

**TOWN OF OCEAN BREEZE  
REGULAR TOWN COUNCIL MEETING  
AGENDA**

August 9, 2021, 10:30 am  
Ocean Breeze Resort Clubhouse Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

***PLEASE TURN OFF CELL PHONES –  
SPEAK DIRECTLY INTO MICROPHONE***

**1. Call to Order, President De Angeles**

- Pledge of Allegiance
- Roll Call

**2. Approval of Minutes** – Regular Meeting, Monday, July 12, 2021  
(Motion, second, public comments, all in favor)

**3. QUASI JUDICIAL HEARING: RESOLUTION NUMBER 314-2021 –  
A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING  
ORDINANCE NO. 170, ORDINANCE NO. 251-2017, ORDINANCE NO. 274-2017,  
RESOLUTION NO. 277-2018 AND RESOLUTION NO. 293-2019, TOGETHER  
COMPRISING THE OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT (PUD)  
AGREEMENT, HEREBY DELETING LANGUAGE IN DEVELOPMENT CONDITION K  
(5) REQUIRING THE VOLUNTARILY DONATION OF PARCEL “A” TO THE TOWN;  
APPROVING MINOR CHANGES TO THE PROJECT’S MASTER SITE PLAN, PHASING  
PLAN AND LANDSCAPE PLAN, AS WELL AS NEW DEVELOPMENT CONDITIONS  
ALLOWING FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON PARCEL  
“A”; REQUIRING THAT DEVELOPMENT WITHIN THE OCEAN BREEZE WEST PUD  
ADHERE TO MARTIN COUNTY WATER USE STANDARDS; DECLARING SAID  
AMENDMENTS TO BE CONSISTENT WITH THE TOWN’S COMPREHENSIVE PLAN;  
PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE;  
PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

(Motion, second, public comments, roll call)

Morris Crady of Lucido & Associates representing the applicant

**4. Request Authorization for Mayor to sign a Consultant and Training Services Contract  
with Kim Stanton for consulting and training services in the area of bookkeeping, elections  
preparation, budget preparation, etc. as well as digitizing services.**

**5. Comments from the public on topics not on the agenda**

**6. Comments from the Council on topics not on the agenda**

**7. Comments from Town Management Consultant Terry O’Neil**

**8. Comments from Mayor Ostrand**

**9. Announcements** – Meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, FL

- Regular Town Council Meeting – Monday, September 13, 2021,
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 15, 2021 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 22, 2021 at 5:01 pm

**10. Adjourn** (Motion, second, all in favor)

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, July 12, 2021, 10:30 a.m.  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

**1. Call to Order** – President De Angeles called the meeting to order at 10:30 a.m.

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Present: Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members, Kevin Docherty, Terry Locatis and David Wagner  
Absent: Council Member Bill Arnold
- Staff Present – Town Management Consultant, Terry O'Neil; Town Attorney, Rick Crary, Town Clerk, Pam Orr; and Bookkeeper/Clerical Assistant, Kim Stanton

**2. Approval of Minutes** – Council Member Wagner, seconded by Council Member Docherty, made a Motion to approve the Minutes of the June 14, 2021 regular meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Docherty, Locatis & Wagner; No: None; Motion Passed - 5 - 0

**3. Discussion of Home Rule Powers and 2021 Legislative Update** – President De Angeles stated that Representative Overdorf's office called to advise that he would be approximately an hour late. The Council decided to reschedule for a future meeting.

**4. Home Rule Hero Award Presentation to Mayor Ostrand by Jolien Caraballo, President Treasure Coast Regional League of Cities and Second VP Florida League of Cities**

President De Angeles introduced Jolien Caraballo, President Treasure Coast Regional League of Cities and Second VP of the Florida League of Cities. Ms. Caraballo presented Mayor Ostrand the Home Rule Hero Award.

**5. November 2021 Town Council Elections Proclamation** – Town Clerk, Pam Orr, read into record the November 2021 Town Council Elections Proclamation.

President De Angeles asked for public comments.

There were none.

Roll Call Vote: Yes: De Angeles, Wagner, Gerold, Locatis Docherty; No: None; Motion Passed: 5 – 0

**6. Approval of dates for public hearings for Budget/Millage Adoption to be held at Ocean Breeze Resort Clubhouse Pineapple Bay Room:**

President De Angeles read in to the record the tentative meeting dates and times:

- Budget Workshop and Setting of Tentative Millage Rate, Tuesday, July 20, 2021 at 5:01 pm
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 15, 2021 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 22, 2021 at 5:01 pm

Council Member Wagner, seconded by Council Member Docherty, made a motion to approve the dates of the three public hearings as presented.

President De Angeles asked for public comments.

There were none.

Roll Call Vote: Yes: Locatis, Wagner, Gerold, De Angeles, Docherty; No: None; Motion Passed: 5 – 0

**7. Comments from the Council on topics not on the Agenda** - There were none.

**8. Comments from the Council on topics not on the Agenda** – Council Member Wagner thanked Town Management Consultant, Terry O’Neil and Town Clerk, Pam Orr for their hard work and efforts with FPL for the lighting and safety issues on West End Blvd.

**9. Comments from Town Management Consultant, Terry O’Neil** – Mr. O’Neil provided an update on the lawsuit in which the Town was named stating that the Town had received notice that the Plaintiff, Mr. Brown, had filed a Notice of Voluntarily Dismissal removing the Town from the suit. Mr. O’Neil added that the Town might have to respond to subpoenas or give testimony.

Council Member Wagner asked Town Attorney, Rick Crary, if the Town could assume that the FEC was claiming ownership of the guardrail.

Discussion ensued regarding the guardrail.

Council Member Wagner stated that it had been an ongoing question as to who was responsible for the guardrail.

Mr. Crary stated he was not familiar with the details.

Mr. O’Neil commented that there hadn’t been much of a response until recently and that the Railroad had gone onto the property and installed water barricades. He continued that they had responded to emails and had indicated that this is a temporary measure and they are looking for a long-term solution. He indicated that he felt that this was a good indication that they recognized it as their barricade.

Mr. Crary stated that outside of his representation here, as a Real Estate Attorney, he never relied on status of title without reviewing all documentation. He added that he vaguely recalled looking into a crosswalk area. It was his recollection that it was established at that time that FEC owned all of it, but he would have to see all the documentation before making a determination, however, it sounded if they were taking ownership.

Vice President Gerald asked about doing a follow up and asked if the Railroad was planning on coming to a meeting in the future. He suggested that the Town follow up every 4 to 5 months stating that the guardrail needed to be addressed at their cost.

Mr. O’Neil stated that the last correspondence staff sent was to thank them for putting up the water barricades, but that it was not the solution and that the barricade needed to be moved. He added that this was the last correspondence as of Friday, and the Town would continue to press the issue.

Mr. O’Neil added that if it was not the railroad then it would be Martin County because it was their right-of-way.

Vice President Gerald asked if this would be resolved when they started to work on the tracks, because they would have to do a survey.

O'Neil remarked that it did not mean the Railroad would address it, unless it is included in the work they were doing. He added that they would stay on top of the Railroad and make sure that they were aware that the guardrail was not safe and needed to be moved.

Council Member Wagner spoke about Sun's possible ownership.

Mr. O'Neil responded that the Property Appraiser's map showed it was not Sun's property.

**10. Comments from Mayor Ostrand** – Mayor Ostrand stated she would like the election information and the Millage Hearing information placed on one flyer and mailed to the residents that are here year round. She felt that these are very important issues and should be mailed to all citizens. As a Town, she felt that it was important that residents know where to go for elections and where they may register. She stated that the Town had 60 – 70 new homes in Seawalk, and was concerned that these new residents would not see the posted flyer unless they are going to the pool or the office, and added that she wanted to be sure to involve the new citizens of the Town.

Mr. O'Neil talked about sending out a courtesy document, but reminded the Council that it is not an official notice, but an informational notice. He continued that every address would receive a mailing regarding the upcoming election and Budget Hearing dates, but he stressed this mailing did not serve as an official notice.

Mayor Ostrand suggested that there be a workshop on the charter and wanted to invite the new residents. She stated that she thought the meeting time should be changed.

She remarked that last Wednesday was the West End Blvd. meeting, the future plans of Jensen Beach and provided a history of the last 20 years of what was to be accomplished. She continued that they discussed Maple Street, the railroad crossing and she provided the CRA with the Town's plan which was trying to make it safer for the Town's citizens.

**11. Announcements** – President De Angeles announced the next regular Town Council meeting to be held on Monday, August 9, 2021 at 10:30 am at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

**12. Adjourn** – Council Member Docherty, seconded by Council Member Locatis, made a motion to adjourn the meeting.

Respectfully Submitted,

Pam Orr  
Town Clerk

Minutes approved: \_\_\_\_\_

## MEMORANDUM

**To:** Town Council and Mayor

**From:** Terry O'Neil, Town Management Consultant

**CC:** Rick Crary, Town Attorney  
Pam Orr, Town Clerk

**Date:** August 2, 2021

**Re:** Proposed amendments to the Ocean Breeze West PUD Agreement to allow for the construction of a single-family home on Parcel "A".

