State, as needed. The Department's Divisional of Historic Resources will address planning issues surrounding historic and archeological sites of significance.

POLICY 1.20

The Town shall request to be consulted by FDOT when planning, designing, or constructing transportation facilities within the Town boundaries, so as to have local input in the decision making process.

POLICY 1.21

The Town shall continue to coordinate with local, state and federal entities on evacuation plans for a natural disaster or an emergency at the nuclear power plant on Hutchinson Island, to protect the general welfare, public and private property, and human lives.

POLICY 1.22

The Town shall adhere to the Florida Radiological Emergency Management Plan for Nuclear Power Plants and follow section titled "Annex R St. Lucie Site Plan" of the Plan regarding coordination among counties during an emergency at the St. Lucie Nuclear Power Plant.

POLICY1.23

New development shall be subject to applicable Martin County and Martin County School Board impact fees. Town shall advocate for credits against Martin County and School Board impact fees for vacant parcels which previously accommodated residential living units.

Commented [TO15]: Change reflects the Town's requirements under its current PUD agreements that both Martin County and School Board impact fees, when applicable, must be paid prior to development approval.

POLICY1.24

In the event new development on the west side of the Florida East Coast Railroad right of way changes the Town's current designation as exempt from the school concurrency said development shall be subject to concurrency review and approval by the Martin County School Board.

OBJECTIVE 2:

The Town shall collaborate and coordinate with Martin County Community Redevelopment Agency for active participation in the revitalization of the Jensen Beach Community Redevelopment Area (CRA).

POLICY 2.1

The Town shall establish a mechanism to provide input to Martin County Community Redevelopment Agency.

POLICY 2.2

The Town/CRA should seek to develop a comprehensive effort in branding and advertising promotional activities and other marketing techniques to attract pedestrian traffic into Town and utilize waterfront property in Town.

CAPITAL IMPROVEMENTS ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

Provisions of public facilities to enable the Town to: (1) accommodate the needs of present and future populations in a timely and efficient manner; (2) maximize use of existing facilities; and (3) maintain or enhance the Town's services, physical environment, and fiscal decision making.

OBJECTIVE 1:

The Town shall guide the process of planning and implementing the necessary public facilities projects to meet existing deficiencies and replace obsolete facilities to create high quality of life for the residents.

POLICY 1.1

The Town Council is to review on an annual basis the need for capital improvements, and a capital budget as part of the annual budget. Should a capital budget become necessary to upgrade public facilities and services to meet level of service standards in the future, fiscal policies will be established as an amendment to this Comprehensive Plan to direct spending consistent with the other plan elements.

POLICY 1.2

The Town will be guided by the following criteria in identifying and prioritizing capital improvements:

a. Protection of public health and safety;
b. Increased utilization of existing Town facilities, multiple use of facilities or improved efficiency of facility operation;

c. Overcome existing level of service deficiencies;

d. Impact upon local budget;

e. Financial feasibility;

f. Meet requirements of future development and redevelopment facility demands; and

g. Positive contribution to the Town's physical character, economic stability, or environmental quality.

POLICY 1.3

The Town supports coordination of capital improvement planning by all levels of government as a means of providing services in all orderly, economical, and efficient manner.

POLICY 1.4

The Town may expend funds for replacement and restoration of existing public facilities in the Coastal High Hazard Area.

POLICY 1.5

Through its development approval process, the Town shall encourage new construction, restoration and maintenance of public facilities, including recreational opportunities in the Coastal High Hazard Area (CHHA).

OBJECTIVE 2:

The Town will issue development orders, permits and certificates of occupancy only to the extent that level of service standards set forth in this element are fully met and the service is provided concurrent with the impacts of development. Phasing of development or phasing of facility improvements concurrent with the impacts of development shall be considered.

