## BEFORE THE TOWN COUNCIL

OF
THE TOWN OF OCEAN BREEZE, FLORIDA

ORDINANCE NUMBER 220-2015


#### Abstract

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


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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6: Following the adoption and acceptance of this ordinance by the Applicant, and in addition to any other action for failure to complete development or otherwise comply with the development documents, the Town's Mayor may obtain a hearing before the Town Council, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the Town Council the developer may appear, and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the development documents and therefore, the ordinance(s) adopting the same, the Town Council may impose or do any or all of the following:
a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
b. Initiate the process to rezone the PUD property or any portion of the PUD property.
c. Impose an administrative penalty of up to $\$ 1,000.00$ for each violation, and up to $\$ 5,000.00$ for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the Town.
d. Seek injunctive relief or any other remedy available under Florida Law.

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

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

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

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

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

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

PASSED on First Reading this $12^{\text {th }}$ day of January, 2015.
Council Member Bodie offered the foregoing ordinance and moved its adoption. The motion was seconded by Council Member De Angeles and upon being put to a roll call vote, the vote was as follows:

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ANN KAGDIS, PRESIDENT
KENNETH DE ANGELES, VICE-PRESIDENT JERRY COLLINS, COUNCIL MEMBER EARLENE CAIRNS, COUNCIL. MEMBER ROBERT BODIE, COUNCIL MEMBER BEATRICE MILLETTE, COUNCIL MEMBER

| YES | NO | ABSENT | ABSTAIN |
| :--- | :--- | :--- | :--- |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |

ADOPTED on second and final reading this $\qquad$ day of $\qquad$ January , 2015.

ATTEST:


PAM ORR
TOWN CLERK

APPROVED AS TO FORM:


RICK CRAPY, II
TOWN ATTORNEY
 PRESIDENT


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## ACCEPTANCE AND AGREEMENT

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

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


Print Name: Alena TReseber


Print Name: Ashley Floves

NHC FL143 LLC
a Florida limited liability company,
By: Colleen Edwards,
Its President
By: Qalleen Edevards
Name: Colleen Edwards
Title:
President

## OWNERS ACKNOWLEDGMENT

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


Personally Known
 OR Produced Identification $\qquad$
Type of Identification Produced $\qquad$

## Exhibit A

## Legal Description

## East Parcel

## Parcel B:

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

Commence at the Northwest corner of Lot 1, Block 7, Plat of Jensen Beach Home Sites, as recorded in Plat Book 2, Page 41, Public Records of Martin County, Florida, said point being the Point of Beginning ;
thence South 89 deg $31^{\prime} 10^{\prime \prime}$ East, a distance of 184.88 feet; thence North 00 deg $05^{\prime} 55^{\prime \prime}$ West, a distance of 129.55 feet;thence North $89 \mathrm{deg} 41^{\prime} 16^{\prime \prime}$ East, a distance of 57.08 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 159.46 feet; thence North 89 deg 57' 58" East, a distance of 93.80 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 129.00 feet; thence South 89 deg 57' 58" West, a distance of 68.80 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 15.00 feet; thence South 89 deg $57^{\prime} 58^{\prime \prime}$ West, a distance of 25.00 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 414.95 feet; thence North 89 deg 54' $40^{\prime \prime}$ East, a distance of 20.00 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 271.90 feet;
thence North $89 \mathrm{deg} 54^{\prime} 40^{\prime \prime}$ East, a distance of 455.28 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 10.00 feet; thence North 89 deg 54' $40^{\prime \prime}$ East, a distance of 115.54 feet; to a point of intersection with a non-tangent curve, concave Southwesterly, having a radius of 1942.87 feet and a central angle of $10 \operatorname{deg} 16^{\prime} 23^{\prime \prime}$, thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 20 deg $33^{\prime} 53^{\prime \prime}$ West, a distance of 348.36 feet, said arc subtended by a chord which bears North 25 deg $42^{\prime} 05^{\prime \prime}$ West, a distance of 347.89 feet to the curve's end; thence North 30 deg 50' $16^{\prime \prime}$ West, a distance of 196.80 feet; thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance of 10.54 feet; thence North 30 deg $50^{\prime} 16^{\prime \prime}$ West, a distance of 140.97 feet; to the beginning of a curve, concave Southwesterly, having a radius of 748.32 feet and a central angle of $13 \mathrm{deg} 44^{\prime} 57^{\prime \prime}$, thence Northwesterly along the arc of said curve to the left, a distance of 179.57 feet, said arc subtended by a chord which bears North 37 deg $42^{\prime} 45^{\prime \prime}$ West, a distance of 179.14 feet to the curve's end; thence North $44 \mathrm{deg} 35^{\prime} 13^{\prime \prime}$ West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of 1482.49 feet and a central angle of 09 deg $21^{\prime} 51^{\prime \prime}$, thence Northwesterly along the arc of said curve to the right, a distance of 242.29 feet, said arc subtended by a chord which bears North 39 deg 54' 18" West, a distance of 242.02 feet to the curve's end; thence North 35 deg $133^{\prime} 22^{\prime \prime}$ West, a distance of 11.40 feet;
thence North 77 deg 31' 00 " East, a distance of 10.84 feet; thence North 35 deg 13' $22^{\prime \prime}$ West, a distance of 302.51 feet;thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance of 460.24 feet; thence South 14 deg $48^{\prime} 05^{\prime \prime}$ East, a distance of 279.23 feet; thence South 77 deg $31^{\prime} 00$ " West, a distance of 157.08 feet; thence South 12 deg 53' $21^{\prime \prime}$ East, a distance of 120.00 feet; thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance of 40.65 feet; thence North 17 deg $20^{\prime} 26^{\prime \prime}$ West, a distance of 400.44 feet; thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance of 61.72 feet; thence South 17 deg 20' $26^{\prime \prime}$ East, a distance of 107.39 feet;thence North

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

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

Commence at the Northwest Corner of Lot 1, Block 7, Plat of Jensen Beach Home Sites, as recorded in Plat Book 2, Page 41, Public Records of Martin County, Florida; thence South 89 deg 31' 10" East, a distance of 184.88 feet; thence North 00 deg $05^{\prime} 55^{\prime \prime}$ West, a distance of 129.55 feet; thence North 89 deg 41' $16^{\prime \prime}$ East, a distance of 57.08 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 159.46 feet; thence North 89 deg 57' 58" East, a distance of 93.80 feet;thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 129.00 feet; thence South $89 \mathrm{deg} 57^{\prime} 58^{\prime \prime}$ West, a distance of 68.80 feet;thence North $00 \mathrm{deg} 06^{\prime} 43^{\prime \prime}$ West, a distance of 15.00 feet; thence South 89 deg 57' 58" West, a distance of 25.00 feet;thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 414.95 feet; thence North 89 deg $54^{\prime} 40^{\prime \prime}$ East, a distance of 20.00 feet;thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 271.90 feet; thence North 89 deg 54' $40^{\prime \prime}$ East, a distance of 455.28 feet;thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 10.00 feet; thence North 89 deg $54^{\prime} 40^{\prime \prime}$ East, a distance of 147.53 feet, to the Point of Beginning ; said point being Point of Intersection with a non-tangent curve, concave Southwesterly, having a radius of 1972.87 feet and a central angle of $10 \mathrm{deg} 35^{\prime} 53^{\prime \prime}$, thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 20 deg $14^{\prime} 23^{\prime \prime}$ West, a distance of 364.93 feet, said arc subtended by a chord which bears North 25 deg 32 ' 20" West, a distance of 364.41 feet to the curve's end; thence North 30 deg $50^{\prime} 16^{\prime \prime}$ West, a distance of 186.85 feet; thence North 77 deg $31^{\prime} 00$ " East, a distance of 10.54 feet;thence North 30 deg $50^{\prime} 16^{\prime \prime}$ West, a distance of 157.56 feet; to the beginning of a curve, concave Southwesterly having a radius of 798.32 feet and a central angle of $13 \mathrm{deg} 44^{\prime} 57^{\prime \prime}$, thence Northwesterly along the arc of said curve to the left, a distance of 191.57 feet, said arc subtended by a chord which bears North 37 deg $42^{\prime} 45^{\prime \prime}$ West, a distance of 191.11 feet to the curve's end; thence North 44 deg $35^{\prime}$ 13 " West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of 1432.49 feet and a central angle of 08 deg $58^{\prime} 52^{\prime \prime}$, thence Northwesterly along the arc of said curve to the right, a distance of 224.55 feet, said arc subtended by a chord which bears North 40 deg $05^{\prime} 47^{\prime \prime}$ West, a distance of 224.32 feet to the Point of Intersection with a non-tangent line; thence South 77 deg $31^{\prime} 00$ " West, a distance of 10.87 feet; to a Point of Intersection with a non-tangent curve, concave Northeasterly, having a radius of 1442.49 feet and a central angle of 00 deg $12^{\prime} 48^{\prime \prime}$, thence Northwesterly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 35 deg $26^{\prime} 11^{\prime \prime}$ West, a distance of 5.37 feet, said arc subtended by a chord which bears North 35 deg 19' $477^{\prime \prime}$ West, a distance of 5.37 feet to the curve's end; thence North 35 deg $13^{\prime} 22^{\prime \prime}$ West, a distance of 216.57 feet; thence North 54 deg $30^{\prime} 07^{\prime \prime}$ East, a distance of 2.44 feet; thence North 30 deg 09' $06^{\prime \prime}$ West, a distance of 76.99 feet; thence North 77 deg $31^{\prime} 00$ " East, a distance of 15.49 feet;

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

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

## Legal Description Continued

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

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

## East Parcel

Parcel B;
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curve to the left, a distance of 179.57 feet, said arc subtended by a chord which bears North 37 deg $42^{\prime}$ $45^{\prime \prime}$ West, a distance of 179.14 feet to the curve's end; thence North 44 deg $35^{\prime} 13^{\prime \prime}$ West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of 1482.49 feet and a central angle of $09 \mathrm{deg} 21^{\prime} 51^{\prime \prime}$, thence Northwesterly along the arc of said curve to the Right, a distance of 242.29 feet, said arc subtended by a chord which bears North 39 deg $54^{\prime} 18^{\prime \prime}$ West, a distance of 242.02 feet to the curve's end; thence North 35 deg 13 ' $22^{\prime \prime}$ West, a distance of 11.40 feet; thence North 77 deg $31^{\prime} 00^{\prime \prime}$ East, a distance of 10.84 feet; thence North 35 deg $13^{\prime} 22^{\prime \prime}$ West, a distance of 302,51 feet ; thence South $77 \mathrm{deg} 31^{\prime} 00^{\prime \prime}$ West, a distance of 460.24 feet; thence South $14 \mathrm{deg} 48^{\prime} 05^{\prime \prime}$ East, a distance of 279.23 feet; thence South 77 deg 31' 00" West, a distance of 157.08 feet; thence South 12 deg $53^{\prime} 21^{\prime \prime}$ East, a distance of 120.00 feet; thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance of 40.65 feet; thence North 17 deg $20^{\prime} 26^{\prime \prime}$ West, a distance of 400.44 feet; thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance 61.72 feet; thence South 17 deg $20^{\prime} 26^{\prime \prime}$ East, a distance of 107.39 feet; thence North 77 deg 31' 00 " East, a distance of 25.09 feet; thence South 17 deg $20^{\prime} 26^{\prime \prime}$ East, a distance of 108.39 feet; thence South 77 deg $31^{\prime} 00{ }^{\prime \prime}$ West, a distance of 25.09 feet; thence South 17 deg $20^{\prime} 26^{\prime \prime}$ East, a distance of 1935.69 feet; thence North 89 deg $50^{\prime} 58^{\prime \prime}$ East, a distance of 26.17 feet; thence South 17 deg $20^{\prime} 26^{\prime \prime}$ East, a distance of 165.03 feet, to the Point of Beginning .