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As the Council will recall, the Ocean Breeze West PUD Agreement calls for the developer to voluntarily donate to the Town an approximately 17, 000 sq. ft. vacant lot fronting South Street known as Parcel "A". Specifically, condition K. 5. states:

*Parcel "A" as shown on the revised master/final site plan shall be voluntarily donated to the Town by the OWNER prior to or in conjunction with the recordation of the plat. Said donation shall be subject to the Town's acceptance. Approval for development of Parcel "A" as a Town office or single-family home shall require a minor amendment to this ordinance, including posting the site, mailed notice to property owners within 300 feet and at least one public hearing before the Town Council. Authorization for the Town to apply for and process said minor amendment is hereby deemed to be granted by the OWNER and the HOA. In no instance shall the Town, or any owner of Parcel "A", be a member of the HOA or be subject to its provisions or covenants. Owner shall provide stub-out of water and sewer connections to the site.*

In November 2020, the council decided not to accept the lot, thus clearing the way for the developer to seek a PUD amendment extinguishing the voluntary donation provisions and establishing development standards so that Parcel "A" can be marketed for the construction of a single-family home.

#### FEATURES OF THE AMENDMENT APPLICATION

The applicant, Forestar USA Real Estate Group, Inc., proposes the following amendments:

1. Delete the voluntary donation provisions from condition K.5. (See draft Resolution No. 314-2021, Section 2.).
2. Delete the "Owner shall provide stub-out of water and sewer" provision from condition K.5. (See draft Resolution No. 314-2021, Section 2.).
3. Delete references to the donation of Parcel "A" from the project's *Master/Final Site Plan, C.O. Phasing Plan and Development Timetable and Landscape Plan*. (See draft Resolution 314-2021, Exhibit "A").
4. Adopt new development standards and other regulations for Parcel "A" that approximate the County's surrounding R-2 zoning. (See draft Resolution 314-2021, Exhibit "B").

## WATER AND SEWER STUB-OUT PROVISION

Regarding the applicant's proposal to eliminate the "Owner shall provide stub-out of water and sewer" provision from condition K.5., staff recalls that this language originated with the Town's interest in using Parcel "A" for a town office and meeting facility, or more particularly its concern that providing for ample on-site parking, landscaping and storm water retention, while at the same time utilizing a septic tank and drain field system, would present a considerable design challenge. Staff later determined that, even with a connection to the County sewer system, the lot was too small to accommodate a Town facility. Accordingly, staff offers no objection to deleting the "stub out" provision with an understanding that the lot will be served by County water, which is already present on South Street, and that wastewater disposal will be accomplished through an on-site septic system approved by the Martin County Health Department. All other homes on South Street have individual septic systems.

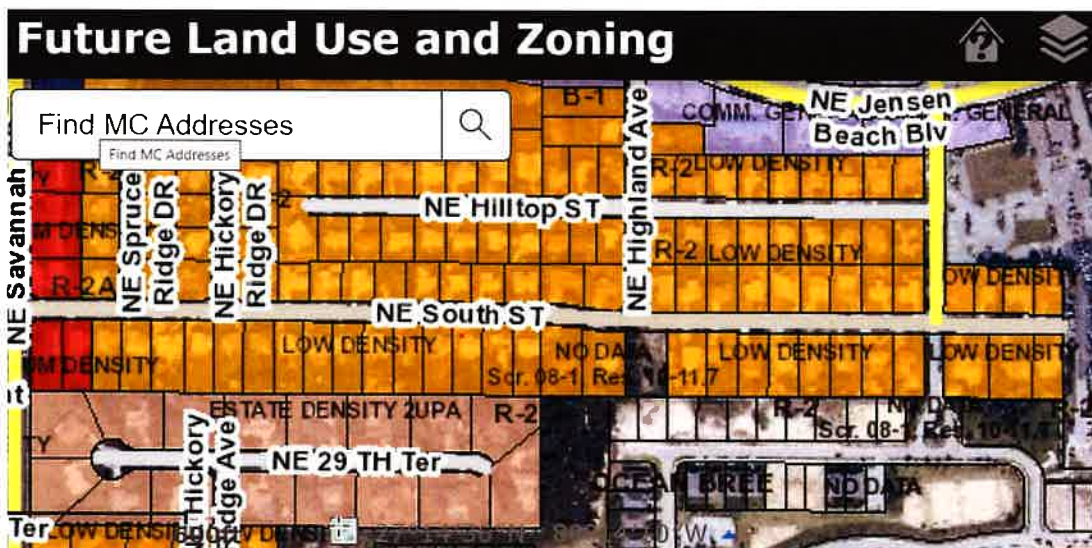
## USE OF WATER FOR IRRIGATION AND OTHER PURPOSES

A number of Seawalk residents have complained to the Town that the developer is using too much water to irrigate the common landscaped areas and that the pass-through costs they are incurring are excessive. Martin County Utilities confirms that the developer's water usage has routinely exceeded the County's use standards. In that Martin County is not empowered to enforce its regulations in the Town, staff has included the following language in draft Ordinance No. 314-2021, which is found at Section 4.

Compliance with Martin County's restrictions on the use of water for irrigation or other purposes: For the entirety of the Ocean Breeze West PUD, failure by the owner(s), its successors, heirs or assigns to comply with Martin County's restrictions on the use of water (potable or otherwise) for irrigation or other purposes, as may be amended from time to time, shall constitute a violation of this PUD. In the event the Town adopts its own restrictions on water use, those provisions shall apply.

## DEVELOPMENT STANDARDS FOR PARCEL "A"

Though governed under the OB West PUD Agreement, Parcel "A" is not a part of the Sea Walk subdivision/HOA. As such, its ultimate use for a single-family home requires that development conditions unique to the parcel be established. In that all other properties on South Street are in unincorporated Martin County and have been developed under the County's long-standing R-2 zoning regulations, staff and the applicant have agreed that approximating, but not entirely mirroring the County's R-2 zoning standards is a reasonable approach (see map below). These proposed conditions are shown in Exhibit "B" of draft Resolution No. 314-2021.



**STAFF RECOMMENDATION**

1. Conduct quasi-judicial public hearing on draft Resolution No. 314-2021
2. Approve draft Resolution No. 314-2021, with amendments if deemed necessary.

**ATTACHED DOCUMENTS**

- *Town of Ocean Breeze, Quasi-Judicial Hearing Procedure* (yellow sheet)
- Draft Resolution No. 314-2021, including Exhibits "A" and "B"
- Application letter and public hearing notification package
- Copy of Ordinance No. 251-2017
- Martin County water line map showing service on South Street
- Copy of pertinent sections of Martin County's *"Property Maintenance Code"*



## TOWN OF OCEAN BREEZE, QUASI-JUDICIAL HEARING PROCEDURE

1. Council President reads the title of the resolution.
2. Council President asks: *"Do Council Members have any exparte communications to disclose?"*
3. Council Members disclose exparte communications, if any.
4. Council President then states: *"All those giving testimony, please stand, raise your right hand, and be sworn in."* (Town Attorney administers oath).
5. Council President asks staff, *"Please present your testimony, including any evidence, and your recommendation regarding this case."*
6. Council President then states, *"The petitioner may now give testimony and call any witnesses."*
7. Council President asks, *"Do Council Members have any questions for the petitioner?"*
8. Council President then asks, *"Does staff have any questions for the petitioner?"*
9. Council President asks, *"Does the petitioner wish to offer any rebuttal testimony?"*
10. Council President asks: *"Does any member of the public wish to comment?"*
11. Council President closes the hearing at the conclusion of all the evidence and asks the Town Council Members to deliberate in public asking them to cite the facts being considered and then to state their position.
12. Council President then considers a motion to approve the resolution; a motion to approve with conditions; a motion to deny the request; or, a motion to continue the hearing to a date certain.