POLICY 2.1

The level of service standards set forth herein are adopted as the basis for the Town's issuance of development orders and permits for new construction:

Facility	Level of Service Standard
Recreation and Open Space Facilities	2.0 acres per 1,000 population for land designation as low and medium density residential on the Future Land Use Map
Transportation Facilities	County Roadways: (1) Indian River Drive (CR 707) "D" (2) Jensen Beach Blvd. (CR-707A) "D" *Martin County 2013 Roadway Level of Service Inventory Report *If facilities within Martin County are shown to operate below their required levels of service, payment of the development's fair share contribution to the impacted roadway system in addition to the payment of the appropriate County impact fees shall be deemed adequate to meet the level of service standards of the Comprehensive Plan.
Solid waste facilities	Service provided by private contractor: 3.5 pounds per person per day (Residential: Single-Family and Multi-Family) 2.1 pounds per person per day (Residential: Mobile Homes) 0.007 pounds per square foot per day (Non-Residential)
Sanitary sewer facilities	Services provided by Martin County Utilities: 90 gallons per capita per day (residential) 0.1 gallon per square foot per day (non-residential) *All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. All new development shall be required to connect to regional wastewater system.
Potable water	Service provided by Martin County Utilities: 100 gallons per capita per day consumption (residential) 0.1 gallon per square foot per day (non-residential) *No potable water wells shall be permitted in the future development area of the town so long as potable water is available from a regional source. Wells for purposes other than human consumption (such as lawn sprinkling) may be permitted where such wells would not adversely affect natural resources or increase saltwater intrusion.

Drainage facilities	All new project sites shall control the timing of discharges to preclude any off-site impact for any storm event. The peak discharge rate shall not exceed the predevelopment discharge rate for the 25-year frequency, 3-day duration storm event. *Martin County Comprehensive Plan

POLICY 2.2

Each future development project within the Town shall be required to bear the cost of facility improvements necessitated by the project in order to maintain adopted level of service standards.

POLICY 2.3

The Town will maintain and enforce provisions within its land development regulations requiring that improvements will be made to public facilities to assure that level of service standards will be maintained and that development orders and permits will be issued only if public service and facilities needed to support the proposed development are available concurrent with impacts. Negotiated Planned Unit Development (PUD) agreements and building permits will be utilized to require and ensure the availability of public facilities and services concurrent with the impacts of development.

POLICY 2.4

Regional potable water service and waste-water service will be by way of contractual arrangements between the developer(s) and Martin County, provided the Town may become a party to said agreements if deemed to be in the public interest.

POLICY 2.5

The Town's fiscal resources and budget will not be impacted by future land development because all capital improvements will be the responsibility of the developer and must meet the adopted level of service standards.

POLICY 2.6

Receipt of the required South Florida Water Management District permits for stormwater management shall be sufficient to demonstrate compliance with the stormwater level of service requirement of this Comprehensive Plan.

Town of Ocean Breeze

February 15, 2021

Department of Economic Opportunity
Attention: Ray Eubanks, Plan Processing
Administrator State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399

RE: TOWN OF OCEAN BREEZE, FLORIDA ORDINANCE NO. 310-2021 -- TRANSMITTAL OF PROPOSED EAR-BASED COMPREHENSIVE PLAN AMENDMENTS

The Town of Ocean Breeze's proposed EAR-Based Comprehensive Plan Amendments (Ordinance No. 310-2021) are hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184 F.S. The Town anticipates adoption of the proposed amendments by June or July of 2021. The Town held public hearings with its Zoning Board/Local Planning Agency and Town Council on February 8, 2021 to review the proposed amendments. The Town Council approved Ordinance No. 310-2021 and authorized its transmittal to your agency by a 6-0 vote.

This transmittal includes three copies (one paper copy and two electronic copies in Portable Document Format (PDF) on a CD ROM, with each reviewing agency receiving a copy via email. The transmittal package includes the following items:

1. Cover Letter
2. Memo to Reviewing Agencies
3. Ordinance No. 310-2021, including "Exhibit A" revisions in ~~struck through~~ and <u>underlined</u> format
4. Staff Memo/Analysis
5. Minutes from Town Zoning Board/LPA and Town Council meetings of February 8, 2021
6. Advertising Notice

The proposed amendments are being submitted under the state coordinated review process. By this letter, I hereby certify that the required number of copies of the amendments have been sent as of this date to the identified reviewing agencies as required by Section 163.3184(1)(c), F.S. For purposes of complying with Section 163.3184(2), F.S. please be advised that the proposed amendments are not applicable to an area of critical state concern.