## Legal Description Continued

## Parcel C:

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

Commence at the Northwest Corner of Lot 1, Block 7, Plat of Jensen Beach Home Sites, as recorded in Plat Book 2, Page 41, Public Records of Martin County, Florida; thence South 89 deg 31' 10 " East, a distance of 184.88 feet; thence North 00 deg $05^{\prime} 55^{\prime \prime}$ West, a distance of 129.55 feet; thence North 89 deg $41^{\prime} 16^{\prime \prime}$ East, a distance of 57.08 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 159.46 feet; thence North 89 deg 57' 58" East, a distance of 93.80 feet; thence North 00 deg $06^{\prime}$ 43" West, a distance of 129.00 feet; thence South 89 deg 57' $588^{\prime \prime}$ West, a distance of 68.80 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 15.00 feet; thence South 89 deg 57' $58^{\prime \prime}$ West, a distance of 25.00 feet; thence North $00 \mathrm{deg} 06^{\prime} 43^{\prime \prime}$ West, a distance of 414.95 feet; thence North 89 deg 54' $40^{\prime \prime}$ East, a distance of 20.00 feet;thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 271.90 feet; thence North 89 deg 54' 40" East, a distance of 455.28 feet; thence North 00 deg $06^{\prime} 43^{\prime \prime}$ West, a distance of 10.00 feet; thence North 89 deg $54^{\prime} 40^{\prime \prime}$ East, a distance of 147.53 feet, to the Point of Beginning ; said point being Point of Intersection with a non-tangent curve, concave Southwesterly, having a radius of 1972.87 feet and a central angle of 10 deg $35^{\prime} 53$ ", thence Northerly along the arc of said curve to the left, from which the local tangent at the beginning point bears North 20 deg $14^{\prime} 23^{\prime \prime}$ West, a distance of 364.93 feet, said arc subtended by a chord which bears North 25 deg 32' 20" West, a distance of 364.41 feet to the curve's end; thence North 30 deg $50^{\prime} 16^{\prime \prime}$ West, a distance of 83.54 feet; thence North 59 deg $09^{\prime} 44^{\prime \prime}$ East, a distance of 8.00 feet; thence North 30 deg $50^{\prime} 16^{\prime \prime}$ West, a distance of 157.56 feet; to the beginning of a curve, concave Southwesterly having a radius of 798.32 feet and a central angle of $13 \mathrm{deg} 44^{\prime} 57^{\prime \prime}$, thence Northwesterly along the arc of said curve to the left, a distance of 191.57 feet, said arc subtended by a chord which bears North 37 deg 42' $45^{\prime \prime}$ West, a distance of 191.11 feet to the curve's end; thence North 44 deg $35^{\prime}$ 13 " West, a distance of 76.51 feet; to the beginning of a curve, concave Northeasterly, having a radius of

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1432.49 feet and a central angle of 08 deg $58^{\prime} 52^{\prime \prime}$, thence Northwesterly along the arc of said curve to the right, a distance of 224.55 feet, said arc subtended by a chord which bears North 40 deg 05'47' West, a distance of 224.32 feet to the Point of Intersection with a non-tangent line; thence South 77 deg $31^{\prime} 00^{\prime \prime}$ West, a distance of 10.87 feet; to a Point of Intersection with a non-tangent curve, concave Northeasterly, having a radius of 1442.49 feet and a central angle of $00 \mathrm{deg} 12^{\prime} 48^{\prime \prime}$, thence Northwesterly along the arc of said curve to the right, from which the local tangent at the beginning point bears North 35 deg 26' $11^{\prime \prime}$ West, a distance of 5.37 feet, said arc subtended by a chord which bears North 35 deg $19^{\prime} 47^{\prime \prime}$ West, a distance of 5.37 feet to the curve's end; thence North 35 deg $13^{\prime} 22^{\prime \prime}$ West, a distance of 216.57 feet; thence North 54 deg $30^{\prime} 07^{\prime \prime}$ East, a distance of 2.44 feet; thence North 30 deg 09' 06" West, a distance of 76.99 feet; thence North 77 deg $31^{\prime} 00^{\prime \prime}$ East, a distance of 15.49 feet; thence North $65 \mathrm{deg} 38^{\prime} 00^{\prime \prime}$ East, a distance of 250.00 feet; thence South $34 \mathrm{deg} 58^{\prime} 03^{\prime \prime}$ East, a distance of 304.32 feet; thence South 65 deg $38^{\prime} 00^{\prime \prime}$ West, a distance of 220.30 feet; thence South 43 deg $49^{\prime} 57^{\prime \prime}$ East, a distance of 28.99 feet; thence South 62 deg $46^{\prime} 55^{\prime \prime}$ East, a distance of 40.49 feet; thence South 25 deg $38^{\prime} 52^{\prime \prime}$ East, a distance of 80.28 feet;
thence South 42 deg 51' 37" East, a distance of 104.44 feet; thence South 73 deg $15^{\prime} 32^{\prime \prime}$ East, a distance of 40.83 feet; thence South 24 deg $00^{\prime} 20^{\prime \prime}$ East, a distance of 69.45 feet; thence South $24 \mathrm{deg} 00^{\prime} 24^{\prime \prime}$

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

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


## EXHIBIT C

## DEVELOPMENT CONDITIONS

1. All development and the use thereof shall comply with this ordinance.
2. Civil plans shall be reviewed and approved by all applicable departments prior to the issuance of a site permit.
3. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the Town. All construction shall comply with regulatory standards as mandated by the Florida Building Code.
4. Prior to the issuance of any permits for new residential or commercial buildings, the applicant shall provide written confirmation to the Town that all applicable Martin County impact fees, including school impact fees, have been paid.
5. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.
6. Approval of this ordinance shall not be deemed a reservation of capacity for the purposes of meeting the Town's concurrency requirements, which shall be determined at the time of building permit.
7. A minimum of ten percent of the site shall be set aside for recreational amenities and civic infrastructure, which may include but not be limited to central community clubhouse facilities/recreation center, pool, fitness center, pickle board courts, etc.
8. A major PUD amendment shall be required before any portion of the subject property can be used (sold, leased, licensed or conveyed) for railroad purposes, including a required demonstration that such use will not negatively impact the Town's residents.
9. The applicant shall comply with all current and future flood prevention standards adopted by the Town.
10. Martin County shall provide water and sewer services to the entire subject property. The use of septic tanks beyond 30 months from the date of approval of this ordinance, or upon completion of Phase I, whichever occurs first, is prohibited.

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

11. Mobile homes, modular homes, manufactured homes and recreational vehicles.
12. Replacement of existing mobile homes with traditional site built structures as appropriate and consistent in scale and character with the typical home types in the park.
13. Storage for vehicles for the convenience of the residents.
14. Neighborhood commercial uses, primarily serving Town residents, within close proximity to residents which shall be limited to a maximum of 25,000 square feet in floor area. (Note: Neighborhood commercial uses are not proposed as part of this application and are approvable only by major amendment to this ordinance.)
15. Public waterfront amenities such as piers, docks, or boardwalks (Note: All waterfront improvements shown on Exhibit " B " Master Site Plan, northward of mean high water except for the Park Pier, are illustrative only and are not approved by this ordinance. Approval of any such waterfront amenities shall require a major amendment to this ordinance).

## Fire/EMS Services

16. To ensure proper Fire and EMS access, no encroachments, including on-street parking, shall be permitted such that fire trucks or other emergency vehicles are hindered.
17. Within (30) thirty days of being invoiced, the applicant shall pay to the Town a fair share of the Town's annual costs to provide Fire/EMS services through its inter-local agreement with Martin County. The formula for determining the applicant's annual fair share is as follows: Martin County's annual charge to the Town for Fire/EMS services multiplied by (the acreage of OBEPUD divided by the total acreage of Town).

## Development and Construction

18. All mechanical equipment associated with non-residential development shall be roof top or located behind the building and decoratively screened or landscaped with hedge material.
19. Backflow prevention devices and above ground utilities shall be delineated on the landscape plans during final site plan review and shall be out of view or screened from the public right-of-way.
20. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.
21. All lighting, bollards, fencing and similar structures shall be of a decorative character and consistent with guidelines outlined in Exhibit D - Supplemental Design Guidelines.
22. Building addresses and/or numbers shall be in plain view and shown on each building.
23. Any sidewalk damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy
24. Temporary or freestanding storage units are prohibited on the property once construction is complete.

## Development Timetable

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

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


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

## Prohibited

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

## Signage

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

## Platting

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

## Common Areas/Open Space

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

## Access

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

## Amendments to the OBP PUD Development Conditions

32. Amendments to these development conditions shall be as follows:
a) Major amendment - by ordinance: Major amendments shall require Town advisory board review and approval by the Town Council. The following changes shall be considered Major amendments:
i. Any change in approved uses.
ii. A reduction of approved open space.
iii. A substantive change to the modal network.
iv. A decrease of points of access.
v . An addition to or change in the location of amenities.
vi. Any other similar change.
b) Minor amendment - by resolution, including mailed notice to property owners within 300 feet and posted notice of the public hearing. The following changes shall be considered Minor amendments:
i. A change to the general network that does not result in a reduction in connectivity, the number of travel lanes or intersections proposed.
ii. A minor lot size or configuration change that does not materially alter the Master Site Plan's general configuration.

## Parking

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

## Park Pier

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

## Two-Story or 1-Story Over Parking Units

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

## Pedestrian/Bicycle/Golf Cart Path

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

## Selling

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

## Upgrades

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

## Use of Private Park Meeting Space to Conduct Town Business

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

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## No Displacement Clause

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

## Civic/Community Building

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

## EXHIBIT D

## SUPPLEMENTAL DESIGN STANDARDS

1. JULY 10, 2014 LETTER FROM GCY PROFESSIONAL SURVEYORS \& MAPPERS PROVIDING INSTRUCTIONS ON TYPICAL MOBILE HOME LOT AND BLOCK LAYOUT
2. TYPICAL MOBILE HOME LOT AND BLOCK LAYOUT
3. TYPICAL ROADWAY SECTIONS TECH ENGINEERING
4. RECREATIONAL VEHICLE STANDARDS
5. COMMUNITY AND CIVIC BUILDING STANDARDS
5.A. COMMUNITY AND CIVIC BUILDING STANDARD EXAMPLES
6. COMMERCIAL STANDARDS
7. FENCES WALLS AND HEDGES
8. LANDSCAPE STANDARDS
9. LIGHTING STANDARDS
10. SIGNAGE STANDARDS
11. TWO-STORY UNITS REGULATING PLAN
12. MOBILITY NETWORK
13. COMMON AREA AND OPEN SPACE DIAGRAM
14. RESIDENTIAL STANDARDS
15. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS ONE STORY
16. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS TWO STORIES
17. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS ELEVATED SINGLE-STORY
18. ARCHITECTURAL GUIDELINES FOR RESIDENTIAL BUILDINGS, CHARACTER EXAMPLES

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Ocean Breeze East CPUD
19. SUPPLEMENTAL GUEST PARKING DIAGRAM IN INFILL AREA

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

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

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18. COMMENTS BY MARTIN COUNTY SHERIFF'S DEPARTMENT DEPUTY, JOE ANGELICO
19. MAILED NOTICE TO PROPERTY OWNERS WITHIN 300 FEET
20. LIST OF PROPERTY OWNERS WITHIN 300 FEET
21. AFFIDAVIT OF MAILING
22. SIGN POSTING
23. PHOTOS OF SIGN POSTING
24. STUART NEWS ADVERTISEMENT


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Statewide: 800.386.1066 www.gcyinc.com
PROFESSIONAL SURVEYORS \& MAPPERS
I NCORPORATED
July 10, 2014

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

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

Sincerely yours,


Peter Andersen, PSM
Vice President


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

|  |  |  |  |
| :---: | :---: | :---: | :---: |
| HO． | REVISIONS | DATE | BY |

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


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## PROPOSED ONE WAY TRAFFIC TYPICAL SECTION

N.T.S.