**BEFORE THE TOWN COUNCIL OF THE  
TOWN OF OCEAN BREEZE, MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER 314-2021**

**A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING ORDINANCE NO. 170, ORDINANCE NO. 251-2017, ORDINANCE NO. 274-2017, RESOLUTION NO. 277-2018 AND RESOLUTION NO. 293-2019, TOGETHER COMPRISING THE OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT (PUD) AGREEMENT, HEREBY DELETING LANGUAGE IN DEVELOPMENT CONDITION K (5) REQUIRING THE VOLUNTARILY DONATION OF PARCEL "A" TO THE TOWN; APPROVING MINOR CHANGES TO THE PROJECT'S MASTER SITE PLAN, PHASING PLAN AND LANDSCAPE PLAN, AS WELL AS NEW DEVELOPMENT CONDITIONS ALLOWING FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON PARCEL "A"; REQUIRING THAT DEVELOPMENT WITHIN THE OCEAN BREEZE WEST PUD ADHERE TO MARTIN COUNTY WATER USE STANDARDS; DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, on September 13, 2010, the Ocean Breeze Town Council adopted Ordinance Number 170 rezoning the OBP West Property and approving the OBP West Planned Unit Development (PUD) Agreement, Master Site Plan and Development Conditions, which Ordinance is recorded in Official Records Book 2476, Page 1346, public records of Martin County, Florida; and

**WHEREAS**, on March 13, 2017, the Ocean Breeze Town Council adopted Ordinance Number 251-2017 approving the amendment to the OBP West PUD Agreement, including the change of the name of the PUD to Ocean Breeze West, the Revised Master/Final Site Plan and Development Conditions, which ordinance is recorded in Official Records Book 2922, Page 1580, public records of Martin County, Florida; and

**WHEREAS**, on January 24, 2018, the Ocean Breeze Town Council adopted Ordinance Number 274-2017 approving the amendment to the OB West PUD Agreement amending Development Condition H (Access and Connectivity), which ordinance is recorded in Official

Records Book 2981, Page 781, public records of Martin County, Florida; and

**WHEREAS**, on June 11, 2018, the Ocean Breeze Town Council adopted Resolution Number 277-2018 approving the OB West Plat, which resolution is recorded in Official Records Book 3030, Page 899, public records of Martin County, Florida; and

**WHEREAS**, on August 12, 2019, the Ocean Breeze Town Council adopted Resolution Number 293-2019, which resolution is recorded in Official Records Book 3080, Page 2736, approving the amendment to the OB West PUD Agreement amending the reduction of the size of the swimming pool and pool deck, changes to entry landscaping features, relocation of street trees, changes to storm water retention area landscaping, modifications to project fencing and modification of the phasing plan pertaining to the timing of site clearing, sidewalk construction and final installation of roadway asphalt; and

**WHEREAS**, the OWNER, Forestar (USA) Real Estate Group, Inc., a Delaware corporation, is the developer of the Seawalk portion of the Ocean Breeze West PUD, and by virtue of retaining ownership of lots therein, OWNER is in control of the HOA referenced in the PUD, and owner represents and warrants that OWNER has full authority, without the joinder of any other person or entity, to request and enter into this agreement amending the PUD; and

**WHEREAS**, the OWNER is voluntarily requesting to amend the PUD Agreement to remove a clause calling for the voluntary donation of Parcel "A" to the Town, as well amendments to the project's Revised Master/Final Site Plan, the Landscape Plan and Certificate of Occupancy (CO) Phasing Plan to delete references to the voluntary donation, and to establish new development conditions to permit the construction of a single-family home on Parcel "A."

**WHEREAS**, an application for the above amendments to the OB West PUD Agreement has been filed on behalf of the OWNER of the property; and

**WHEREAS**, The Town Council views water conservation as important to the public's health, safety and welfare, and

**WHEREAS**, the Town Council held a properly noticed quasi-judicial public hearing to consider the proposed amendments; and

**WHEREAS**, the Town Council has considered the OWNER's voluntary request for a PUD Amendment(s) and has also considered comments from the public, as well as the recommendations of Town staff; 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 PUD Amendment and 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 THAT:**

**SECTION 1.** The project's approved development plans, prepared by Lucido & Associates, on file as public records with the Office of the Town Clerk, a partial depiction of which is shown as Exhibit "A" attached, are hereby amended to delete references to the donation of Parcel "A" to the Town.

**SECTION 2.** Section K(5) of the development standards and conditions contained in Ordinance No. 251-2017 is hereby amended as shown below to delete a requirement for the voluntarily donation of Parcel "A" to the Town, as well as an obligation for the applicant to provide a water and sewer "stub-out" to Parcel "A."

~~Parcel "A" as shown on the revised master/final site plan shall be voluntarily donated to the Town by the OWNER prior to or in conjunction with the recordation of the plat. Said donation shall be subject to the Town's acceptance. Approval for development of Parcel "A" as a Town office or single-family home shall require a minor amendment to this ordinance, including posting the site, mailed notice to property owners within 300 feet and at least one public hearing before the Town Council. Authorization for the Town to apply for and process said minor amendment is hereby deemed to be granted by the OWNER and the HOA. In no instance shall the Town, or any owner of Parcel "A", be a member of the HOA or be subject to its provisions or covenants. Owner shall provide stub-out of water and sewer connections to the site.~~

**SECTION 3.** Development conditions allowing for the construction of a single-family home on Parcel "A", including lot development standards, prohibited uses, and other regulations are hereby adopted as shown by Exhibit "B" attached.

**SECTION 4.** Compliance with Martin County's restrictions on the use of water for irrigation or other purposes: For the entirety of the Ocean Breeze West PUD, failure by the owner(s), its successors, heirs or assigns to comply with Martin County's restrictions on the use of water (potable or otherwise) for irrigation or other purposes, as may be amended from time to time, shall constitute a violation of this PUD. In the event the Town adopts its own restrictions on water use, those provisions shall apply.

**SECTION 5.** 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 ordinance are hereby superseded to the extent of such conflict.

**SECTION 6.** If any provision of this ordinance 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 ordinance 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 7.** All of the terms and conditions of Ordinance No. 170, Ordinance No. 251-2017, Ordinance No. 274-2017, Resolution No. 277-2018, and Resolution No. 293-2019 that are not specifically amended or revised by this Amendment shall remain in full force and effect as stated therein.

**SECTION 8.** This ordinance shall become effective immediately upon adoption by the Town Council and acceptance by the OWNER.

**SECTION 9.** The complete execution and recording of this resolution by the Town Clerk, which shall be paid for by the applicant, shall occur no later than 60 days from the date of this approval, failing which this resolution shall become void.

**APPROVED AND ADOPTED** this 9<sup>th</sup> day of August, 2021.

KENNETH DE ANGELES, PRESIDENT  
RICHARD GEROLD, VICE-PRESIDENT  
WILLIAM ARNOLD, COUNCIL MEMBER  
KEVIN DOCHERTY, COUNCIL MEMBER  
TERRY LOCATUS, COUNCIL MEMBER  
DAVID WAGNER, COUNCIL MEMBER

YES	NO	ABSENT

ATTEST:

\_\_\_\_\_  
PAM ORR  
TOWN CLERK  
APPROVED AS TO FORM:

\_\_\_\_\_  
KENNETH DE ANGELES  
COUNCIL PRESIDENT

\_\_\_\_\_  
WILLIAM F. CRARY, II  
TOWN ATTORNEY

\_\_\_\_\_  
KAREN M. OSTRAND  
MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING 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 THIS RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THE PLANNED UNIT DEVELOPMENT ACCORDING TO THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 7 OF THIS RESOLUTION NO. 314-2021, THEIR CONDITIONS AND THE DEVELOPMENT PLANS AND DOCUMENTS, AS THE SAME HAVE BEEN AMENDED IN THIS RESOLUTION, THE UNDERSIGNED UNDERSTANDS AND AGREES ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE TOWN, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHERE OF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT.

OWNER:

FORESTAR (USA) REAL ESTATE  
GROUP, INC., a Delaware corporation

Witnesses

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Nicolas Aparicio  
President-Florida Region

OWNER'S ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_ 2021, by Nicholas Aparicio, President-Florida Region of FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation. He/She ☐ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

(NOTARIAL STAMP)

\_\_\_\_\_  
Notary Public  
My commission expires:

DELETION OF VOLUNTARY DONATION LANGUAGE FROM DEVELOPMENT DOCUMENTS (THREE PAGES)

lucido & associates

131 E Ocean Blvd., Suite 1, Florida 34994

(772) 223-2100 Fax: (772) 223-9221

EXISTING  
0' WIDE  
UTILITY  
EASEMENT

EXISTING 5' WIDE  
BELL SOUTH EASEMENT

**Parcel A**

(0.38 ac)

**To Be Donated  
to the  
Town of Ocean  
Breeze**

106.44'

*Future Lar  
Existing Z  
Existing U*

75'

75'

75'

1

2

3

4

5

10' Wide Utility Easement

110'

50'

1.29'

133

1.38'

134

MODEL

135

MODEL

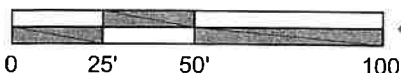
136

MODEL

137

MODE

Scale: 1" = 50'



Date: 7.29.2021

**Ocean Breeze West PUD**

Town of Ocean Breeze, Martin County, Florida

**Parcel A Exhibit**

(a portion of the Revised Master / Final Site Plan)



lucido & associates

131 E Ocean Blvd., Suite, Florida 34994

(772) 223-2100 Fax (772) 223-2220

EXISTING  
0' WIDE  
UTILITY  
EASEMENT

EXISTING 5' WIDE  
BELL SOUTH EASEMENT

**Parcel A**  
**(0.38 ac)**  
**To Be Donated**  
**to the**  
**Town of Ocean**  
**Breeze**

*Future Lar*  
*Existing Z*  
*Existing U*

1

2

3

4

**PH**

133

134

135

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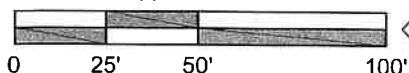
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Scale: 1" = 50'