P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 · Fax: 772-334-6823 • townofoceanbreez@bellsouth.net

If you require further information, please contact me by telephone at (772) 334-6826; by fax at (772) 334-6823 or by email at townclerk@townofoceanbreeze.org.

Sincerely,

Terry O'Neil
Town Management Consultant

Enclosures:

cc: (full packet on disc):
Stephanie Heidt, AICP, Treasure Coast Regional Planning Council
Deborah Oblaczynski and Terry Manning, AICP, South Florida Water Management District
Paul Schilling, Martin County Growth Management
John Krane, P.E., Florida Dept. of Transportation, District 4
Florida Dept. of Environmental Protection Plan Review
Robin Jackson, Florida Dept. of State, Bureau of Historic Preservation

cc: (letter only):
Ocean Breeze Mayor and Town Council
Rick Crary, Town Attorney
Pam Orr, Town Clerk

Town of Ocean Breeze

February 15, 2021

Memorandum

To: Distribution List
From: Terry O'Neil, Town Management Consultant
Re: TOWN OF OCEAN BREEZE, FLORIDA ORDINANCE NO. 310-2021 -- TRANSMITTAL OF PROPOSED EAR-BASED COMPREHENSIVE PLAN AMENDMENTS

This is a transmittal submittal for a State Coordinated Review. The Town of Ocean Breeze's proposed EAR-Based Comprehensive Plan Amendments (Ordinance No. 310-2021) have been transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184 F.S. The Town anticipates adoption of the proposed amendments by June of 2021. The Town held public hearings with its Zoning Board/Local Planning Agency and Town Council on February 8, 2021 to review the proposed amendments. The Town Council approved Ordinance No. 310-2021 and authorized its transmittal by a 6-0 vote.

This transmittal is being submitted via e-mail and includes the following items:

1. Cover Letter
2. Ordinance No. 310-2021, including "Exhibit A" revisions in ~~struck through~~ and <u>underlined</u> format
3. Staff Memo/Analysis
4. Minutes from Town Zoning Board/LPA and Town Council meetings of February 8, 2021
5. Advertising Notice

Please be advised that the proposed amendments are not applicable to an area of critical state concern.

If you require further information, please contact me by telephone at (772) 334-6826; by fax at (772) 334-6823 or by email at townclerk@townofoceanbreeze.org

Sincerely,

Terry O'Neil
Town Management Consultant
Enclosures:
Distribution list:

Stephanie Heidt, AICP, Treasure Coast Regional Planning Council
Deborah Oblaczynski and Terry Manning, AICP, South Florida Water Management District
Paul Schilling, Martin County Growth Management
John Krane, P.E., Florida Dept. of Transportation, District 4
Florida Dept. of Environmental Protection Plan Review
Robin Jackson, Florida Dept. of State, Bureau of Historic Preservation

cc: (memorandum only):
Ocean Breeze Mayor and Town Council
Rick Crary, Town Attorney
Pam Orr, Town Clerk

P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 · Fax: 772-334-6823 • townofoceanbreez@bellsouth.net

NOTICE OF PUBLIC HEARINGS
BEFORE THE TOWN OF OCEAN BREEZE, FLORIDA ZONING BOARD/LOCAL PLANNING AGENCY AND TOWN COUNCIL TO REVIEW AND CONSIDER TRANSMITTAL OF PROPOSED EAR-BASED AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN

Notice is hereby given that on Monday, February 8, 2021, beginning at 10:30 AM, at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida, 34957, the Ocean Breeze Zoning Board/Local Planning Agency and Ocean Breeze Town Council will conduct public hearings to review and consider transmittal of proposed (Evaluation and Appraisal Review) EAR-based comprehensive plan amendments to the Florida Department of Economic Opportunity. The Town Council's public hearing shall begin immediately upon conclusion of the public hearing held by the Zoning Board/Local Planning Agency. All interested parties are invited to attend and be heard.