PROPOSED TWO WAY TRAFFIC TYPICAL SECTION
N.T.S.


| OATE: | 9-24.14 |
| :---: | :---: |
| DRAWN BY: | DHR |
| DESGGNEDBY: | RRK |
| CHECKED BY: | RRK |
| PROJEGT No.: | 1543 |
| HORZ. SCALE: |  |
| VERT. SCALE: |  |
| CADD FRIE: |  |


| CAREFREE RESORT |
| :---: |
| OCEAN BREEZE EAST PUD |
| MARTIN COUNTY, FLORIDA |
| TYPICAL. ROADWAY SECTIONS |

## 4. Recreational Vehicle Standards

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



Figure 4.1
Recreational Vehicle Placement

## 5. Community and Civic Building Standards

Table 5.1 provides the dimensional requirements regarding lot size, building placement, building size, height and parking for civic/community buildings.
Civic buildings shall be sited in locations of particular geometric importance, such as anchoring open spaces or terminating street vistas. Community buildings may include - but are not limited to - recreation facilities, places of assembly, administrative offices, etc. Common area infrastructure may include gazebos. shade structures, benches, etc.
Architectural style of community buildings will be consistent with that of the residential fabric in accordance

| Table 5.1 <br> Civic/Community Building Parking Re, |  |
| :--- | :--- |
| Lot Size | n/a |
| Lot Size |  |
| Building Height |  |
| Max. Building Height | 2 stories |
| Parking | Min. Parking Required' $2 / 1000 \mathrm{sf}^{2}$ <br> Other Forms of Mobility  <br> Bike Racks $3 / 1000$ sf <br> Includes parking for cars, RV's and golf carts.  |



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


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

## 5a. Community and Civic Building Standard Examples

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


Figure 5.6. - Proposed Park Building - Perspective view


Figure 5.7. - Proposed Park Building - Aerial perspective view


Figure 5.8. - Proposed Administration Building - Aerial perspective view

## 6. Commercial Standards

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

| Table 6.1Commercial Requirements |  |  |
| :---: | :---: | :---: |
| Lot Size |  |  |
| Lot Width |  | n/a |
| Lot Area |  | n/a |
| Building Placement |  |  |
| A | Front Setback | 0 ft min - 25 ft . max |
| B | Side Building Separation ${ }^{1}$ | 10 ft combined min. |
| C | Rear Building Separation' | 10 ft combined min. |
| Building Height |  |  |
| Max. Building Height |  | 1 story |
| Parking |  |  |
| Mir. Parking Required |  | 2/1000 |
| 1 Commercial buildings shall be consistent in scale and character with the Florida Vernacular style and that of the community as a whole. <br> 2 Ouldoor acfivities such as ouldoor seating and an outdoor marketplace may be provided with approval from the Town. <br> 3. An open-air market may be developed as part of the Ocean Breeze island with approval from the Town <br> 4. Parking requirements for all commercial uses shall be calculated based on building area only. |  |  |



Figures 6.1, 6.2 \& 6.3
Character examples


## 7. Fences, Walls and Hedges

Table 7.1 outlines fence, wall and hedge requirements.

| Table 7.1 <br> Fence, Wall and Hedge Requirements <br> Fence, Wall and Hedge Type |  |
| :--- | :--- |
| Front | 3ft. to 4ft picket fence or <br> hedge |
| Side | no fence |
| General |  |



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


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


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

## 8. LANDSCAPING

Landscape Standards

Intent
The landscape standards of the Ocean Breeze Park PUD promote public health, safety and welfare by establishing minimum standards for the design, construction and maintenance of landscape improvements for public and private right-of-ways, civic, public and private frontages and private lots.
a. Aesthetics/Walkability. These standards shall enhance the overall aesthetic condition of the existing communily and the proposed redevelopment area with landscaping by:
i. coordinating public and private frontage landscaping conditions.
ii. providing spatial definition to the public realm, streets and other common/civic spaces.
iii. providing screening of equipment or unsightly places.
b. Health/Safety. These standards shall provide and enhance comfort and safety of the public realm by moderating the local climate through the application of trees and landscaping to:
i. improve air quality.
ii. mitigate noise pollution.
iii. provide shade, sun and temperature regulation.
iv. reduce reflected light.
v. provide a partial barrier between sidewalks and vehicular lanes where appropriate.
c. Ecology/Energy. These standards shall provide ecological benefits including but not limited to:
i. percolation of precipitation through pervious landscape areas.
ii. conservation of soil and prevention of soil erosion through vegetative cover and root growth.
iii. conservation of water through xeriscape design strategies including but not limited to:

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


## d. Landscape Plan Required

a. Landscape Plans shall be prepared in conjunction with design development and construction documents for each development phase as identified in Section 8.
b. Landscape Plans shall contain all pertinent information consistent with the Town of Ocean Breeze's Zoning and Land Development Code of Ocean Breeze Park as adopted on September 13, 2010.
e. Landscape Standards
a. All plant materials shall meet with the minimum container size, class and other requirements outlined in American Standard for Nursery Stock (ANSI Z60.1-2004) published by the American Nursery and Landscape Association (ANLA).
b. Stormwater detention and retention shall be integrated landscape features.
c. Stormwater infrastructure such as the proposed bio-swales shall be planted with appropriate trees,

## CAREFREE RESORT <br> OCEAN BREEZE EAST PUD

shrubs and grasses. Plants in basin areas prone to submersion shall be hydrophilic.
d. Proposed trees and understory trees shall be centered horizontally and minimally:
i. two (2) feet from walkways, curbing, and other impervious pavements when planted in a tree well or continuous planter;
ii. three (3) feet from walkways, curbing and other impervious pavements when planted in a continuous swale;
iii. five (5) feet from street lights, underground utilities, utility meters and service lines, fences, walls and other ground level obstructions;
iv. five (5) feet from porch eaves, and awnings and similar overhead obstructions associated with the ground level of buildings;
v. eight (8) feet from balconies, verandas, building eaves and cornices, and similar overhead obstructions associated with the upper stories of buildings.
e. Proposed trees shall be a minimum of eight (8) feet in height and/ or two (2) inches in caliper.
f. Proposed shrubs shall be of a three (3) gallon container minimum. Shrubs shall be $18^{\prime \prime}-24^{\prime \prime}$ minimum clear from any sidewalk or pavement edge at the lot line.
g. Ground vegetation or shrub plantings with spines, thorns or needles that may present hazards to pedestrians, bicyclists or vehicles are prohibited in the first two (2) feet of the first layer of landscaping abutting a street, path or publicly accessed area.
h. Bare and exposed ground on the site and / or in landscaped areas shall be covered with live plant materials and/or mulch, with the following exceptions:
i. natural or man-made systems (creek beds, rock outcroppings or similar landscape features typically lacking vegetation)
ii. areas seasonally tilled for cultivation (urban gardens).
iii. bike or pedestrian paths within parks and greens.
iv. clay, crushed shell, sand, pavers or similar surfaces associated with paths or specific master plan designations.
i. Artificial plants or artificial turf are prohibited.
j. Constructed water features such as fountains, streams and ponds that operate with water recirculation systems shall be designed to prevent seepage and leaks.
k. Buffers and screening elements shall be used to screen service areas and other places that are unsightly.

1. On-site existing trees and vegetation may be used to fulfill the landscape requirements.
m . Noxious or invasive plants species shall be removed.
$n$. The size and limits of existing vegetation shall be indicated on the landscape plan.

## Landscape Maintenance

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

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

## Landscaping Specific to Plazas and Squares

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

## Landscaping Specific to RV areas

a. Turfgrass area shall be planted or managed with appropriate low care and drought tolerant grasses
that are mown to a high cut height.
Landscaping Stormwater Management Systems
a. Native plant materials shall be utilized and shall be compatible with their location within the stormwater system.
b. Detention/bio-swale areas developed as part of the stormwater system will be landscaped with native material. in quantities appropriate to maximize the water quality function of the proposed system.

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

## 9. Lighting Standards

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


Figure 9.1
Typical Street Light
Traditional Post Top
Character example


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

## 10. Signage Standards

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


Figure 10.1
Entrance Sign
Character example


## 12. Mobulty Netvork

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


## 13. Common Area and Open Space Diagram

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


## 14. Residential Standards

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

| Table 14.1 <br> Residential Requirements |  |  |
| :---: | :---: | :---: |
| Lot Size |  |  |
| Lol Width |  | $\begin{aligned} & 23^{\prime} 6^{\prime \prime} \text { min. } \\ & 75^{\prime} \text { max. } \end{aligned}$ |
| Lot Area |  | 1100 square feet min. 5000 square feet max. |
| Lot Coverage |  | 85\% max |
| Building Placement |  |  |
| A | Front Setback | $0 \mathrm{ft} . \min -25 \mathrm{ft}$. max |
| B | Side Building Separation | 10 ft combined min. |
| C | Side Setback | 10 ft . combined (both sides) min. |
| D | Rear Building Separation | 10 ft . combined min. |
| D | Rear Building Separation w/Vehicular Access | 20 ft . combined min. |
| Building Height |  |  |
| Max. Building Height |  | 2 stories |
| Parking |  |  |
| Min. Parking Required |  | 1 space per residential unit |
| Density |  |  |
| Max. Density |  | $16.46 \mathrm{du} / \mathrm{ac}$ |
| Max. Dwelling Units per Lot |  | 1 |
| Non Habitable Accessory Building (carport, storage) |  |  |
| Min. Setback |  | 0' |
| 'Typical side setback is $12^{\prime}\left(10^{\prime}+2^{\prime}\right)$ A minimum $10^{\prime}\left(8^{\prime}+2^{\prime}\right)$ is reserved for units when parking is accommodated in the front. rear or below the livable space 'All non habitable construction such as carports or storage units shall not encroach on adjacent parcets, nor shath it be attached to neighboring units - Access stoop may encroach into front or side yards and setbacks. <br> - Porchas shall be a min of 5 ' deep and cover al least $50 \%$ of the facade. - Overhangs and non-habitable areas and carports and may encroach all setbacks <br> " Infill redevelopment shall conform to these residential requirements whenever lot dimensions so allow |  |  |



Figure 14.1 Building Placement

## 15. Architectural Guidelines for Residential Buildings

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


Figure 15.1
Building Elements - Single-Story Dwellings

## 16. Architectural Guidelines for Residential Buildings

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


Figure 16.2
Building Elements - Two-Story Dwellings

## 17. Architectural Guidelines for Residential Buildings

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


Figure 17.3
Building Elements - Elevated Single Story

## Guideline Variations

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


## 18. Architectural Guidelines for Residential Buildings

Figure 18.4 Character Examples


Figure 18.4
Character Examples
Top Leff: Single story elevated. Top Right: Single story elevated with garage on the ground floor. Center Left: Two Story. Center Right: Single Story. Botfom Left: single story with porch and rooftop terrace. Bottom Right: single story elevated with parking and storage shielded from the ROW.

## 19. Supplemental Guest Parking Diagram

Image 19.1 depicts 131 additional parking spaces: 95 vehicular parking spaces ( 32 within less than $1^{1 / 2}$ minute walking distance from the proposed pier) and 36 golf cart spaces in addition to those depicted in the PUD Master Plan.