Date: 7.29.2021

**Ocean Breeze West PUD**

Town of Ocean Breeze, Martin County, Florida

**Parcel A Exhibit**

(a portion of the Revised C.O. Phasing Plan and Development Timetable)





lucido & associates

7216 Ocean Blvd. (Start: Parcel 2194)

(7216) 2194-2195 For 7216, 2194-2195

10197  
x 23.85

BENCHMARK

NE South Street

S89°57'52"E 106.44'(M)  
S89°36'36"E 106.44'(D)

EXISTING 5' WIDE  
BELL SOUTH EASEMENT

**Parcel A**  
(0.38 ac)  
**To Be Donated**  
**to the**  
**Town of Ocean**  
**Breeze**

N00°05'54"E 160.31'(M)  
N00°28'28"E 160.00'(D)

S00°05'54"W 160.30'(M)  
S00°28'28"W 160.00'(D)

5' BELL SOUTH EASEMENT  
(O.R.B. 536, PAGE 1788)  
EXCEPTION 15

S89°58'28"E - 646.94'(M)  
S89°36'36"E - 647.67'(D)

6' OPAQUE  
FENCE

10.0' Wide Utility Easement

3' Drainage Easement  
Side of Lot Line (Typ)

10.0' UTILITY EASE

NE SKYLINE TERRACE

Sheet LA-3

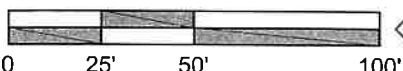
Sheet LA-2

NE SKY

133

135

Scale: 1" = 50'



Date: 7.29.2021

## Ocean Breeze West PUD

Town of Ocean Breeze, Martin County, Florida

**Parcel A Exhibit**

(a portion of sheet LA3 of the Revised Landscape Plans)

**EXHIBIT "B"**  
**DEVELOPMENT CONDITIONS FOR PARCEL "A"**

**Table # 1 -- Development Conditons for Parcel "A"**

a. Minimum lot area:	7500 ft. <sup>2</sup>
b. Minimum lot width:	60 feet. Lot width shall be measured along the straight line which connects the two points located on the side lot lines at a distance equal to the minimum front setback required for the proposed use from the street.
c. Maximum density:	One single-family residential dwelling unit. Ancillary dwelling units are not permitted.
d. Maximum impervious surface coverage:	65%
e. Minimum open space:	30%
f. Maximum number of stories and building height:	Two stories, 35 feet. Building height means the vertical distance between (1) the lowest permissible elevation above the existing grade which complies with finished floor elevation requirements as established by flood maps, the Health Department, or building code, along the front of a building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
g. Front building setback:	25 feet
h. Side building setbacks:	One story – 8 feet Two story – 10 feet
i. Rear building setbacks:	One story – 10 feet Two story – 15 feet
j. Parking:	The single-family residence allowed on Parcel "A" shall be served by a paved driveway connected to the street which shall be sufficient in size to accommodate at least two parked vehicles and shall be no less than 10' x 20' each in size.
k. Storage of vehicles:	Storage or parking of recreational vehicles, including, but not limited to, boat trailers, camping trailers, and travel trailers are permitted provided that such equipment shall not be used for living, sleeping, or other occupancy when parked and provided that such equipment over 25 feet in length shall not be parked or stored within any side or rear setback area.  Storage or parking of one commercial vehicle or commercial trailer, not to exceed one-ton cargo capacity, is allowed, provided that such vehicle or trailer is owned or operated by the resident of the property; and that such vehicle or trailer is garaged or otherwise screened from view of adjoining properties and any adjoining street. This provision does not apply to public service agency vehicles such as law enforcement and those providing emergency response services.
l. Uses permitted within building setbacks:	Trees, shrubbery or other objects of natural growth; fences or walls which meet the height and other requirements set forth in this Resolution; driveways, sidewalks and parking areas which meet the requirements set forth elsewhere in this Resolution; wells and associated pump, water treatment and water conditioning equipment, provided that the water pump is concealed by a fence or housing that is at least 50 percent opaque; utility transmission lines of all types, including, but not limited to, electric, telephone, cable television and data, including all associated aboveground utility cabinets; the following types of equipment may extend into the required setback area by up to 50 percent, but in no case less than three feet from a property line; heating, ventilation and air-conditioning equipment, whether ground-mounted, wall-mounted, window-mounted or cantilevered from a building; emergency electric power generators, if

enclosed by an insulated cabinet; the following non-habitable architectural features of a building may extend into the required setback area by up to three feet: roof overhangs, gutters, cantilevered balconies and bay windows, staircases, awnings over windows and doors, and chimneys; drainage swales and water control structures; pumps and other mechanical equipment associated with pools and spas may extend into the required setback area by up to 50 percent, provided that such equipment is screened from view of abutting residential lots by a fence, hedge or wall or by enclosing the equipment with material (such as lattice) which is at least 50 percent opaque. Other uses determined by the Town to be similar in nature to the uses listed above.

**m. Accessory structures:**

Shall mean a subordinate building or structure detached from but located on the same lot as the principal single-family residence, the use of which is incidental and accessory to that of the principle single-family residence. Examples include utility storage buildings (sheds), detached cabanas and gazebos, swimming pools, hot tubs and their enclosures, fences and walls.

Parcel "A" shall be limited to one single-story utility storage building not exceeding 250 square feet in area.

Fences and walls shall be located on or within five feet of lot lines and shall not exceeding six feet in height, except such fences or walls shall not exceed three feet six inches when located in a required front yard. Except for fences and walls, accessory structures shall be allowed in the rear yard only and shall meet the minimum side and rear setbacks established by the height of the primary residence.

Except for fences and walls, accessory structures are permitted only as an ancillary use to an existing primary residence.

**n. Swimming pools, hot tubs and spas:**

Swimming pools, hot tubs and spas containing water more than 24 inches (610 mm) in depth shall, at a minimum, shall be surrounded by a fence or approved barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

**Table # 2. -- Parcel "A" Use Restrictions**

a.	Ancillary dwelling units are prohibited.
b.	Except for a home-based business that meets Martin County's requirements for the issuance of a home-based business tax receipt in its R-2 zoning district, or as otherwise provided in Florida Statute having preemption <sup>7</sup> , the operation of a business on Parcel "A" is prohibited.
c.	Except during the declaration of a federal, state, or local emergency, recreational vehicles located on Parcel "A" may not be used for living, sleeping or other occupancy.
d.	Vehicle and boat parking shall be on a paved surface, unless screened from view at the street by a fence, wall or landscaping.
e.	Except as otherwise prescribed by the Ocean Breeze East PUD, all development on Parcel "A" and the use thereof shall comply with <i>Chapter 21. Building and Housing Regulations, Article 3. Local Amendments, Part 2. Property Maintenance Code, Articles 1 through 23, of the Martin County Code of Ordinances</i> , as it applies to residential structures, and as may be amended from time to time.
f.	No livestock or live poultry shall be kept on Parcel "A"
g.	Mobile homes shall not be permitted on Parcel "A"
h.	Junked or derelict vehicles shall not be kept on Parcel "A".

**Table # 3. Additional Conditions Pertaining to Parcel "A"**

a.	The street address of Parcel "A" shall be approved by the Town Clerk.
b.	Trash, garbage and refuse collection, occurring at least as frequently as the collection schedule maintained by the Martin County Utilities & Solid Waste Department, shall be the responsibility of the owner of Parcel "A" through a private contract for services. Proof of the service contract shall be provided to the Town before the issuance of any building permits. All trash and garbage shall be regularly removed and shall not be allowed to accumulate. Trash, garbage or other waste shall be kept in a sanitary, covered container(s). All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
c.	The owner of Parcel "A," shall have the right to apply for an amendment to this Resolution without the necessity of obtaining permission, written or otherwise, from any other party to the Ocean Breeze West PUD Agreement, provided the the scope and application of such amendment is limited to matters affecting Parcel "A." Similarly, the owner(s) of the Seawalk portion of the Ocean Breeze West PUD, authorized to seek amendments thereto, may do so without the permission, written or otherwise, of the owner of Parcel "A", provided the scope and application of such amendment is limited to matters affecting the Seawalk portion of the PUD. This provision shall in no way constrain the rights of any party to the Ocean Breeze West PUD Agreement to object or to legally challenge any proposed amendments to this Resolution.
d.	For the purpose of preserving the public's health safety and welfare, the Town shall have the right, at its own discretion, to initiate a public hearing to amend this resolution. This provision shall in no way constrain the rights of the Owner(s) of Parcel "A" to object or to legally challenge any amendments proposed by the Town.
e.	No construction on Parcel "A" shall be permitted until such time as all necessary utility easements SERVICEING THE SEAWALK PORTION OF THE pud have been properly established and dedicated to Martin County and/or other relevant service provider(s).
f.	The owner of Lot "A" is aware that only limited services are directly provided by the Town of Ocean Breeze and agrees to disclose to any potential buyer of Parcel "A" that certain services, including but not limited to water and waste water treatment, police protection, waste management, fire protection and advance life support services are provided by Martin County or other public/private service provider and that the owner of Parcel "A" is directly responsible to pay the cost of these services. Further, the owner shall disclose to any buyer of Parcel "A" that the Town of Ocean Breeze has by ordinance authorized Martin County to directly apply its Fire/EMS Municipal Services Taxing Unit ad valorem tax rate to all real property within the Town, including Parcel "A".
g.	All applicable Martin County and Martin County School Board impact fees shall be paid prior to the Town's issuance of any permits for Parcel "A".