The proposed comprehensive plan amendments are contained in Ordinance No. 310-2021, the title of which is shown below:

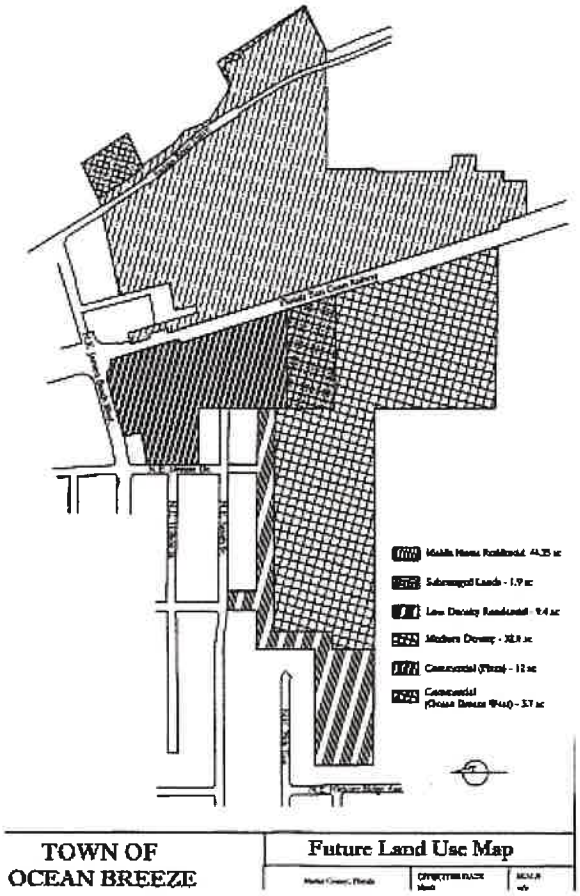
> **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA UPDATING THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH FLORIDA STATUTE SECTION 163.3191; ADOPTING NEW PROVISIONS DEEMED MANDATORY BY FLORIDA LAW SINCE THE TOWN PLAN'S LAST UPDATE IN 2014, INCLUDING "PERIL OF FLOOD" STANDARDS SET FORTH IN FLORIDA STATUTES CHAPTER 163.3178 (2) (F) 1-6, AS WELL AS OTHER MINOR AMENDMENTS REFLECTING CHANGES IN LOCAL CONDITIONS; PROVIDING FOR TRANSMITTAL OF PROPOSED AMENDMENTS TO THE STATE LAND PLANNING AGENCY, AKA THE DEPARTMENT OF ECONOMIC OPPORTUNITY BUREAU OF COMMUNITY PLANNING, AS WELL AS OTHER RELEVANT AGENCIES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND FOR OTHER PURPOSES**