Ordinance No. 220-2015
Ocean Breeze East CPUD

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

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

Ordinance No. 220-2015
Ocean Breeze East CPUD
18. COMMENTS BY MARTIN COUNTY SHERIFF'S DEPARTMENT DEPUTY, JOE ANGELICO
19. MAILED NOTICE TO PROPERTY OWNERS WITHIN 300 FEET
20. LIST OF PROPERTY OWNERS WITHIN 300 FEET
21. AFFIDAVIT OF MAILING
22. SIGN POSTING
23. PHOTOS OF SIGN POSTING
24. STUART NEWS ADVERTISEMENT
civil Engineering Professionals
September 29, 2014
1543

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

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

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

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

Sincerely,

Karen Krumbholz


Project Coordinator
/kg
Enclosures
copy: Marcela Camblor - Marcela Camblor \& Associates, Inc.
Gary Simmons - $\quad$ Carefree RV Resorts, Inc.

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

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

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

Submittal Requirements: (1) Pre-application meeting with Town officials. (2) Complete application. (3) An initial deposit of $\$ 2,500^{*}$. (3) Proof of ownership. (4) Master PUD Site Plan(s), landscape plan, building elevations, etc. (site plan components attached).
*Applicant is responsible for all Town costs identified under Ordinance Number $\qquad$ copy attached.

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

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

# General Information 

(Please Print or Type)

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

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

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

| Name: |
| :--- |
| Title: |
| Company: Corporation Services Company |
| Company Address: 1201 Hayes Street |


| City/State/Zip Code: Tallahassee, FL 32301 |
| :--- |
| Telephone Number: 850-558-1.500 |
| Facsimile Number: 850-558-1515 |
| Email Address (optional): |

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

| Name: Colleen Edwards |
| :--- |
| Title: President |
| Company: NHC FL.143 LLC |
| Company Address: 6991 E Camelback Rd. Ste. B310 |


| City/State/Zip Code: Scottsdale, AZ 85251 |
| :--- |
| Telephone Number: 480-423-5700 |
| Facsimile Number: 480-423-5777 |
| Email Address (optional): |

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


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

State of Florida, Martin County The foregoing instrument was acknowledged before me on this $\qquad$ day of



## 4. Future Land Use Map

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


Figure 4.1
Future Land Use Map

## 5. ZONING MAP

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


Figure 5.1
Zoning Map

## f. Future Land Use Map - Adjacent Municipalities

Figure ©. 1 illustrates Martin County's Future Land Use


Figure 6.1
Future Land Use - Surrounding Municipalities

## Zoning - Surrounding Municipalities

Figure ${ }^{-} 1$ illustrates surrounding municipalities' zoning.


Figure 7.1
Zoning - Surrounding Municipalities

CAREFREE RESORT OCEAN BREEZE EAST PUD

## 8. General Site Data

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


CAREFREE RESORT OCEAN BREEZE EAST PUD

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




DOUG SMITH Commissioner, Distric! 1

ED FIELDING
Commissioner, District?

ANNE SCOTT Commissioner, District 3

SARAH HEARD Commlssioner, Districl 4

JOHN HADDOX Comenissioner, Districl 5

TARYA KRYZDA, GPM County Administrator

MIGHAEL D. DURHAH County Aftorney

# MARTIIN COUNTV <br> BOARD OF COUNTY COMMISSIONERS 

UTUTTTEES \& SOLID WASTE
DEPARTMENI
PO Box 9000 Stuart, FL 34995-9000
John E. Polley
Director
Phone (772) 221-1442
Fax (772) 221-1447

June 13, 2014

CAPTEC Engineering, Inc.
Karen Krumbholz
301. NW Flagler Avenue

Stuart, Florida 34994
RE: Catefree RV Resorts
Wastewater Service Availability
Dear Ms. Krumbholz:
This will confirm that Martin County Utilities will provide wastewater service to Carefree RV Resorts as described in your June 6, 2014 email correspondence. The property is located east of NE Indian River Drive and south of NE Jensen Beach Boulevard. The County will provide service subject to development plan approval, execution of a service agreement, and payment of appropriate fees and charges.

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

Sincerely,

Technical Services Administrator

TER/ht
c: File

TELEPHONE
772-289-5400


Florida Power \& Light Company 1050 STs Brandon Cir. Port St. Lucie Fil 34952
FPL

July 16, 2014
Gary Timmons
Carefree RV Resorts
3000 NE Indian River Dr.
Jensen Beach, Fl 34957

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

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

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

Early contact with FPL is essential so that resources may be scheduled to facilitate availability of service when required. If you have any questions, please call me at 772-3377011.


Customer Project Manager

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

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

If a timely petition challenging the Amendments was not filed within thirty (30) days after the local government adopted the Amendments, the Amendments become effective upon the posting of this Notice of Intent on the Department's Internet Website. If a timely petition was filed, the Amendments do not become effective until the Department or the Administration Commission enters a final order determining that the Amendments are in compliance.
-s-Ana Richmond, Chief Bureau of Community Planning
Division of Community Development
Department of Economic Opportunity
107 East Madison Street
Tallahassee, Florida 32399

## CAREFREE RESORT OCEAN BREEZE EAST PUD

## 13. Other Proposed (Waterfront) Development

## Community Pier

A fishing pier, emulating the historic Ocean Breeze Pier (identified as "A" in the Section 8-Phasing Diagram), shall be constructed provided that:
i) appropriate approvals from different governing agencies are secured; and,
ii) no dredging is required other than that necessary to build the structure itself.

The fishing pier will be for exclusive use by Ocean Breeze East residents, their visitors and authorized agents. Activities permitted in and around the pier may include:
a) fishing
b) canoe/board/kayak launching
c) temporary vessel docking (without dredging)
d) sightseeing
e) water-related recreational activities

## Ocean Breeze Island

A waterfront deck known as Ocean Breeze Island (identified as " $B$ " in the Section 8 - Phasing Diagram) shall be constructed over privately-owned submerged lands provided that:
i) the proposed deck location, design, size, proposed uses and extent are approved by the Town Council;
ii) appropriate approvals from different governing agencies are secured;
iii) no dredging is required other than that necessary to establish the structure itself; and,
iv) appropriate parking is provided.

Access to the Ocean Breeze Island is granted to residents of the Ocean Breeze East PUD and their visitors. General public shall have limited access to any commercial operation such as a market or cafe operating in the area. The OWNER will establish the conditions of this limited access at the time of site plan approval. Activities on the Ocean Breeze Island may include:
a) fishing
b) canoe/board/kayak launching
c) temporary private vessel docking
d) waterfiont cafe
e) retail (market)
f) special events for town residents (weddings, seasonal parties, etc.)

## Private Sundecks

Private sundecks for waterfront sites may be constructed provided that:
i) appropriate approvals from different governing agencies is secured; and,
ii) no dredging is required other than that necessary to establish the structure itself.

Private Sundeck activities permitted may include:
a) fishing
b) canoe/board/kayak launching
c) water-related recreational activities
d) vessel-docking provided no dredging is necessary

## CONCURRENCY - TRAFFIC STATEMENT

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

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

The daily, AM peak-hour and PM peak hour trip generation characteristics for this site were determined by applying the corresponding trip generation rates from the $8^{\text {th }}$ Edition of the Institute of Transportation Engineers (ITE) Trip Generation publication. The corresponding use for this site was located within Volume 2 of 3 for Land Use Category 240 - Mobile Home Park, which is described as follows:
"Mobile home parks generally consist of manufactured homes that are sited and installed on permanent foundation and typically have community facilities such as recreation rooms, swimming pools and laundry facilities. Many mobile home parks restrict occupancy to adults."

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

## Existing/Proposed Conditions:

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

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

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

## Summary - Proposed Ocean Breeze East PUD Carefree Resort

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


## Impact Fee Input

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

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

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

## Fire Department Input

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

## Road Abandonment Proposal

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

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

## Interconnectivity

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

## Martin County Property

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

PCN: 22-37-41-015-001-00010-9 Address: 3101 NE WEST END BLVD, JENSEN BEACH
PCN: 22-37-41-015-001-00010-9 Address: 3101 NE WEST END BLVD, JENSEN BEACH
Please note that the open space on Maple Street is within both Martin County and the Town of Ocean Breeze (p 17).

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

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

## Emergency Management Department Input

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

## Engineering-Stormwater

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

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

## Martin County Utilities Department

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

## Ocean Breeze Island

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

Figure 8.1, Phasing Diagram, identifies future development within the Indian River. Figure 9 and Figure 10 also provide detail as to the size of the future development. The Town of Ocean Breeze 2035 Comprehensive Plan makes no provision for the "Ocean Breeze Island" described below. While the adopted Future Land Use Map includes the area where the proposed deck would go, it is only shown as Submerged Lands. Chapter 1, Policy 9.1.A. describes the allowed uses in each future land use designation. Some 25,000 square feet of commercial development are permitted in the Mobile Home future land use. No commercial development is permitted in the Submerged Lands. Policy 9.1.F. describes the uses within the area designated as Submerged Land:
"...may allow less intensive waterfront uses such as fishing piers, public access platforms, daydock or longer docking facilities, designed to serve Town residents, at the Town's discretion under the terms of a planned unit development agreement. However, the Town shall prohibit . commercial marinas, including commercial anchorages."

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

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

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

## Conclusion

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

## Martin County Code Extracts

3.3.B. CGMP elements.

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

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

LDR Sec. 6.11. - Exemptions, credits, and deferrals.
6.11. A. Exemptions. The following shall be exempted from payment of impact fees;

1. Alteration, expansion or replacement of an existing residential building where no additional living units are created, where the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.
2. Alteration, remodeling or replacement of an existing nonresidential building or structure where the use is not changed and the square footage and/or parking is not increased.
3. The construction of accessory buildings or structures that do not create an addifional mmaci on aublir capital facilities or produce additional vehicular trips over and above that nroduced be the principal building or use of the land.
An exemption must be claimed by the fee paver prior to the issuance of a buidding permut Ans axemption not so clamed shall be deemed waived by the fee payer

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

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

Policy 3.10.1. Coordination with local governments on development applications. The county shall coordinate with its municipalities and each adjacent county to review all applications and approvals for rezoning and/or land use amendments that abut Martin County.

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

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

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

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

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

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

## Summary - Proposed Ocean Breeze East PUD Carefree Resort

- Project Area 44.35 acres
- Infill area-1.7.49 acres
* Eight phase development.
- Replacement of 585 mobile home units with 515 new and infill units;
- 45 RV lots;
- 9 common/civic buildings (21,400 s.f.)


## Impact Fee Input

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

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

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

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

## Fire Department Input

In addition to the individual meetings with County staff whereby access was addressed with the Town of Ocean Breeze representatives, please note the following:
i) The fire Department is anticipating a Knox Access; and

Staff advises the Town of Ocean Breeze that residential sprinkler protection is desirable for the development.
iii) Please ensure any corner lot configuration on the property is designed/regulated to so there are no encroachments and clearance is maintained for fire truck access.
iv) Please ensure it is clear that 'no on-street parking' is allowed in certain sections of the property where this may conflict with maintaining safe access for fire trucks.

## RESPONSE: Noted.

## Road Abandonment Proposal

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

## RESPONSE: Noted.

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

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

Ocean Breeze Drive will remain as a private roadway.
The Railroad Crossing was removed by FEC.

## Interconnectivity

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

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

Martin County Property

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

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

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

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

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

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

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

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

## Emergency Management Department Input

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

RESPONSE: Noted.