June 10, 2021

Hand Delivery

Terry O'Neil, Manager  
Town of Ocean Breeze  
1508 NE Jensen Beach Blvd.  
Jensen Beach, FL 34957



**Re: Ocean Breeze West PUD – Revised Master/Final Site Plan and Minor PUD  
Amendment Application (Our Reference: #21-190)**

Dear Terry:

On behalf of the property owner of Parcel A, i.e. Forestar USA Real Estate Group, Inc., we are pleased to submit this application for a PUD Amendment to the approved Ocean Breeze West PUD. As you know Parcel A is a platted lot of record with a street address of 1562 NE South Street (PCN 22374100000004051). Development condition K.5. in the original development order (Ordinance 251-2017) requires the donation of Parcel A subject to the Town's acceptance of the donation. The condition further states that "Approval for development of Parcel A as a Town office or single family home shall require a minor amendment to this ordinance including posting the site, mailed notice to property owners within 300 feet and at least one public hearing before the Town Council."

As per our discussions to date, the Town Council has elected not to accept the donation of Parcel A, therefore a minor PUD Amendment is necessary to delete Development Condition K.5. and allow the sale and development of Parcel A as a single family home site. To this end, the approved master/final site plan and related plans have been revised to remove all reference to the "donation" of Parcel A and to add a note that allows Parcel A to be developed in accordance with the R-2 zoning district, Martin County Land Development Code, which is consistent with the zoning and development pattern of the surrounding homes along NE South Street.

With this understanding, please find enclosed 12 sets of the following materials:

1. Copy of Development Condition K.5. from Ordinance 251-2017
2. The proposed OB West PUD Amendment;
3. The proposed revised master/final site plan (1 full size, 11 reduced copies);
4. The proposed revised C.O. Phasing Plan (1 full size, 11 reduced copies); and
5. The revised landscape plans (1 full size, 11 reduced copies).

Please feel free to contact me or my assistant, Shirley Lyders, if you have any questions or need additional information.

Sincerely,

Morris A. Crady, AICP  
Senior Vice President  
Encl.

## AFFIDAVIT ATTESTING TO NOTIFICATION

I, MORRIS A. CRADY, being first duly sworn, depose and say:

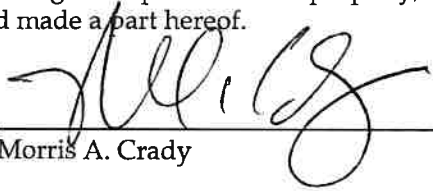
1. That Lucido & Associates is the authorized agent for Forestar (USA) Real Estate Group, Inc., the applicant of the development application to the Town of Ocean Breeze for an amendment to the Ocean Breeze West Planned Unit Development (OB West PUD);

2. That OB West PUD is the subject of a request for approval of an amendment to the PUD Agreement and Master/Final Site Plan, C.O. Phasing Plan and Landscape Plan to delete the requirement to voluntarily donate Parcel A to the Town of Ocean Breeze;

3. That the notice for the public hearing before the Town Council on August 9, 2021 at 5:30 p.m. was sent by U.S. Mail on July 22, 2021 to the property owners within 300 feet of the subject property. A copy of the notice is attached hereto and made a part hereof;

4. That the notice for the public hearing was mailed to the property owners within 300 feet of the subject property as prepared and certified by Prestige Title Agency dated June 28, 2021;

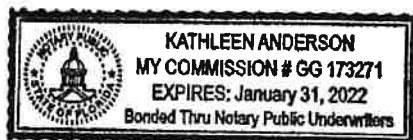
5. That on July 22, 2021 the notification sign was posted on the property, which photograph of the sign is attached hereto and made a part hereof.

  
Morris A. Crady

STATE OF FLORIDA  
COUNTY OF MARTIN

SWORN TO AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 29 day of July, 2021 by MORRIS A. CRADY, who ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(Notarial Seal)



  
NOTARY PUBLIC  
My Commission Expires:

NOTICE TO SURROUNDING PROPERTY OWNERS

Subject: Public Hearing before:  
Town of Ocean Breeze Town Council

Petitioner: Forestar (USA) Real Estate Group, Inc.

Parcel I.D. Number: 22-37-41-000-000-00405-1

Property Location: 0.39-acre lot located at the intersection of NE Highland Avenue and NE South Street (See attached location map)

Proposed Request: Request to consider an amendment to the Ocean Breeze West Planned Unit Development (AKA Seawalk) to amend Development Order Condition K(5) to delete the requirement to voluntarily donate Parcel A to the Town of Ocean Breeze

Dear Property Owner:

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

Town Council: Monday, August 9, 2021 at 5:30 pm

All public hearings will be at Ocean Breeze Resort Clubhouse, 700 NE Seabreeze Way, Ocean Breeze, Florida 34957. 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, at 1508 NE Jensen Beach Blvd., Jensen Beach, Florida. If you have any questions regarding this notice, please feel free to call (772) 334-6826 Monday through Friday between 9:30 am and 12:00 noon.



# Martin County, FL



Date: 7/21/2021

This Geographic Information System Map Product received from Martin County (COUNTY) in fulfillment of a public records request is provided "as is" without warranty of any kind and the COUNTY expressly disclaims all express and implied warranties (including but not limited to, the implied warranties of merchantability and fitness for a particular purpose). The COUNTY does not warrant, guarantee, or make any representations regarding the use or the results of the use of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.





# Ocean Breeze West PUD AKA Seawalk Sign Posting





736 colorado avenue, suite a, stuart, florida 34994 - phone: (772) 283-5590 fax: (772) 283-5699 email: ptotitle@bellsouth.net

## OWNERSHIP REPORT

SEARCH NO. P21-11667/IC

THE ATTACHED REPORT IS ISSUED TO LUCIDO & ASSOCIATES. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300 -foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: \_\_\_\_\_

Iris M. Crews

A handwritten signature in blue ink, appearing to read 'Iris M. Crews', is written over a horizontal line. The signature is stylized with a large, looped 'I' and a cursive 'M'.



736 colorado avenue, suite a, stuart, florida 34994 - phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

June 28, 2021

Ownership Search

Prepared for LUCIDO & ASSOCIATES:

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID:        See Exhibit "B" attached hereto  
OWNER:        & made a part hereof.  
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

  
Iris M. Crews



THIS INSTRUMENT WAS PREPARED BY AND  
AFTER RECORDING IS TO BE RETURNED TO:

K. MICHELLE JESSELL, ESQ.  
BROAD AND CASSEL LLP  
7777 GLADES ROAD, SUITE 300  
BOCA RATON, FL 33434

### WARRANTY DEED

THIS WARRANTY DEED made and executed this 14<sup>th</sup> day of March, 2018, by OBP West, LLC, a Florida limited liability company ("Grantor"), whose address is 5690 Sunshine Farms Way, Palm City, FL 34990, to Forestar (USA) Real Estate Group, Inc., a Delaware corporation ("Grantee"), whose address is 10700 Pecan Park Blvd., Suite 150, Austin, Texas 78750.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in the County of Martin and State of Florida, more particularly described as follows:

**See Exhibit "A" attached hereto and incorporated herein by reference (the "Property")**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**And** the Grantor hereby covenants with said Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey said Property; and the Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Exhibit 'A'  
page 1 of 3



IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its seal to be hereunto affixed, by its proper officers hereunto duly authorized, the day and year first above written.

**WITNESSES:**

Sign: [Signature]  
Print Name: Susan DeChristofaro

Sign: [Signature]  
Print Name: Deborah D. Haas

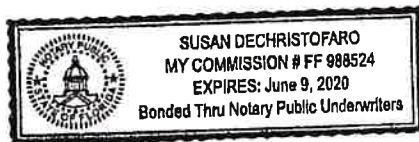
**GRANTOR:**

**OBP West, LLC**, a Florida limited liability company

By: [Signature]  
GARY HENDRY, Authorized Member

STATE OF FLORIDA )  
 )  
COUNTY OF MARTIN ) ss:

The foregoing instrument was acknowledged before me on the 14<sup>th</sup> day of March, 2018, by Gary Hendry, as Authorized Member of OBP West, LLC, a Florida limited liability company, on behalf of the company. He is ( ) personally known to me or (X) produced FL DRIVER LICENSE as identification.