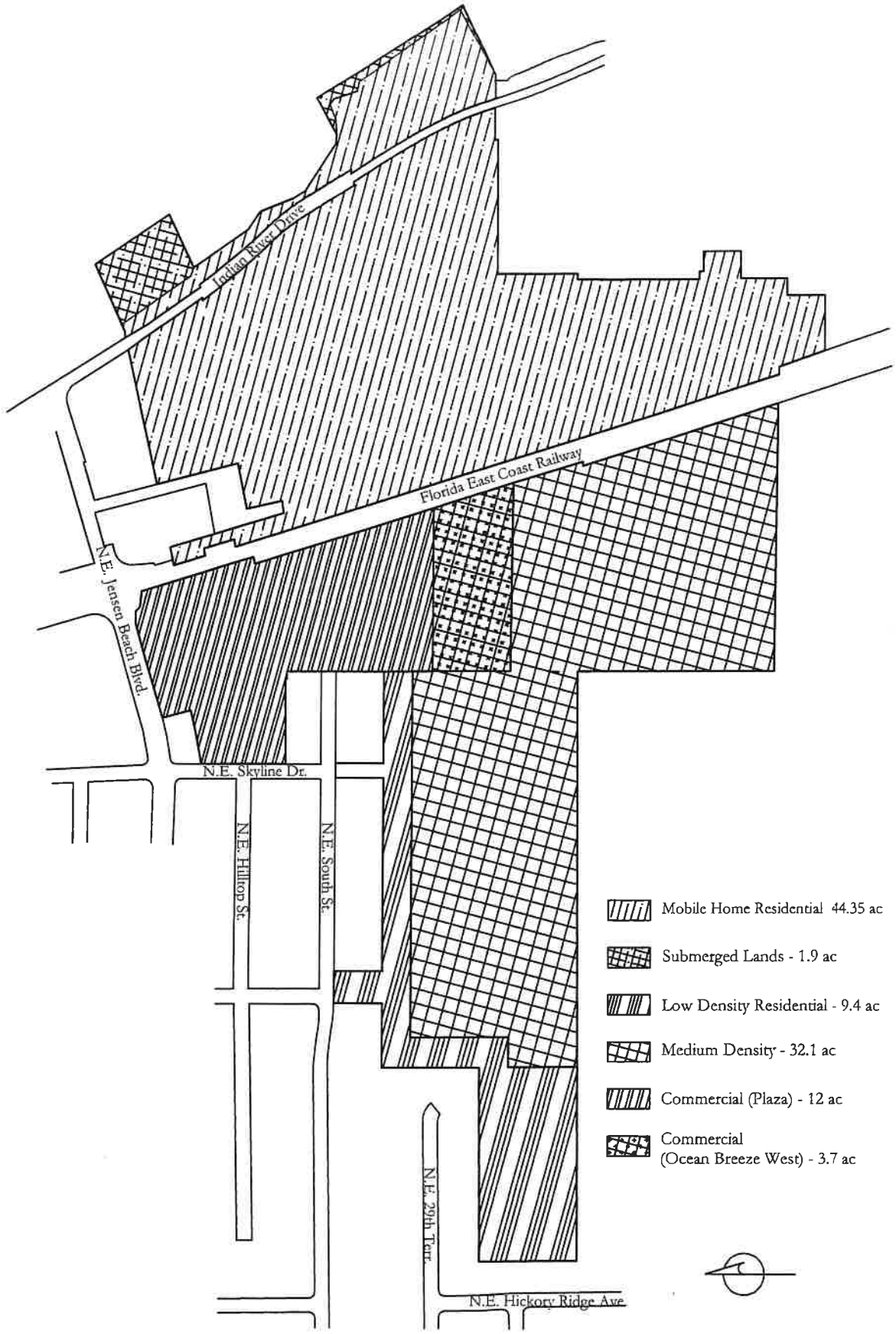
The proposed ordinance is available for review by the public at the Ocean Breeze Town Office, 1508 NE Jensen Beach, Boulevard, Jensen Beach, Florida 34957, between the hours of 9:00 AM and 2:00 PM, M-F, excluding holidays. Any person deciding to appeal any decision made during these hearings will need to ensure that a verbatim record of the proceedings is made.

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for these public hearings should contact the Town Clerk at 772-334-6826 at least 48 hours in advance of the hearings, excluding Saturday and Sunday.