## Engineering - Stormwater

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

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

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

## Martin County Utilities Department

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

## RESPONSE: Agreed.

## Ocean Breeze Island

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

Figure 8.1, Phasing Diagram, identifies future development within the Indian River. Figure 9 and Figure 10 also provide detail as to the size of the future development. The Town of Ocean Breeze 2035 Comprehensive Plan makes no provision for the "Ocean Breeze Island" described below. While the adopted Future Land Use Map includes the area where the proposed deck would go, it is only shown as Submerged Lands. Chapter 1, Policy 9.1.A. describes the allowed uses in each future land use designation. Some 25,000 square feet of commercial development are permitted in the Mobile Home future land use. No commercial development is permitted in the Submerged Lands. Policy 9.1.F. describes the uses within the area designated as Submerged Land:
"...may allow less intensive waterfront uses such as fishing piers, public access platforms, daydock or longer docking facilities, designed to serve Town residents, at the Town's discretion under the terms of a planned unit development agreement. However, the Town shall prohibit commercial marinas, including commercial anchorages."

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

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

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

RESPONSE: Noted.

## Conclusion

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

## 33.B. CGMP elements.

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

Coastat Management Element. Coordination issues focus on redevelopment, conservation and hurricane evacuation. The Herbert Hoover Dike surrounding Lake Okeechobee, the quality of the water entering Lake Okeechobee and the effects of global warming on coastal areas are major concerns for Martin County. The County should coordinate with SFWMD, the Florida Department of Envronmental Profection (FDEP), U.S. Army Corps of Engineers and others to find solutions to address these issues.
L.DR Sec. 6.11. - Exemptions, credits, and deferrals.
5.11. A. Exemptions. The following shall be exempted from payment of impact fees:

1 Alteration, expansion or replacement of an existing residential building where no additional living units are created, where the use is not changed, and no additional vehicular trips will be produced over and above that produced by the existing use.
2. Alteration, remodeling or replacement of an existing nonresidential building or structure where the use is not changed and the square footage and/or parking is not increased.
3. The construction of accessory buildings or structures that do not create an additional impact on public capital facilities or produce additional vehicular trips over and above that produced by the principal building or use of the land.
An exemption must be claimed by the fee payer prior to the issuance of a building permit. Any exemption not so claimed shall be deemed waived by the fee payer.

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

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

Dolicy 3.10.1. Coordination with local governments on development applications. The County shall coordinate with its municipalities and each adjacent county to review all applications and approvals for rezoning and/or land use amendments that abut Martin County.

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## Memorandum

To: Dave Myers, Mayor, Town of Ocean Breeze


Re: Carefree PUO Application

We are advised by the City Attorney that Article 1.2, Planned Unit Development District, will not apply to the subject application. However, the PUD Application refers to proposed compliance with the Zoning and Land Development Code adopted $9 / 13 / 10$, so there is some inconsistency

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

## Utilities

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

## Solid Waste

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

## Irrigation

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

Tansportation

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

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

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

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

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

## Stormwater

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

## Miscellaneous

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

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

The PUD application indicates Total Allowable (residential) Units are 730 , and total proposed units are 515. The Master Plan shows 879 "lots" including infill areas. The Traffic 5tatement in the PUD application indicates 585 total residential units. We assume the Town's planner will sort out the actual number of units existing and proposed prior to PUD approval.

Aemorandum

To: Dave Myers, Mayo; Town of Ocean Breeze


Re: Carefree Pum Application

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

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

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

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

## Stormwater

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

## Miscellaneous

The Master Plan appears to remove the Town's existing meeting hall, but also appears to offer ino replacement. The PUD should require a public meeting place within the Town adequate in size and made available for Town use, clearly spelling out the arrangement proposed.

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

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

301 N.W. Flagler Avenue, Stuart, Florida 34994
772.692-4344 * Fax: 772.692.4341 * Email: caplecinfo@gocaptes.6om

January 8, 2014
1543

Mayor David Myers
Town of Ocean Breeze
1900 NE Riccou Terrace
Jensen Beach, Florida 34957
(772) 334-6826 Office Phone
townofoceanbreez@bellsouth.net
RE: Ocean Breeze, Jensen Beach Park Redevelopment
Carefree PUD Application - Response to Comments from Town Engineer
Dear Mayor Myers:
Referencing Carefree RV Resorts PUD application submittal, the following represents response to comments from Mr. Kevin Henderson, P.E., Town Engineer, dated December 16, 2014.

## UTILITIES - COMMENT 1:

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

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

## SOLID WASTE - COMMENT 1:

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

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

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

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

## TRANSPORTATION - COMMENT 1 :

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

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

## Fire Department Input

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

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

## TRANSPORTATION - COMMENT 2:

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

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

## TRANSPORTATION - COMMENT 3:

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

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

## TRANSPORTATION - COMMENT 4:

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

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

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

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

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

RESPONSE: Agree. Language agreement is in the process of being drafted.
MISCELLANEOUS - COMMENT 2: The PUD should also include hurricane shelter plans. The Town's Comprehensive Plan is obviously inadequate in supposing Martin County hurricane shelters can accommodate all Town residents, and now is the time to make a better plan.

RESPONSE: While several municipalities currently provide hurricane shelters for their residents, these are typically provided within school buildings. Martin County currently has nine
(9) Red Cross Hurricane Shelters that are located at public schools. The two closest Red Cross Hurricane Shelters are located at Jensen Beach High School and Felix Williams Elementary School. Both of these facilities are located approximately 3 to 3.5 miles from the Town. Both the County and the Town have expressed they do not have the ability or intent 10 staff a hurricane shelter within the Park.

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

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

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

Sincerely,


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

To: Town of Ocean Breeze; Terry O'Neil, Town Management Consultant
From: Marcela Camblor-Cutsaimanis, AICP, Town Planning Consultant
Date: December 30, 2014
RE: Appointment of Schoolboard member to Zoning Board

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

To: Town of Ocean Breeze; Terry O'Neil, Town Management Consultant
From: Marcela Camblor-Cutsaimanis, AICP, Town Planning Consultant
Date: December 30, 2014
RE: Communications with Martin County Sheriff

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

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

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

# 19. Notice to Surrounding Property Dwners 

```
Subject: Public Hearings Before:
    Town of Ocean Breeze Zoning Board
    Town of Ocean Breeze Town Council
Petitioner: NHCFL143 LLC
    Ocean Breeze-Carefree Community
Darcel ID H: 22-37-41-000-000-00700-0
Address of Property:
    3 0 0 0 \text { NE Indian River Drive Jensen Beach. Florida Beach, FL } 3 4 9 5 7
```

See Attached Location Map

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

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

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

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Ocean Breeze Town Office (address) If you have any questions regarding this notice, please feel free to call (772) 334-6826, M-F 9:30 A.M 12:00 Noon.
20.

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


| DEGROTTE STEPHEN G \& SANDRAL | 1702 E CARL TON RD |
| :---: | :---: |
|  | FREEPORT M1 49325-9730 |
| SCHOOL BOARD OF MARTIN COUNTY | 500 E OGEAN BLVD |
|  | STUART FL 34994-2224 |
| GASS REAL ESTATE HOLDINGS lllc | 2000 NE JENSEN BEACH BLVD |
|  | JENSEN BEACH FL. 34957 |
| MARTIN COINNTY | 2401 SE MONTEREY RD |
|  | STUART FL 34996 |
| GIRLINGHOUSE JUDGE DAVID | 1309 NE 29TH TER |
|  | JENSEN BEACH FL. 34957 |
| GIRLINGHOUSE JUDGE DAVID | 1309 NE 29TH TER |
|  | JENSEN BEACH FL 34957 |
| OCONNOR ENTERPRISES OF SOUTH FI. LLC | 305 NW EMILIA WAY |
|  | JENSEN BEACH FL 34957 |
| CJW JENSEN LLC | 2572 NE MILDRED ST |
|  | JENSEN BEACH FL 34957 |
| JENSEN BGH CHAMBER OF COMMERGE | POBOX 1536 |
|  | JENSEN BEACH FL 34958-1536 |
| VS JENSEN BEACH LLC | 260 E BROWN ST STE 250 |
|  | BIRMINGHAM MI 48009 |
| HAIRE CONSTANCE A | 2606 NE PALMETTO DR |
|  | JENSEN BEACH FL 34957-5241 |
| OBP WEST LLC | 5690 SW SUNSHINE FARMS WAY |
|  | PALM CITY FL 34990 |
| SLAFTER RALPHE (TR) | 3281 NE INDIAN RIVER DR |
|  | JENSEN BEACH FL 34957-4107 |
| CUSICK LAURENCEF (TR) CUSICK DIANA (TR) | 1912 NE OGEAN BLVD |
|  | STUART FL 34996 |
| SOUTHERN CONCEPTS HOLDINGS LLC | 2543 SE MORNINGSIDE BLVD |
|  | PORT ST LUCIE FL. 34952 |
| WACHOVIA BANK | POBOX 2609 |
|  | CARLSBAD CA 92018 |
| BRICK BLOCK LLC | 1899 NE JENSEN BEACH BLVD |
|  | JENSEN BEACH FL 34957 |
| VACOLOKA LLC | 1892 NE JENSEN BEACH BLVD A-1, JENSEN BEACH |
| PELLETIER DARLENE | 3181 NE PALMETTO DR B-5, JENSEN BEACH |
| MYERS BEVERLY | 3216 NE MAPLE AVE C-6, JENSEN BEACH |
| PERRIN DEAN \& MARGARET PERRIN NITA G | 3220 NE MAPLE AVE D-7, JENSEN BEACH |
| PERRIN DEAN \& MARGARET PERRIN MITA G | 3224 NE MAPLE AVE E-8, JENSEN BEACH |
| PERRIN DEAN MICHAEL. PERRIN MARGARET L | 3177 NE MAPLE AVE F-9, JENSEN BEACH |


| PERRIN DEAN MICHAEL PERRIN MARGAREI L | 3179 NE MAPLE AVE F-10, JENSEN BEACH |
| :--- | :--- |
| RIGGS DORIS A EHRHARDT ARTHUR R | 3210 NE MAPLE AVE G- I1, JENSEN BEACH |
| GERLEY VICTOR J GERLEY SUSANNA | 3190 NE MAPLE AVE G-12, JENSEN BEACH |
| HAWKSBILL LTD. | 3200 NE MAPLE AVE G-13, JENSEN BEACH |
| HAWKSBILL LTD. | 3180 NE MAPLE AVE G-14, JENSEN BEACH |
| RIGGS DORIS A EHRHARDT ARTHUR R | 3182 NE MAPLE AVE G-15, JENSEN BEACH |
| GERLEY VICTOR J GERLEY SUSANNA | 3192 NE MAPLE AVE G-16, JENSEN BEACH |

21. 

STATE OF FLORIDA
COUNTY OF NIARTIN

## AFFIDAVIT OF NOTIFICATION

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

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

who is
Marcela Camblor-Cutsaimanis
( ) personally known to me (4) who has produced $\qquad$ IL D as identification.

22.123.

Posted Signs
Posted 12/19:2014


Noithwest Entrance Location


Northeast Entrance Location


South Entrance Location


Main Entrance to Town Location



Bring a little fop to aloha child this holiday 30 man.

Drop off new, umwapned gifts in our lobby If on Monday Io trials between the hours of $8: 30$ am. and $5: 00 \mathrm{pm}$ loom now mat it December 19. Your gill may be for ages newborn to 18 pe ads

These gills will be wrapped and distributed to focal orphanages and needy children through the Missing Chatter Ales Program's "YOYS FOR KIDS" campaign.

With your help. every child will know the fay of the holiday seasoner and the groadvill of the.
Treasure Coast.


RESOLUTION NUMBER 223-2015


#### Abstract

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


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

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

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

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCL OF THE TOWN OF OCEAN BREEZE, FLORDDA that:

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

SECTION 2: This resolution shall take effect upon adoption.