[Signature]  
Notary Public  
Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**EXHIBIT "A"**

**PROPERTY**

**West Parcel**

**Parcel A:**

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

Commence at a concrete monument at the center of said Section said point being the POINT OF BEGINNING; thence South 00 deg 04' 42" West, a distance of 171.98 feet; thence South 89 deg 38' 36" East, a distance of 561.06 feet; thence South 17 deg 20' 26" East, a distance of 514.75 feet; thence North 89 deg 33' 36" West, a distance of 15.75 feet; thence South 17 deg 20' 26" East, a distance of 700.89 feet; thence North 89 deg 11' 48" West, a distance of 909.28 feet; thence North 00 deg 04' 42" East, a distance of 661.66 feet; thence North 89 deg 33' 36" West, a distance of 1980.18 feet; thence North 00 deg 04' 51" East, a distance of 330.04 feet; thence South 89 deg 33' 49" East, a distance of 659.55 feet; thence North 00 deg 07' 54" East, a distance of 330.42 feet; thence South 89 deg 33' 36" East, a distance of 215.30 feet; thence north 00 deg 28' 28" East, a distance of 160.00 feet; thence South 89 deg 36' 36" East, a distance of 106.44 feet; thence South 00 deg 28' 28" West, a distance of 160.00 feet; thence South 89 deg 36' 36" East, a distance of 647.67 feet; thence North 00 deg 28' 28" East, a distance of 160.00 feet; thence South 89 deg 36' 36" East, a distance of 50.00 feet; thence South 00 deg 28' 28" West, a distance of 160.00 feet; thence South 89 deg 36' 36" East, a distance of 300.89 feet, to the POINT OF BEGINNING.

Exhibit "A"  
Page 3 of 3



MARTIN COUNTY  
PROPERTY APPRAISER  
Jenny Fields, CFA

# Basic Info

<b>PIN</b>	<b>AIN</b>	<b>Situs Address</b>	<b>Website Updated</b>
22-37-41-000-000-00405-1	2745	1455 NE SILVER MAPLE WAY JENSEN BEACH FL	6/19/21

## General Information

<b>Property Owners</b> FORESTAR USA REAL ESTATE GROUP INC	<b>Parcel ID</b> 22-37-41-000-000-00405-1	<b>Use Code/Property Class</b> 0000 - 0000 Vacant Residential
<b>Mailing Address</b> 2221 E LAMAR BLVD #790 ARLINGTON TX 76006	<b>Account Number</b> 2745	<b>Neighborhood</b> 222030 Legion Hghts,Jensen Highlands
<b>Tax District</b> 1400 - OCEAN BREEZE	<b>Property Address</b> 1455 NE SILVER MAPLE WAY JENSEN BEACH FL	<b>Legal Acres</b> .3900
	<b>Legal Description</b> A PARCEL OF LAND LYING WITHIN SEC 22-37-41 MARTIN COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED IN OR 2981/1093 LESS AND EXCEPT PLAT RECORDED IN PLAT BOOK 18 PAGE 1 PUBLIC RECORDS MARTIN COUNTY FLORIDA	<b>Ag Use Acres</b> N/A

## Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2020	\$ 57,500	\$ 0	\$ 57,500	\$ 0	\$ 57,500	\$ 0	\$ 57,500

Current Sale

Exhibit B<sup>7</sup> page 1 of 2

**Sale Date**  
3/14/18

**Grantor (Seller)**  
OBP WEST LLC

**Doc Num**  
2684434

**Sale Price**  
\$ 7,725,000

**Deed Type**  
Wd Full Covenant and Warranty Deed

**Book & Page**  
2981 1093

## Full Legal Description

A PARCEL OF LAND LYING WITHIN SEC 22-37-41 MARTIN COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED IN OR 2981/1093  
LESS AND EXCEPT PLAT RECORDED IN PLAT BOOK 18 PAGE 1 PUBLIC RECORDS MARTIN COUNTY FLORIDA

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Exhibit 'B' page 2 of 2



PCN

Owner

Account DOR Code House# Prefix

Note that search results may not include

22-37-41-012-000-00850-7	ARTERS-GALLAGHER FAMILY TRUST	3002	101	1621 NE
22-37-41-034-000-01330-0	BISSET CRAIG	1120799	101	3044 NE
22-37-41-005-000-00170-9	BROWN JENNIFER TAYLORBROWN ZACHARY	2848	101	1502 NE
22-37-41-033-000-00110-8	BRYANT RONALD D & CHRISTINA A	3333	101	1479 NE
22-37-41-033-000-00120-6	CARLSON DONALD LEE	3334	101	1499 NE
22-37-41-010-000-00680-5	CULVER DAVID LCULVER PAMELA LIN	2964	101	1594 NE
22-37-41-034-000-01360-0	DUOBA JOSEPHRUGGIERO AMANDA	1120802	101	1560 NE
22-37-41-034-000-00040-0	FORESTAR USA REAL ESTATE GROUP INC	1120670	100	1549 NE
22-37-41-034-000-00020-0	FORESTAR USA REAL ESTATE GROUP INC	1120668	100	1529 NE
22-37-41-034-000-00060-0	FORESTAR USA REAL ESTATE GROUP INC	1120672	100	1569 NE
22-37-41-034-000-00030-0	FORESTAR USA REAL ESTATE GROUP INC	1120669	100	1539 NE
22-37-41-034-000-00010-0	FORESTAR USA REAL ESTATE GROUP INC	1120667	100	1519 NE
22-37-41-000-000-00405-1	FORESTAR USA REAL ESTATE GROUP INC	2745	100	1562 NE
22-37-41-034-000-00050-0	FORESTAR USA REAL ESTATE GROUP INC	1120671	100	1559 NE
22-37-41-034-000-01380-0	FORESTAR USA REAL ESTATE GROUP INC	1120804	100	1580 NE
22-37-41-005-000-00160-1	FORT ROBERT GKAY CHER	2847	101	1482 NE
22-37-41-010-000-00660-9	FULEFORD DEXTER FLOYDFULEFORD SAVANNAH LEE	2962	101	3094 NE
22-37-41-010-000-00650-1	HUGHES ANDREW	2961	101	1526 NE
22-37-41-010-000-00700-1	JONES COURTNEY LEE	2966	101	1624 NE
22-37-41-034-000-01340-0	KOVIACK JONATHAN GENELIU YING	1120800	101	1540 NE
22-37-41-012-000-00950-6	LOUNSBURY RICHARD PLOUNSBURY USA M	3012	101	1642 NE
22-37-41-018-000-00920-7	MARSHALL BRENT JMARSHALL RACHEL S	3188	101	1512 NE
22-37-41-012-000-00830-2	MATUSZEK HEATHER L	3000	101	1591 NE
22-37-41-034-000-01310-0	MCDONALD ALEXA	1120797	101	3024 NE
22-37-41-034-000-01320-0	MEYER NICHOLAS JMEYER LAUREN J	1120798	101	3034 NE
22-37-41-012-000-00840-0	MURRAY, BRANDI LMURRAY, RICHARD F	3001	101	1611 NE
22-37-41-010-000-00690-3	PAGE OWNBV TAMERA	2965	101	1604 NE
22-37-41-034-000-01350-0	RICHARDS JENNIFER LEE	1120801	101	1550 NE
22-37-41-012-000-00980-0	RICHMOND ANTHONY D	3015	101	1592 NE
22-37-41-018-000-00930-5	SALLY S READLING LIVING TRUST AGREEM	3189	101	1532 NE
22-37-41-010-000-00640-4	SCHOMMER TERRY HEIR-L/ESCHOMMER RANDY F ESTATE	2960	101	1506 NE
22-37-41-034-000-00001-0	SEA WALK HOMEOWNERS ASSOCIATION INC	1120810	949	3065 NE

Match #1

22-37-41-034-000-00002-0	SEA WALK HOMEOWNERS ASSOCIATION INC	1120811	979	1619 NE
22-37-41-011-000-00160-3	SHERER HEIDI	2990	101	1496 NE
22-37-41-010-000-00670-7	SLAWEK AMY	2963	101	1574 NE
22-37-41-034-000-01370-0	SQUIRES BRITNEY ELENASQUIRES MATTHEW YOUNG	1120803	101	1570 NE
22-37-41-012-000-00960-4	TAPCHAK, EUGENE D	3013	101	1622 NE
22-37-41-018-000-00970-6	TOWNSEND, GENE	3192	101	1503 NE
22-37-41-018-000-00940-3	VICAT MICHELLE SUZANNE	3190	101	1533 NE
22-37-41-012-000-00820-4	WOLSKE KRISTY M	2999	101	3065 NE
22-37-41-012-000-00970-2	WOODS, ROY L & SUSAN	3014	101	1612 NE
22-37-41-012-000-00860-5	YOUNG, MARK Q	3003	101	1641 NE
22-37-41-018-000-00950-0	YURILLO, MARIE	3191	101	1523 NE