For any additional information please call the Town Clerk at 772-334-6826

Publish January 22, 2021





TOWN OF OCEAN BREEZE	Future Land Use Map		
	Martin County, Florida	EFFECTIVE DATE (date)	SCALE n/a

TOPIC: COMPREHENSIVE PLAN AMENDMENT

TOWN OF OCEAN BREEZE - DATE: _____

PUBLIC HEARING: LOCAL PLANNING AGENCY / TOWN COUNCIL

Name	Street Address	City, State, Zip	Email	Telephone

TOPIC: COMPREHENSIVE PLAN AMENDMENT

TOWN OF OCEAN BREEZE - DATE: _____

PUBLIC HEARING: LOCAL PLANNING AGENCY / TOWN COUNCIL

Name	Street Address	City, State, Zip	Email	Telephone

Ron DeSantis
GOVERNOR

Ken Lawson
EXECUTIVE DIRECTOR

January 8, 2020

The Honorable Karen Ostrand, Mayor
Town of Ocean Breeze
1508 NE Jensen Beach Boulevard
Jensen Beach, Florida 34957

RE: Ocean Breeze Evaluation and Appraisal Notification Letter Due Date

Dear Mayor Ostrand:

As you know each local government in the State of Florida is required to regularly review its comprehensive plan pursuant to Section 163.3191, Florida Statutes (**2019**). The Department of Economic Opportunity, Bureau of Community Planning created a submittal schedule for the Evaluation and Appraisal Notification Letters which is posted on the Department's website.

The purpose of this letter is twofold: first to remind you that your Evaluation and Appraisal Notification Letter is due on **March 1, 2020**; and second, to make you aware of the implications of not timely submitting your notification letter.

The Legislature made three processing changes to Section 163.3191, Florida Statutes, regarding the evaluation and appraisal process. The law eliminated the need to adopt an Evaluation and Appraisal Report. The law requires local governments to evaluate its comprehensive plan to determine if plan amendments are necessary to reflect changes in state requirements and notify the Department by letter to its determination. If local governments determine amendments are necessary to their comprehensive plan, the local government shall prepare and transmit amendments within one year of notification letter. Further, the law provides that a local government will be prohibited from amending its comprehensive plan if it fails to timely submit its notification letter or transmit proposed amendment to update its plan within one year of notification if necessary.

It is important to complete the Evaluation and Appraisal notification process and you are encouraged to comprehensively evaluate and, as necessary, update your comprehensive plan to reflect changes in local conditions. Department staff is available to assist and provide technical guidance to your questions concerning this new process.

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning the processing of the Evaluation and Appraisal Notification Letter or the submittal of proposed Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Review Administrator, at (850) 717-8483 or **Ms. Kelly Corvin** Regional Planning Administrator at (850) 717-8503.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Town of Ocean Breeze

February 20, 2020

RECEIVED
Bureau of Community Planning and Growth
FEB 20 2020
Div. of Community Development
Dept. Economic Opportunity

Mr. Ray Eubanks, Plan Processing Administrator
Florida Department of Economic Opportunity
Bureau of Community Planning
Attention Plan Processing Unit
Caldwell Building
107 East Madison Street, MSC 160
Tallahassee, FL 32399

RE: **Town of Ocean Breeze Evaluation and Appraisal Notification Letter**

Dear Mr. Eubanks:

This correspondence serves as the Town of Ocean Breeze's Evaluation and Appraisal Notification Letter, prepared in accordance with Section 163.3191, Florida Statues (F.S.). The Town has reviewed its Comprehensive Plan and has determined that amendments are necessary to reflect changes in state requirements in Chapter 163, Part II, F.S. The Town will prepare and transmit proposed amendments to the State Land Planning Agency within one year of the date of this letter.

If you require further information, please contact me by telephone at (772) 486-2190 or by e-mail at twoneil@aol.com.

Sincerely,

Terry O'Neil
Town Management Consultant

Cc:

Town Council and Mayor
Pam Orr, Town Clerk
Rick Crary, Town Attorney
Kelly Duggar Corvin, DEO Regional Planning Administrator

P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 · Fax: 772-334-6823 • townofoceanbreez@bellsouth.net

Ron DeSantis
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Ken Lawson
EXECUTIVE DIRECTOR

February 20, 2020

Ms. Pam Orr, Town Clerk
Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, Florida 34958

RE: Ocean Breeze Evaluation and Appraisal Notification Letter

Dear Ms. Orr:

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on March 1, 2020, and received by the Department on February 20, 2020.