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

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

Ann Kagdis, President

Kenneth DeAngeles, Vice President
Beatrice Millette, Council Member
Earlene Cairns, Council Member
Jerry Collins, Council Member Robert Bodie, Council Member

| YES | NO | ABSENT |
| :---: | :---: | :---: |
|  |  | $X$ |
| $X$ |  |  |
| $X$ |  |  |
| $X$ |  |  |
|  |  | $X$ |
|  | $X$ |  |

ADOPTED this $13^{\text {th }}$ day of August, 2015.

ATTEST:


PAM ORR
TOWN CLERK

REVIEWED AS TO FORM:
 PRESIDENT



GAREFREE RESORT
DCEAM GREEZE EAST PUD
MARTIN COUNTY FL
$\sqrt{-1} \mid \sqrt{-1}$
MAADTEN
cowno........
-


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

RESOLUTION NUMBER 234-2016


#### Abstract

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PLANNED UNIT DEVELOPMENT AGREEMENT, ADOPTED BY ORDINANCE NO. 220-2015, THEREBY ALLOWING FOR THE INSTALLATION OF TRAFFIC GATES AND OTHER MINOR TRAFFIC IMPROVEMENTS AT THE EAST AND WEST ENDS OF THE ABANDONED OCEAN BREEZE DRIVE RIGHT-OF-WAY, (AND OTHER ACCESS POINTS) AS WELL AS THE INSTALLATION OF ON-STREET PARKING SPACES ON THE ABANDONED RIGHT-OF-WAY; MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; PROVIDING A TIME TABLE FOR INSTALLATION OF SAID IMPROVEMENTS; PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND FOR OTHER PURPOSES


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

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

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

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

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

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

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

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

SECTION 4. All resolutions or parts of resolutions in conflict herewith shall be repealed.
SECTION 5: If any word, clause, sentence, paragraph, section or part thereof contained in this resolution is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this resolution.

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

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

Passed on first reading this $8^{\text {Th }}$ day of February, 2016.

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

ANN KAGDIS, PRESIDENT
KENNETH DE ANGELES, VICE-PRESIDENT JERRY COLLINS, COUNCIL MEMBER EARLENE CAIRNS, COUNCIL MEMBER ROBERT BODIE, COUNCIL MEMBER BEATRICE MILLETTE, COUNCIL MEMBER

| YES | NO | ABSENT | ABSTAIN |
| :---: | :--- | :--- | :--- |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |

Adopted this $8^{\text {th }}$ day of February, 2016.

ATTEST:


PAM ORR
TOWN CLERK

APPROVED AS TO FORM:
 TOWN ATTORNEY


COUNCIL PRESIDENT


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

WITNESSES:


$$
\begin{aligned}
& \text { NHC-FL143 LLD } \\
& \text { a Florida limited liability company, } \\
& \text { By: Colleen Edwards, } \\
& \text { Its President } \\
& \text { By: CaCleex } \\
& \text { Name:CoCGEN EDWARDS } \\
& \text { Title: PRGEBDENT }
\end{aligned}
$$

## OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 234-2015 was acknowledged before me this $10^{\text {y }}$ day of FEGRU保y , 2016, by Colleen Edwards, the President of NHC FL143 LLC.


Notary Public, State of Florida filizones My Commission Expires: 12 111 19 Notary Seal

Personally Known $\qquad$ OR Produced Identification $\qquad$
Type of Identification Produced $\qquad$


Exhibit A-2


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

RESOLUTION NUMBER 238-2016


#### Abstract

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


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

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

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

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

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

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

SECTION 1: A minor amendment to the Ocean Breeze East Planned Unit Development Agreement as previously amended is hereby approved to allow for:
a. three additional community mailbox locations within the infill area, as depicted in Exhibit " $A$ " attached, if home delivery is not allowed by the Post. Office.
b. a change in layout and quantity of guest parking locations as depicted in Exhibit " $A$ " attached,
c. the reconfiguration of two streets to reflect changes due to the implementation of parking and existing easements as depicted in Exhibit " A " attached,
d. the minor reconfiguration of the seawall as depicted in Exhibit " $A$ " attached,
e. the fixed location of entrance gateways as previously reviewed by the Town Council and as depicted in Exhibit " A " attached,
f. fireproofing retrofits, acceptable to the Town's Building Official, for a small number of existing storage sheds built closer than $5^{\prime}$ to adjoining structures, and providing that all future construction must adhere to the Florida Fire Prevention Section of the Florida Building Code as it pertains to separation of structures.
g. the addition of a dog area by the maintenance building, a gazebo on the north end of the property, minor curb corrections, identification of approved entrance features, shade structures over community mailbox areas (if home delivery is not allowed by the Post Office) and the location of entrance gates.
h. Applicant represents that, previously hereto, Applicant has voluntarily established a policy limiting annual increases for legacy residents to no more than $5 \%$. Applicant warrants that it shall promptly file an amendment of its prospectus required under Chapter 723 of the Florida Statutes, such that the prospectus shall confirm that annual rent increases for legacy residents shall never be permitted to exceed five percent (5\%) over and above the immediately preceding year. The term "legacy resident" shall refer to owners and renters of units ( $\mathrm{a} / \mathrm{k} / \mathrm{a}$ mobile homes), which units were located within the boundaries of
the property described in the PUD as of the date of its adoption, i.e., January 27, 2015, and which such units presently continue to remain on the said property on the date of adoption of this Resolution (hereinafter referred to as "legacy homes"). Nothing herein shall be deemed to prevent Applicant from establishing a First Right of Refusal with regard to any legacy home, provided such right complies with the requirements of Chapter 723 of the Florida Statutes, and provided that the time period for exercising such First Right of Refusal is reasonable. Applicant's failure to abide by the limitations set forth herein shall constitute a violation (or violations) of the PUD."

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

SECTION 3: Except as specifically modified herein, all terms and conditions of the said PUD as previously amended shall rernain in full force and effect.
SECTION 4. This resolution shall become effective immediately upon adoption.
SECTION 5 . This resolution shall be recorded in the public record of Martin County the cost
of which shall be paid by the applicant.

Adopted this $1^{\text {st }}$ day of August, 2016.

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

> ANN KAGDIS, PRESIDENT
> KENNETH DE ANGELES, VICE-PRESIDENT JERRY COLLINS, COUNCIL MEMBER EARLENE CAIRNS, COUNCIL MEMBER ROBERT BODIE, COUNCIL MEMBER BEATRICE MILLETTE, COUNCIL MEMBER

| YES | NO | ABSENT | ABSTAIN |
| :---: | :---: | :---: | :---: |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  | $X$ |  |
| $X$ |  |  |  |
| $X$ | $X$ |  |  |
| $X$ |  |  |  |

ATTEST:


APPROVED AS TO FORM:



## ACCEPTANCE AND AGREEMENT

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

## WITNESSES:



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

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

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

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

By:


## OWNERS ACKNOWLEDGMENT

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

## Personally Known $\times$ OR



STACEY ANN GREEN Notary Public, State of Michigan County of Oakland My Conmiseson Expires June 25, 2020 Acting Inti County of QaKJlanal

Type of Identification Produced $\qquad$

## OCEAN BREEZE EAST PUD Analysis of Findings

07.24.16

Re:

Marcela Camblor-Cutsaimanis, AICP MC\&A, Inc.

## Ocean Breeze East PUD Minor Amendment

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

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

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

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

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

## EXHIBIT "A"

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

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

$\left.\begin{array}{|c|l|l|l|l|l|}\hline \text { Issue\# } & \text { Location } & \text { Observed } & \text { PUD Plan } & \begin{array}{l}\text { Previous Board } \\ \text { Actions/Review }\end{array} & \begin{array}{l}\text { Applicant's } \\ \text { Action/Response }\end{array} \\ \hline 5 & \begin{array}{l}\text { Pedestrian } \\ \text { path from } \\ \text { NE Bay Dr. } \\ \text { to NE OB Dr. }\end{array} & \begin{array}{l}\text { No pedestrian } \\ \text { path marking } \\ \text { and missing one- } \\ \text { way signage at } \\ \text { NE Bay Street }\end{array} & \begin{array}{l}\text { Pedestrian } \\ \text { path and } \\ \text { one-way } \\ \text { street }\end{array} & \begin{array}{l}\text { Street was built. Path } \\ \text { will be marked. No } \\ \text { amendment } \\ \text { necessary. }\end{array} \\ \hline 6 & \begin{array}{l}\text { NE Ocean } \\ \text { Breeze Drive } \\ \text { \& NE Inclian } \\ \text { River Drive }\end{array} & \begin{array}{l}\text { No change from } \\ \text { original } \\ \text { condition }\end{array} & \begin{array}{l}\text { Sidewalk, } \\ \text { Crosswalk, \& } \\ \text { Median } \\ \text { islands }\end{array} & & \begin{array}{l}\text { Change was pending } \\ \text { Indian River Drive } \\ \text { agreement approval } \\ \text { and gating of Ocean } \\ \text { Breeze Dr. Median } \\ \text { islands will be }\end{array} \\ \text { removed since exit }\end{array}\right\}$

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


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


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


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



10795 SW Civic Lane • Port Saint Lucia • Florida - 34987
(772) 345-1948 - www.mackenzieengineeringinc.com

To: Town of Ocean Breeze
From: $\quad$ Shaun G. MacKenzie, P.E.
Date: July 8,2016
Re:
Ocean Breeze (082002)
Review of PUD Construction (As of July 7, 2016)


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

Table 1. PUD Inconsistencies

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

- (A) (AacKenzie

Engineering \& Planning, Inc.

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

Engincering \& Planning, Inc.

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

Engincering \& Planning, Inc.

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

Enginecring \& Planning, Inc.

Exhibit 1: PUD East Side Map


Engincering \& Planning, Inc.

Exhibit 2: PUD North Map


Engincering \& Planning. Inc.

Exhibit 3: PUD South Map


Enginecring \& Planning, Inc.