Match #1

Match #1

Street	Street Type	City	State	Zip	Mail Street Addr	Mail City	Mail State	Mail Zip
SOUTH	ST	JENSEN BEACH	FL	34957-7270	1621 NE SOUTH ST	JENSEN BEACH	FL	34957
SKYVIEW	LN	OCEAN BREEZE	FL	34957	3044 NE SKYVIEW LN	OCEAN BREEZE	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7267	1502 NE SOUTH ST	JENSEN BEACH	FL	34957
29TH	TER	JENSEN BEACH	FL	34957-4881	1479 NE 29TH TERR	JENSEN BEACH	FL	34957
29TH	TER	JENSEN BEACH	FL	34957-4881	1499 NE 29TH TERR	JENSEN BEACH	FL	34957
HILLTOP	ST	JENSEN BEACH	FL	34957-7250	1594 NE HILLTOP ST	JENSEN BEACH	FL	34957
SKYHIGH	TER	OCEAN BREEZE	FL	34957	1560 NE SKYHIGH TERR	OCEAN BREEZE	FL	34957
SKYHIGH	TER	OCEAN BREEZE	FL	34957	2221 E LAMAR BLVD #790	ARLINGTON	TX	76006
SKYHIGH	TER	OCEAN BREEZE	FL	34957	2221 E LAMAR BLVD #790	ARLINGTON	TX	76006
SKYHIGH	TER	OCEAN BREEZE	FL	34957	2221 E LAMAR BLVD #790	ARLINGTON	TX	76006
SKYHIGH	TER	OCEAN BREEZE	FL	34957	2221 E LAMAR BLVD #790	ARLINGTON	TX	76006
SKYHIGH	TER	OCEAN BREEZE	FL	34957	2221 E LAMAR BLVD #790	ARLINGTON	TX	76006
SKYHIGH	TER	OCEAN BREEZE	FL	34957	2221 E LAMAR BLVD #790	ARLINGTON	TX	76006
SOUTH	ST	JENSEN BEACH	FL	34957-4846	1482 NE SOUTH ST	JENSEN BEACH	FL	34957
HIGHLAND	AVE	JENSEN BEACH	FL	34957-7240	3094 NE HIGHLAND AVE	JENSEN BEACH	FL	34957
HILLTOP	ST	JENSEN BEACH	FL	34957-7248	1526 NE HILLTOP ST	JENSEN BEACH	FL	34957
HILLTOP	ST	JENSEN BEACH	FL	34957-7250	1624 NE HILLTOP ST	JENSEN BEACH	FL	34957
SKYHIGH	TER	OCEAN BREEZE	FL	34957	1540 NE SKYHIGH TER	OCEAN BREEZE	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7266	12585 S INDIAN RIVER DR	JENSEN BEACH	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7267	1512 NE SOUTH ST	JENSEN BEACH	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7253	1591 NE SOUTH ST	JENSEN BEACH	FL	34957
SKYVIEW	LN	OCEAN BREEZE	FL	34957	3024 NE SKYVIEW LN	OCEAN BREEZE	FL	34957
SKYVIEW	LN	OCEAN BREEZE	FL	34957	3034 NE SKYVIEW LN	OCEAN BREEZE	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7270	1611 NE SOUTH ST	JENSEN BEACH	FL	34957
HILLTOP	ST	JENSEN BEACH	FL	34957-7250	1604 NE HILLTOP ST	JENSEN BEACH	FL	34957
SKYHIGH	TER	OCEAN BREEZE	FL	34957	803 NW SPRUCE RIDGE DR	STUART	FL	34994
SOUTH	ST	JENSEN BEACH	FL	34957-7267	1592 NE SOUTH ST	JENSEN BEACH	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7267	1532 NE SOUTH ST	JENSEN BEACH	FL	34957
HILLTOP	ST	JENSEN BEACH	FL	34957-7248	1506 NE HILLTOP ST	JENSEN BEACH	FL	34957
SKYLINE	DR	OCEAN BREEZE	FL	34957	1350 NE 56TH ST #180	FORT LAUDERDALE	FL	33334

# Match #1

SKYHIGH	TER	OCEAN BREEZE	FL	34957	1350 NE 56TH ST #180	FORT LAUDERDALE	FL	33334
HILLTOP	ST	JENSEN BEACH	FL	34957-7246	1496 NE HILLTOP ST	JENSEN BEACH	FL	34957
HILLTOP	ST	JENSEN BEACH	FL	34957-7250	1425 MIAMI LN	DES PLAINES	IL	60018
SKYHIGH	TER	OCEAN BREEZE	FL	34957	1570 NE SKYHIGH TER	OCEAN BREEZE	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7266	163 RADFORD 2A ST	YONKERS	NY	10705
SOUTH	ST	JENSEN BEACH	FL	34957-7271	1503 SOUTH ST	JENSEN BEACH	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7271	1533 NE SOUTH ST	JENSEN BEACH	FL	34957
HIGHLAND	AVE	JENSEN BEACH	FL	34957-7239	3065 NE HIGHLAND AVE	JENSEN BEACH	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7266	1612 NE SOUTH ST	JENSEN BEACH	FL	34957
SOUTH	ST	JENSEN BEACH	FL	34957-7270	1641 NE SOUTH ST	JENSEN BEACH	FL	34957-7271
SOUTH	ST	JENSEN BEACH	FL	34957-7271	PO BOX 468	JENSEN BEACH	FL	34958-0461

ARTERS-GALLAGHER FAMILY TRUST  
 1621 NE SOUTH ST  
 JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

LOUNSBURY RICHARD PLOUNSBURY LISA M  
 12585 S INDIAN RIVER DR  
 JENSEN BEACH FL 34957

BISSET CRAIG  
 3044 NE SKYVIEW LN  
 OCEAN BREEZE FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

MARSHALL BRENT JMARSHALL RACHEL S  
 1512 NE SOUTH ST  
 JENSEN BEACH FL 34957

BROWN JENNIFER TAYLORBROWN ZACHAR  
 1502 NE SOUTH ST  
 JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

MATUSZEK HEATHER L  
 1591 NE SOUTH ST  
 JENSEN BEACH FL 34957

BRYANT RONALD D & CHRISTINA A  
 1479 NE 29TH TERR  
 JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

MCDONALD ALEXA  
 3024 NE SKYVIEW LN  
 OCEAN BREEZE FL 34957

CARLSON DONALD LEE  
 1499 NE 29TH TERR  
 JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

MEYER NICHOLAS JMEYER LAUREN J  
 3034 NE SKYVIEW LN  
 OCEAN BREEZE FL 34957

CULVER DAVID LCULVER PAMELA LIN  
 1594 NE HILLTOP ST  
 JENSEN BEACH FL 34957

FORT ROBERT GKAY CHER  
 1482 NE SOUTH ST  
 JENSEN BEACH FL 34957

MURRAY, BRANDI LMURRAY, RICHARD F  
 1611 NE SOUTH ST  
 JENSEN BEACH FL 34957

DUOBA JOSEPHRUGGIERO AMANDA  
 1560 NE SKYHIGH TERR  
 OCEAN BREEZE FL 34957

FULFORD DEXTER FLOYDFULFORD SAVANNAH  
 LEE  
 3094 NE HIGHLAND AVE  
 JENSEN BEACH FL 34957

PAGE OWNBY TAMERA  
 1604 NE HILLTOP ST  
 JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

HUGHES ANDREW  
 1526 NE HILLTOP ST  
 JENSEN BEACH FL 34957

RICHARDS JENNIFER LEE  
 803 NW SPRUCE RIDGE DR  
 STUART FL 34994

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

JONES COURTNEY LEE  
 1624 NE HILLTOP ST  
 JENSEN BEACH FL 34957

RICHMOND ANTHONY D  
 1592 NE SOUTH ST  
 JENSEN BEACH FL 34957

FORESTAR USA REAL ESTATE GROUP INC  
 2221 E LAMAR BLVD #790  
 ARLINGTON TX 76006

KOVIACK JONATHAN GENELIU YING  
 1540 NE SKYHIGH TER  
 OCEAN BREEZE FL 34957

SALLY S READLING LIVING TRUST AGREEM  
 1532 NE SOUTH ST  
 JENSEN BEACH FL 34957

SCHOMMER TERRY HEIR-L/ESCHOMMER  
RANDY F ESTATE  
1506 NE HILLTOP ST  
JENSEN BEACH FL 34957

WOODS, ROY L & SUSAN  
1612 NE SOUTH ST  
JENSEN BEACH FL 34957

SEA WALK HOMEOWNERS ASSOCIATION INC  
1350 NE 56TH ST #180  
FORT LAUDERDALE FL 33334

YOUNG, MARK Q  
1641 NE SOUTH ST  
JENSEN BEACH FL 34957-7270

SEA WALK HOMEOWNERS ASSOCIATION INC  
1350 NE 56TH ST #180  
FORT LAUDERDALE FL 33334

YURILLO, MARIE  
PO BOX 468  
JENSEN BEACH FL 34958-0468

SHERER HEIDI  
1496 NE HILLTOP ST  
JENSEN BEACH FL 34957

SLAWEK AMY  
1425 MIAMI LN  
DES PLAINES IL 60018

SQUIRES BRITTNEY ELENASQUIRES  
MATTHEW YOUNG  
1570 NE SKYHIGH TER  
OCEAN BREEZE FL 34957

TAPCHAK, EUGENE D  
163 RADFORD 2A ST  
YONKERS NY 10705

TOWNSEND, GENE  
1503 SOUTH ST  
JENSEN BEACH FL 34957

VICAT MICHELLE SUZANNE  
1533 NE SOUTH ST  
JENSEN BEACH FL 34957

WOLSKE KRISTY M  
3065 NE HIGHLAND AVE  
JENSEN BEACH FL 34957



Recorded in Martin County, FL 5/3/2017 1:51 PM  
Carolyn Timmann, Clerk of the Circuit Court & Comptroller  
Rec Fees: \$452.00  
CFN#2632967 BK 2922 PG 1580 PAGE 1 of 53