Please note that your proposed comprehensive plan amendments based on your Evaluation and Appraisal should be transmitted to the Department by **February 20, 2021**, within one year of your notification, pursuant to Section 163.3191(2), Florida Statutes. The amendments are subject to the State Coordinated Review Process as outlined in Section 163.3184(4), Florida Statutes.

Ms. Kelly Corvin of the Department's staff is available to assist and provide technical guidance to your questions concerning the contents of the Evaluation and Appraisal based comprehensive plan amendments and may be reached at (850) 717-8503.

If you have any questions concerning the processing of the Evaluation and Appraisal based amendments, please contact Mr. Ray Eubanks, Plan Processing Administrator, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

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townclerk@townofoceanbreeze.org

From: Eubanks, Ray <Ray.Eubanks@deo.myflorida.com>
Sent: Thursday, February 20, 2020 3:06 PM
To: townclerk@townofoceanbreeze.org
Subject: RE: [EXTERNAL] - Letter from Terry O'Neil, Town Management Consultant
Attachments: EAR Notification Acknowledgement Letter Ocean Breeze.pdf

Pam,

Attached is the Town's acknowledgement letter for the Evaluation and Appraisal Notification letter.

Thanks

D. Ray Eubanks
Plan Review and Processing Administrator Florida Department of Economic Opportunity Bureau of Community Planning and Growth
107 East Madison Street MSC 160
Tallahassee, FL 32399-4120
850-717-8483
Ray.Eubanks@deo.myflorida.com

-----Original Message-----
From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Thursday, February 20, 2020 2:06 PM
To: Corvin, Kelly D. <Kelly.Corvin@deo.myflorida.com>
Subject: [EXTERNAL] - Letter from Terry O'Neil, Town Management Consultant

Hi Kelly:
Please find attached a copy of Terry O'Neil's letter to Mr. Eubanks for your records.

Have a great day!

Pam Orr
Town Clerk

Town of Ocean Breeze
P. O. Box 1025
Jensen Beach, FL 34957
772-334-6826 office
772-334-6823 fax
townofoceanbreeze.org

Please make note of our new email address.

-----Original Message-----
From: townclerk@townofoceanbreeze.org <townclerk@townofoceanbreeze.org>
Sent: Thursday, February 20, 2020 1:12 PM
To: townclerk@townofoceanbreeze.org

BEFORE THE TOWN OF
OCEAN BREEZE PARK, FLORIDA
TOWN COUNCIL

ORDINANCE NUMBER 151-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA ESTABLISHING A LOCAL PLANNING AGENCY; PROVIDING THAT MEMBERSHIP OF THE TOWN'S LOCAL PLANNING AGENCY SHALL CONSIST OF MEMBERS OF THE TOWN COUNCIL, THE TOWN'S MAYOR AND A NON-VOTING MEMBER APPOINTED BY THE MARTIN COUNTY SCHOOL BOARD; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the Town of Ocean Breeze Park, Florida Town Council desires to establish a Local Planning Agency for the purpose of preparing, adopting and from time-to-time amending the Town's Comprehensive Development Plan under the terms of Chapter 163 of the Florida Statutes; and

WHEREAS, the Town of Ocean Breeze Park, Florida Town Council ordains that establishing a Local Planning Agency is necessary to comply with Florida law Chapter 163 of the Florida Statutes; and

WHEREAS, Florida Statutes Section 163.3174(1) provides in part, "The governing body may designate itself as the local planning agency pursuant to this subsection with the addition of a nonvoting school board representative; and

WHEREAS, the Town of Ocean Breeze Park, Florida Town Council has held properly noticed public hearings to consider this ordinance,

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

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

SECTION 2: Pursuant to Florida Law, the Town of Ocean Park, Florida Planning Advisory Board is hereby establish and shall consist of members of the Town Council, the Town's Mayor and a non-voting member appointed by the Martin County School Board.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed to the extent of such conflict.

SECTION 3: 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 4: This ordinance shall become effective upon second reading.