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

Table 2. PUD Master Plan Future Issues

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

Exhibit 4. PUD Master Plan Future Issues


## BEFORE THE TOWN COUNCIL OF THE TOWN OF <br> OCEAN BREEZE, FLORIDDA <br> ORDINANCE NUMBER 241-2016

an ordinance of the town council of the town of ocean BREEZE, FLORIDA PROVIDING FOR A MAJOR AMIENDMENT TO THE OCEAN breeze east planned unit development agreement, adopted by ORDINANCE NO. 220-2015, AND AMENDED BY RESOLUTIONS NO. 223-2015, NO. 234-2015 AND NO. 238-2016 THEREBY ALLOWING FOR CHANGES TO THE STREET NETWORK IN THE PROPOSED REDEVELOPMENT AREA, REDUCTION OF THE OVERALL DENSITY, EXPANSION OF AMENITY AREA, REMOVAL OF BUILDINGS IDENTIFIED AS ACTIVITY BUILDINGS, ALLOWING FOR UP TO 20,000SF OF COMIMERCIAL USE, IMPROVEMENTS TO EXISTING NEIGHBORHOODS, development of private docks, increase of fencing materials, ALLOWING ENTRANCE FEATURES AT MAIN GATE AREAS AND ALLOWING FOR THE OCEAN BREEZE ISLAND COMPONENT TO BE CONSIDERED BY MEANS OF A FUTURE MINOR PUD AMENDMENT; MORE FULLY DESCRIBED BY EXHIBITS "A" THROUGH" "G" ATTACHED; PROVIDING FOR POTENTIAL REVISIONS RELATED TO INDIAN RIVER DRIVE IMPROVEMENTS; PROVIDING FOR A SEVERABILITY CLAUSE, AND EFFECTIVE DATE AND FOR OTHER PURPOSES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1: A major amendment to the Ocean Breeze East Planned Unit Development Agreement as previously amended is hereby approved to allow for:
a. Improvement of existing north and east neighborhoods to include pocket parks, street lighting, pavement improvements and specify timetable of development for items not previously defined as outlined in Exhibits " $A$ ", " $B$ " and "D" attached;
b. amendment of the street network, street names and site numbers as depicted in Exhibit " $A$ " attached;
c. expansion of the Amenity Core and activities as depicted in Exhibit "A" attached;
d. elimination of buildings identified as "Activity Building" dispersed throughout the PUD as depicted in Exhibit " $A$ " attached;
e. reduction of the number of sites from 515 to 499 as depicted in Exhibit "A" attached;
f. rebuilding of a dock that was removed to allow for the reconstruction of the seawall and allowing for individual, private docks to be built adjacent to waterfront sites at the request and expense of each individual waterfront resident as depicted in Exhibit "A" attached;
g. increase of materials and height permitted for fencing along the FEC corridor to allow for sound walls to be erected if necessary as depicted in Exhibit " $F$ " attached;
h. up to 20,000sf of commercial uses consistent with the commercial guidelines as established in the PUD and depicted in Exhibit "F" "Commercial Standards", majorly outside the development's gates and will result in innovative design that will support and increase the Town's tax base and improve the health of the Indian River Lagoon;
i. amending the OBE PUD to allow approval of the Ocean Breeze Island by means of a future minor amendment to the OBE PUD with the understanding that approval of ultimate design and permitting by the Town Council and other Agencies will be necessary before proceeding with this proposed development as depicted in Exhibit "A" attached and that such minor amendment will not be pursued until completion of the Infill Phase as outlined in Exhibit " $G$ " attached; AND
j. allowing individual unit owners to install solar panels at their own expense provided that such panels are flat, roof mounted, not visible from the street, not overhanging the unit's roof and of a size not to exceed $20 \%$ of the total roof area of the unit.
k. allowing for such revisions to the OBE PUD as may be reasonably necessary to match and incorporate plans created, and field conditions to be set in place, if and when a presently anticipated project to make improvements to Indian River Drive proceeds. Such revisions shall become effective upon written approval by the Town's planning staff of an exhibit, or exhibits, regarding such revisions.
I. Use of lots for motorhomes to be discontinued: Except for the area shown on the Ocean Breeze East PUD Master Site Plan specifically designated to accommodate motorhomes, the placement of motorhomes or any other similar vehicles on land elsewhere on the Ocean Breeze East property shall permanently cease by January 2022. In the meantime, motorhomes or any other similar vehicles which are placed on lots within the northern and waterfront areas of the property, as shown by the map exhibit below, shall not be allowed for less than (90) ninety consecutive days.

SECTION 2. Applicant hereby ratifies and confirms all terms and conditions of the PUD as set forth in Ordinance Number 220-2015 and the minor amendments thereto set forth in Resolution Nos. 2232015, 234-2016 and 238-2016.

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

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

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

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

$$
\text { Adopted this } 12^{t h} \text { day of December }, 2016 \text {. }
$$

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

ANN KAGDIS, PRESIDENT
KENNETH DE ANGELES, VICE-PRESIDENT JERRY COLLINS, COUNCIL MEMBER EARLENE CAIRNS, COUNCIL MEMBER RONALD REILLY, COUNCIL MEMBER BEATRICE MILLETTE, COUNCIL MEMBER

| YES | NO | ABSENT | ABSTAIN |
| :---: | :---: | :---: | :---: |
| $X$ |  |  |  |
| $X$ |  |  |  |
|  |  | $X$ |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |

## ATTEST:

APPROVED AS TO FORM:

 COUNCIL PRESIDENT


## ACCEPTANCE AND AGREEMENT

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

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

WITNESSES: NHC-FL143, LLC,
a Delaware limited liability company


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


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

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

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



## EXHIBIT B - DEVELOPMENT CONDITIONS

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

## Development and Construction

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

## Development Timetable

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

| Phase | DESCRIPTION | EXECUTION DATE |
| :---: | :---: | :---: |
| 1 | Certificates of occupancy for development outlined as Phase 1 in Master Site Plan shall be obtained within $30 \underline{36}$ months of approval of the OBEPUD. Construction for area outlined as Phase 1 in the Master Site Plan shall include up to 96 Civic/ Community buildings (including administrative building, community building, spa/fitness building washrooms, pool and pool amenities) and their corresponding parking as outlined in Exhibit C of the Master Site Plan, as well as infrastructure to support 119 45 new residential units and 4544 RV lots. | 3036 months from date of approval of ordinance 225-2015 <br> (NOTE: Maintenance building and <br> administrative building are complete. <br> Infrastructure for 44 RV lots is complete. Infrastructure for Phase 1 and all sites supported in this area is complete. |


| $\underline{2}$ | Construction for Area outlined as-Phase - Redevelopment Phase in Exhibit C of the Master Site Plan including infrastructure to support all proposed residential units in the redevelopment area and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of the OBEPUD be completed within 14 months of approval of this ordinance. | On or before January 31st, 202214 months of approval of this ordinance |
| :---: | :---: | :---: |
| 3 | Gonstruction for Area outlined as Phase 3 in the Master Site Plan including: infrastructure to support 20 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUB | On or before Jantuary $31^{\text {se }}, 2022$ |
| 4 | Construction for Area outlined as Phase 4 in the Master Site Plan including: infrastructure to support 29 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD | On or before January $31^{\mathrm{se},}, 2022$ |
| 5 | Construction for Area outlined as Phase 5 in the Master Site Plan including: infrastructure to support 21 residential units and the corresponding parking as outlined in the master site plan shall commence within 84 months of approval of Ocean Breeze PUD | On or before January $31^{\mathrm{st}}, 2022$ |
| $\underline{6}$ | Gonstruction for Area outlined as Phase 6 in the Master Site Plan including: infrastructure to support 26 residential units and the corresponding parking as outlined in the master site plan-shall commence within 84 months of approval of Ocean Breeze PUD | On or before January 31st, 2022 |


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


| Infill Improvements | Road Resurfacing throughout infill area. | On or before <br> December 31st, 2017. <br> To be done in conjunction with new road infrastructure. |
| :---: | :---: | :---: |
| Infill Improvements | Gates, including decorative gate/entrance features consistent with the character of those currently erected at the Town's entrance | Permit set to be submitted within 60 days of approval of this ordinance. Installation initiated upon permit approval by the Town. |
| 7 | Ocean Breeze Island | Minor Amendment to define details not tote be pursuedupon until completion of Phase 4 Infill Phase Improvements. |
| 8 | Pending Code-Related Issues | Under way. To be completed and/or under way on or before $2^{\text {nd }}$ hearing of this ordinance. |

## Upgrades

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

## Demolition and Major Landscaping

27. Prior to demolishing any existing structure or major landscaping removal the owner will appropriately fumigate and/or contain the site to prevent potential dispersing of bees, insects, rodents etc.
POOL / COMMUNTTY
HALL CAMEE
LAUNDRY/BATH HOUSE
GUEST PARKING AS
AVAILABLE
Waterfront dock

ACcessible
ToIn:

## AY TRAFFIC DIRECTION (14 MIN. TRAVEL WAY) AY TRAFFIC DIRECTION (I8' MIN. TRAVEL WAY) IRIING SPACES ILF CART PARKING SPACES JNITY MAIL BOX JMBER IZED GRASS PARKING AREA <br>  <br>  <br>  <br>  <br> 

AY TRAFFIC DIRECTION（14 MIN．TRAVEL WAY）
＇AY TRAFFIC DREETION（18 MIN．TRAVEL WAY）
YRKING SPACES
OLF CART PARKING SPACES
SNIY MAIL BOX
IJBER
IZED GRASS PARKING AREA


## 7. Fences, Walls and Hedges

Table 7.1 outlines fence, wall and hedge requirements.

| Table 7.1 <br> Fence, Wall and Hedge Requirements <br> Fence, Wall and Hedge Type |  |
| :--- | :--- |
| Front | 3ft. to 4ft picket fence or <br> hedge |
| Side | no fence |



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


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


Figure 7.4
Sound-Barrier Wall
Character example

## EXHIBIT F SUN COMIMUNITIES OCEAN BREEZE EAST PUD

## 6. Comimercial Standards

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

| Table 6.1Commercial Requirements |  |  |
| :---: | :---: | :---: |
| Lot Size |  |  |
| Lot Width |  | n/a |
| Lot Area |  | n/a |
| Building Placement |  |  |
| A | Front Setback | $0 \mathrm{ft} . \min -25 \mathrm{ft}$. max |
| B | Side Building Separation ${ }^{1}$ | 10 ft . combined min. |
| C | Rear Building Separation ${ }^{1}$ | 10 ft . combined min. |
| Building Height |  |  |
| Max. Building Height |  | 1 story |
| Parking |  |  |
| Min. Parking Required |  | 2/1000 |
| 1.Commercial buildings shall be consistent in scale and character with the Florida Vernacular style and that of the community as a whole. <br> 2. Outdoor activities such as outdoor seating and an outdoor marketplace may be provided with approval from the Town. <br> 3. An open-air market may be developed as part of the Ocean Breeze Island with approval from the Town. <br> 4. Parking requirements for all commercial uses shall be calculated based on bullding area only. |  |  |



Figures 6.1, 6.2 \& 6.3
Character examples



## RESOLUTION NUMBER 291-2019


#### Abstract

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


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

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

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

SECTION 1: The following minor amendments to the Ocean Breeze East Planned Unit Development Agreement, as previously amended, are hereby approved as follows:
a. The installation of an approximately $12^{\prime} \times 30^{\prime}$ canoe/kayak launch, as shown on Exhibit " $A$ ".
b. The installation of an approximately $10^{\prime} \times 10^{\prime}$ roof structure over a portion of the community pier, as shown on Exhibit " A ".
c. Temporary promotional signage. Notwithstanding any Town ordinances to the contrary, the applicant shall be permitted to display up to (6) six temporary, feather signs, not to exceed $14^{\prime}$ in height and $3^{\prime}$ in width, within 150 ' north and south of the resort's main office building fronting Indian River Drive. These signs shall be limited to the applicant's private property on the west side of Indian River Drive and shall not, in any wav, obstruct a motorist's view of traffic. Use of one or more of these signs, for up to 7 consecutive days, shall be permitted during daylight hours and shall constitute a single "display event". A display event shall be permitted up to (12) twelve times per calendar year upon prior written notice of the displav event's starting date and duration to the Town Clerk. Other temporary signage, that is signage which does not require a building permit, that is either inside a structure's window or not visible from a public right-ofway, shall be permitted, provided said signage shall not pose a threat to public safety.
d. New and existing one-way traffic patterns, as shown on Exhibit " $A$ ".
e. Revised entrance features, as shown on Exhibit " $A$ ".
f. Lighting standards, prescribed by Ordinance No. 220-2015, are hereby amended as shown on Exhibit "B" attached. Further, the applicant shall, with approval of the Town's engineering representative as to design and safety, amend its site construction permit and plan to include lighting features within 30 days of the date of this resolution's approval. Moreover, the applicant shall install and perpetually maintain all lighting shown on said lighting plan within 75 days of this resolution's approval. Changes to the final lighting plan shall require site construction permit amendment.
g. Street names. The master site plan is hereby amended to shown street names as currently existing, as shown on Exhibit " $A$ ".
h. Provision of dimensions and ground materials to be used for the upland beach area's "Tiki Hut", as shown on Exhibit "A".
i. Reconfiguration of parking spaces adjacent to the resort's main office building fronting Indian River Drive, as shown on Exhibit "A".
j. The reconfiguration of parking spaces in the north area of the resort, west of Indian River Drive, as shown on Exhibit " $A$ ".
k. Additional dog park. The master site is herebv amended to reflect an additional, existing dog park in the resort's southern node, as shown on Exhibit " A ".
I. Mailbox pavilions/kiosks. The master site is hereby amended to reflect several existing mailbox pavilions and kiosks, as shown on Exhibit " $A$ ".
$m$. Recreation area. The master site is hereby amended to reflect the existing, as-built configuration of the resort's central recreation facilities.

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

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

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

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

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

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

KEN DE ANGELES, PRESIDENT
ANN KAGDIS, VICE-PRESIDENT
TERRY LOCATUS, COUNCIL MEMBER
RICHARD GEROLD, COUNCIL MEMBER
DAVID WAGNER, COUNCIL MEMBER
KEVIN DOCHERTY, COUNCIL MEMBER

| YES | NO | ABSENT | ABSTAIN |
| :---: | :--- | :--- | :--- |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |
| $X$ |  |  |  |

Adopted this $8^{\text {th }}$ day of July, 2019.

ATTEST:


TOWN CLERK

APPROVED AS TO FORM:
 TOWN ATTORNEY


## ACCEPTANCE AND AGREEMENT

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

## WITNESSES:



Print Name:


NFC FL143 LLD
a Florida limited liability company, By: John Mclaren,


Title: $\qquad$

## OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 291-2019 was acknowledged before me this $24^{12}$ day of duly, 2019, by John McLaren, the President of NHC FL143 LLD.

Personally Known
 Notary Public, State offlorida My Commission Expires: Notary Seal

OR Produced Identification $\qquad$ Type of Identification Produced

SARA HERR
Notary Public, State of Michigan County of Oakland My Commission Expires Dec 29, 20230 Acting in the County of (lalpicucl



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


Figure 9.1


Figure 9.2


Figure 9.3


Figure 9.4

Martin County, FL

RESOLUTION NO. 303-2020


#### Abstract

RESOLUTION NO. 303-2020, PROVIDING FOR A MINOR AMENDMENT TO THE OCEAN BREEZE EAST PUD AGREEMENT ADOPTED BY ORDINANCE NO. 220-2015 AND AMENDED BY RESOLUTION NUMBERS 223-2015, 234-2016 AND 238-2016 AND BY ORDINANCE NO. 241-2016 AND BY RESOLUTION NO. 291-2019; THEREBY APPROVING MINOR CHANGES TO THE PROJECT'S REVISED MASTER SITE PLAN TO PERMIT THE RECONFIGURATION OF RESIDENTIAL DOCKS ALONG THE INDIAN RIVER LAGOON, INCLUDING CONDITIONS FOR THEIR USE; DECLARING SAID CHANGES TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING PENALTIES FOR PUD VIOLATIONS; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.


WHEREAS, on January 27, 2015, the Town of Ocean Breeze, Florida (hereinafter referred to as the "Town") adopted Ordinance No. 251-2015, thereby approving the Ocean Breeze East Planned Unit Development (PUD) Agreement, which Ordinance and its several amendments are recorded in the Official Records of Martin County, Florida; and

WHEREAS, NHC FL143 LLC, a Florida Limited Liability Company, (hereinafter referenced as "OWNER") the property governed by Ordinance No. 220-2015 and its amendments, has applied for a minor PUD amendment to permit the reconfiguration of several residential docks fronting the Indian River Lagoon, as depicted by Exhibit " A " attached hereto; and

WHEREAS, it is understood that the Florida Department of Environmental Protection ("FDEP") also has jurisdiction to determine the actual minimum lengths and locations of the docks as the same extend over lands submerged beneath mean high water; and

WHEREAS, the Town Council wishes to make reasonable adjustments to the configuration of said docks in order that they may fully comply with environmental regulations established by FDEP; and

WHEREAS, FDEP may require that the said docks be made to extend eastward of a line shown in the PUD revised master site plan in order to reach the depth of water required; and

WHEREAS, it appears unlikely that DEP shall require any such docks to exceed a length of 30 feet, and in no event more than 35 feet; and

WHEREAS, as a condition of this minor amendment, the OWNER has agreed to abide by the conditions stated hereinbelow; and

WHEREAS, on July 13, 2020, the Town Council held a properly noticed quasi-judicial public hearing to consider the OWNER'S application, recommendations made by Town Staff, as well as comments by the Public; and

WHEREAS, the OWNER has committed to the Town that its development will comply with all development codes, plans, standards and conditions approved by the Town Council; and that it will bind its successors in title to any such commitments made upon approval of the revised plans; and

WHEREAS, at the hearing, the OWNER's representatives showed by substantial competent evidence that the application is consistent with the Town of Ocean Breeze Comprehensive Plan and Land Development Code, and the procedural requirements of law; and

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

## NOW, THEREFORE, THE OCEAN BREEZE TOWN COUNCIL HEREBY RESOLVES:

SECTION 1. Provided the OWNER abides by conditions set forth below, the docks and marginal piers referenced in the PUD, as attached to units, may be reconfigured in accordance with the diagram attached hereto as Exhibit "A."
a. Owner shall be responsible for designating and confirming the location of any dock or marginal pier to be constructed per Exhibit " $A$ " attached hereto. All such docks and marginal piers shall be leased to the unit to which they are attached as shown on the said exhibit. In any event, Owner shall be the arbiter of disputes between tenants regarding such location and tenant disputes regarding any other matters related to the use of docks and marginal piers, or the feasibility of constructing the same.
b. In the event Owner gives a tenant the right to make application to construct a dock or marginal pier, Owner must provide Town with written proof that Owner has approved said tenant's application for such permit, either by joining in the application, or executing a consent in form and content satisfactory to the Town.
c. Prior to the issuance by the Town of a permit for construction of a dock or marginal pier, Owner and its applying tenant shall provide the Town with sufficient proof of the dimensions required by the Florida Department of Environmental Protection (FDEP), and thereafter Owner shall be responsible for making sure that Owner's tenant constructs the dock or marginal pier in accordance with such dimensions and all other conditions as may be imposed by FDEP (and other governmental entities having marine jurisdiction, if any).
d. In no event shall any dock be permitted to exceed a length of 35 feet, unless and until Sun Communities shall first obtain a minor amendment to the Ocean Breeze East PUD.
e. No dock or marginal pier shall be used for any commercial purposes whatsoever.
f. No dock or marginal pier shall be leased to or used by anyone other than the tenant or subtenant approved by Owner, to whose unit the dock or marginal pier is attached as depicted on Exhibit "A," and their family and temporary guests. No dock or marginal pier, or any portion thereof, may be leased or subleased or licensed to anyone other than occupants (authorized by Owner) residing in the unit to which the same is attached as depicted on Exhibit " A ".
g. Upon application for permit by Owner or Owner's approved tenant, Owner and said tenant shall agree to indemnify and hold the Town harmless from and against any and all claims, damages and other liabilities of any kind whatsoever related to the dock or marginal pier, said indemnity and hold harmless agreement to be in such form and content as the Town shall provide with the permit application.
h. Upon transfer of a unit to which a dock or marginal pier is attached, it shall be the responsibility of Owner to make sure that Owner's new tenant is in compliance with any documentation related to such transfer as may be required by the FDEP and other governmental agencies having jurisdiction.
i. At all times, Owner and Owner's tenants whose units include a dock or a marginal pier, jointly and severally, shall comply with this Resolution 303-2020, the PUD and other laws of the Town and with all applicable federal and state laws and rules and regulations, and all conditions imposed by FDEP and/or other federal, state or local governmental agencies having jurisdiction over the permitting of the dock or marginal pier.
j. In the event the Town learns that any tenant or other occupant of a unit to which a dock or marginal pier is attached is in violation of the conditions set forth herein, the Town shall notify Owner thereof, and Owner shall be provided with reasonable time to bring such tenant or other occupant into compliance.
k. It is the Owner's responsibility to achieve compliance by any tenant or other occupant with the terms of this Resolution 303-2020. The Town shall notice Owner for a due process hearing on one or more violations of conditions set forth herein, prior to imposing a fine or penalty against the Owner. The Town shall have the power to impose fines of up to $\$ 100.00$ per day for the violations of conditions set forth herein, if not corrected after notice and a reasonable time for Owner to bring such tenant or other occupant into compliance. The Town shall otherwise have any and all other remedies available under this Resolution and the PUD, in addition to all remedies as may otherwise be available under Florida law.

1. The terms hereof shall be binding upon Owner and its successors and assigns (including tenants).

SECTION 2. Town ordinances and Town resolutions or parts thereof, and other parts of the Zoning and Land Development Code of the Town of Ocean Breeze in conflict with this resolution are hereby superseded to the extent of such conflict.

SECTION 3. If any provision of this resoluion or the application thereof to any person or circumstance is held to be unconstitutional, invalid or ineffective, this holding shall not affect the remaining portions of this ordinance. If this resolution or any provision thereof shall be held to be inapplicable to any person, property, or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 4. The PUD is hereby amended as set forth above, and all of the terms and conditions of Ordinance No. 220-2015, as amended by Resolution Numbers 223-2015, 234-2016 and 238-2016 and Ordinance No. 241-2016, and by Resolution No. 291-2019, that are not specifically amended or revised by this Amendment are hereby ratified and affirmed and shall remain in full force and effect as stated therein.

SECTION 5. This resolution shall become effective immediately upon adoption by the Town Council and acceptance by the OWNER.

SECTION 6. The complete execution and recording of this resolution by the Town Clerk, which shall be paid for by the OWNER, shall occur no later than sixty (60) days from the date of this approval, failing which this resolution shall become void.

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

APPROVED AND ADOPTED this $10^{\text {TH }}$ day of August, 2020.

Council Member Gerold motion was seconded by Council Member offered the foregoing resolution and moved approval. The vote was as follows:

KENNETH J. DE ANGELES, PRESIDENT RICHARD GEROLD, VICE-PRESIDENT KEVIN DOCHERTY, COUNCIL MEMBER BILL ARNOLD, COUNCIL MEMBER TERRY LOCATIS, COUNCIL MEMBER
DAVID WAGNER, COUNCIL MEMBER

| YES | NO | ABSENT |
| :---: | :---: | :---: |
| $X$ |  |  |
| $X$ |  |  |
| $X$ |  |  |
| $X$ |  |  |
|  |  | $X$ |
| $X$ |  |  |



APPROVED AS TO FORM:


ATTEST:


## ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO COMPLY WITH THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 OF THIS RESOLUTION NUMBER 303-2020 AND THEIR CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, AS AMENDED IN THIS RESOLUTION, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE TOWN, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, AND IN THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 4 HEREOF, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

## WITNESSES:



Print Name: $\angle M B E R C Y C, D O T S C N$

NHC-FL143, LLD, a Delaware limited liability company

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

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

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

By:
John McLaren, President \& Chief Operating Officer

## OWNERS ACKNOWLEDGMENT

state of Michigan
COUNTY OF Dakland
The foregoing instrument (Acceptance and Agreement of Resolution 303-2020) was acknowledged before me by means of \&physical presence or $\square$ online notarization this 15 day of September 2020, by John McLaren as President and Chief Operating Officer Carefree Communities, Inc. a Delaware corporation, Sole Member of National RV Communities, LLC, a Delaware limited liability company, Sole Member of NRVC-Holding Co., LLC, a Delaware limited liability company, Sole Member of NHC FL143, LLC, a Delaware limited liability company (PLEASE CHECK ONE OF THE FOLLOWING) X/ who is personally known to me or [ ] who has produced $\qquad$ (TYPE OF IDENTIFICATION) as identification.


Print Name
Notary Public State of Florida Michigan Commission No. My Commission Expires:

STACEY ANN GREEN Notary Public, State of Michigan County of Oaldand y Commission Epteres Juan 25, 2027 Acting in the County of OaKland