PASSED on first reading the 10th day of March, 2008.

Council member Gail Myers offered the foregoing ordinance and moved its adoption. The motion was seconded by Council member Jack Bowden and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
DAVID MYERS	✓		
JOE LOUNDSBURY	✓		
RICHARD CONNER	✓		
MARY LOU BARNETT	✓		
JACK BOWDEN	✓		
GAIL MYERS	✓		

ADOPTED on second and final reading this 31st day March, 2008.

ATTEST:

Sharon D. Chicky
SHARON D. CHICKY
TOWN CLERK

David W. Myers
DAVID W. MYERS
PRESIDENT

APPROVED AS TO FORM
AND CORRECTNESS:

WM. F. CRARY, II
TOWN ATTORNEY

Dorothy Geeben
DOROTHY GEEBEN
MAYOR

ORDINANCE NUMBER NO. 289-2019

AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, REVISING MEMBERSHIP ON THE TOWN'S ZONING BOARD (ALSO KNOWN AS THE LOCAL PLANNING AGENCY) AND REAFFIRMING THAT TOWN COUNCIL MEMBERS, AS A REQUIREMENT OF HOLDING OFFICE, MUST ALSO SERVE AS MEMBERS OF THE TOWN'S ZONING BOARD; AFFIRMING THE LIMITED ADVISORY ROLE OF THE ZONING BOARD; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor's membership on the Zoning Board, (also known as the Local Planning Agency) has the effect of prohibiting the Mayor from making otherwise lawful communications with Town Council members regarding any subject matter which may come before the Zoning Board; and

WHEREAS, the Town Council deems it vital to the efficient exercise of the Mayor's duties as contemplated under the Charter and Ordinances of the Town that the Mayor's ability to communicate directly with Town Council members should not be hindered or prohibited, except as may be otherwise provided by law; and

WHEREAS, historically it has never been possible to find a sufficient number of the Town's residents to serve on a separate advisory board; and

WHEREAS, Florida Statutes Section 163.3174 allows for the governing body of a municipality to designate itself as the "local planning agency" or other equivalent agency which first reviews rezoning and comprehensive plan amendments; and

WHEREAS, the Zoning Board does not exercise decision-making authority, but only exists for the sole purpose providing advice to the Town Council, in essence advising itself, in order to comply with such procedural formalities as may be required pursuant to Florida law; and

WHEREAS, the Town Council has determined it is necessary to take emergency action to allow the Mayor to have the immediate ability to address issues presented to the Zoning Board.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN OF OCEAN BREEZE, FLORIDA:

SECTION ONE: The membership of the Town's Zoning Board, which may also be known from time to time as the Local Planning Agency, or referred to as the Town of Ocean Breeze, Florida Planning Advisory Board, or the "LPA" or other such similar names, shall consist of all six members of the Town Council, *ex officio*, plus a non-voting member appointed by the Martin County School Board to the extent as required by statute.

SECTION TWO: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed.

SECTION THREE: If any section, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Town Council to adopt this Ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein.

SECTION FOUR: This Ordinance is hereby declared to be an emergency measure upon the urgent need for the Mayor to have the immediate ability to more fully perform such duties as may be prescribed by the Town Charter, ordinances, and other applicable law. This Ordinance shall take effect immediately upon its passage and adoption.

	YES	NO	ABSENT	ABSTAIN
KENNETH DE ANGELES, PRESIDENT	X			
ANN KAGDIS, VICE-PRESIDENT	X			
RICHARD GEROLD, COUNCIL MEMBER	X			
KEVIN DOCHERTY, COUNCIL MEMBER	X			
DAVID J. WAGNER, COUNCIL MEMBER	X			
TERRY LOCATIS, COUNCIL MEMBER	X			

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF MARCH, 2019.

ATTEST:

Pam Orr

Pam Orr, Town Clerk

TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA

Ken De Angeles, President

APPROVED AS TO FORM:

William F. Crary, II, Town Attorney

Karen M. Ostrand, Mayor