**BEFORE THE TOWN COUNCIL OF THE  
TOWN OF OCEAN BREEZE, MARTIN COUNTY, FLORIDA**

**ORDINANCE NUMBER 251-2017**

**AN ORDINANCE OF THE TOWN OF OCEAN BREEZE, FLORIDA, AMENDING ORDINANCE NUMBER 170-2010, ALSO KNOWN AS THE OCEAN BREEZE PARK WEST PLANNED UNIT DEVELOPMENT (PUD), THEREBY ADOPTING A FINAL MASTER SITE PLAN FOR A HOUSING DEVELOPMENT CONSISTING OF APPROXIMATELY 143 SINGLE-FAMILY HOMES; PROVIDING A REVISED/FINAL MASTER SITE PLAN, DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; DECLARING SAID PROJECT TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, on September 13, 2010, the Ocean Breeze Town Council adopted Ordinance Number 170 rezoning the OBP West Property and approving the OBP West Planned Unit Development (PUD) Agreement, Master Site Plan and Development Conditions, which Ordinance is recorded in Official Records Book 2476, Page 1346, public records of Martin County, Florida; and

**WHEREAS**, The OBP West Property, which is subject to the standards set forth in this OBP West PUD Agreement, includes the entire forty-five (45) acres, more or less, located within the municipal limits of the Town of Ocean Breeze, west of the railroad tracks excluding the existing commercial development. The OBP West Property is more particularly described in Exhibit "A" of Ordinance 170 (OBP West PUD Property); and

**WHEREAS**, the approved OBP West PUD Agreement provides for a variety of commercial and residential uses on the 45 acres within the limits of the PUD including but not limited to, single family units, duplex units, multi-family apartments, assisted living facilities and mobile home units at a maximum density of 15 units per acre; and

**WHEREAS**, the OWNER of the property within the OBP West PUD, OBP West, LLC, a Florida limited liability company, is voluntarily requesting to amend the PUD Agreement, Master Site Plan and Development Conditions to eliminate all commercial and residential uses within the limits of the PUD except for 143 single family units at a maximum density of 3.1 units per acre; and

**WHEREAS**, an application for an amendment to the OBP West PUD Agreement, Master Site Plan and Development Conditions was filed on behalf of the OWNER of the property; and

**WHEREAS**, the Zoning Board held a properly noticed public hearing to consider the proposed amendment to the PUD Agreement including the Revised Master/Final Site Plan and Development Conditions; and

**WHEREAS**, the Town Council held properly noticed quasi-judicial public hearings to consider the proposed amendment to the PUD Agreement including the Revised Master/Final Site Plan and Development Conditions; and

## **REVISED EXHIBIT "C"**

### **OCEAN BREEZE WEST PUD DEVELOPMENT CONDITIONS**

#### **A. PLANNED UNIT DEVELOPMENT CONDITIONS**

1. All development on the West Parcel (as defined herein) shall comply with the minimum standards set forth in Article XII and Ordinance #181 of the Zoning and Land Development Code of Ocean Breeze as adopted on October 11, 2010, the standards set forth on the Ocean Breeze (OB) West PUD Revised Master/Final Site Plan, and the development standards set forth herein. Where inconsistent, matters set forth in the OB West Revised Master/Final Site Plan and this OB West PUD Development Conditions shall control over any term or requirement in the Land Development Code. Where matters are silent in the documents referenced in the first sentence of this section, the Land Development Code shall control.
2. The West Parcel, which is subject to the standards set forth in this OB West Development Conditions, shall include the entire forty-five (45) acres, more or less, located within the municipal limits of the Town of Ocean Breeze west of the railroad tracts excluding the existing commercial development. The West Parcel is more particularly described in Exhibit "A" of Ordinance 251-2017 (Ocean Breeze West PUD Amendment).
3. Approved Plans and Documents. The OB West PUD property and use thereof shall comply with the following plans and documents:
  - a. The Revised Master/Final Site Plan, prepared by Lucido & Associates, dated March 6, 2017, hereinafter referred to as the "Site Plan";
  - b. The Landscape Plans and Landscape Management Plan prepared by Lucido & Associates, dated March 6, 2017;
  - c. The Certificate of Occupancy (CO) Phasing Plan and Development Timetable applicable to the Site Plan, dated March 6, 2017;
  - d. The Declaration of Covenants and Restrictions and Community Rules and Restrictions applicable to the Site Plan;
  - e. The Preserve Area Management Plan applicable to the preserve areas designated on the Site Plan; and
  - f. Architectural elevations for the recreation clubhouse and typical single family home.



## B. LOT DIMENSIONS

### 1. Minimum Lot Areas

Single Family – 5,000 square feet

### 2. Minimum Lot Width

Single Family – 50 feet

### 3. Minimum Lot Depth

Single Family – 100 feet

### 4. Minimum Open Space/Maximum Lot Coverage – The minimum open space for the entire project shall be fifty-five percent (55%). The maximum lot coverage on individual lots shall be sixty-five percent (65%).

### 5. Maximum Height – The maximum building height within the PUD shall be 2 stories or 35 feet as measured from the first floor finished floor elevation to the surface of a flat roof or the to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height.

### 6. Minimum Yard Setbacks

<b>Single Family Homes</b>	<b>Front</b>	<b>Side</b>	<b>Rear</b>	<b>Side/Corner</b>
Front Loaded Garage	25'	5'	20'	10''
Side Loaded Garage	20'	5'	20'	10''
Rear Loaded Garage	15'	5'	20'	10''

#### a. Accessory structures such as pools, decking and screened enclosures may have a minimum setback along the side and rear yards of 5 feet subject to the approval of a lot grading plan demonstrating that stormwater runoff will be contained on the subject lot or within designated drainage easements. No detached accessory structures such as sheds or tents are permitted.

#### b. Every part of every required front, side and rear yard setback shall be open and unobstructed except as allowed for herein.

i. In residential developments, structural overhangs such as roof extensions may stand up to three (3) feet into required setbacks.

ii. Mechanical equipment, cornices and gutters may project up to three (3) feet into required yard, provided that where the yard is less than six (6) feet in width such projection shall not exceed one-half (1/2) in width of the required setback.

iii. In residential developments, cantilevered awnings may extend up to three (3) feet into required front yards and up to three (3) feet into required side or rear yards, but not closer than three (3) feet to any lot line.

iv. Required yard setbacks shall apply to all structures, except fences and walls which do not exceed six (6) feet in height subject to the approval of a lot grading plan demonstrating that stormwater runoff will not be obstructed by the fence or wall and will be contained on the subject lot or within designated drainage easements.

### C. FENCES, WALL AND HEDGES

1. No garden or court wall, regardless of location, attached to a building shall be erected to a height in excess of six (6) feet.
2. No wall, fence or hedge located within the setback shall be greater than six (6) feet in height.

### D. LANDSCAPING

1. All required landscaping shall be in accordance with the approved landscape plans and landscape management plan prepared by Lucido and Associates.
2. Except for the temporary sales center and model units, all common areas must be landscaped in accordance with the approved landscape plans pursuant to the Certificate of Occupancy (CO) Phasing Plan and Development Timetable.
3. A landscape plan for the for the individual lots, including the sales center and model lots must be submitted for review and installed prior to the issuance of a CO. A minimum of three (3) required trees per lot shall be required. Shade trees shall have a minimum height of twelve (12) feet and a minimum spread of five (5) feet at planting. Palm trees shall have a minimum of six (6) foot clear trunk. Accent trees shall have a minimum height of ten (10) feet. Two palm trees or two accent trees shall be equivalent to one (1) shade tree. All required landscaping shall be irrigated, as needed, to maintain the landscaping in a healthy state. Mulch shall be installed in all planting areas to a depth of two to three inches. The type of mulch shall be specified on the landscape plan. Cypress mulch is prohibited.
4. The Town's landscape inspector shall have the opportunity to review and inspect the required landscaping prior to installation and prior to the issuance of a CO. The OWNER shall bear the cost of the Town's past-through consulting fees.
5. Plant material shown on the approved landscape plan may be substituted for similar material upon the approval of the Town Mayor with concurrence of the Town Council.

6. Required landscaping as shown on the approved landscape plans shall be maintained by the OWNER until such time as the property is platted and conveyed to the individual lot owner and/or the Homeowners Association.
7. Stormwater Management System  
The approved and permitted stormwater management system including structures and landscape improvements shall be constructed and maintained by the OWNER until such time as the property is platted and conveyed to the Homeowners' Association (HOA). The HOA shall be responsible for maintaining the stormwater system in perpetuity.
8. All utility lines, including but not necessarily limited to, cable, telephone and electric, shall be underground.

#### E. OFF STREET PARKING STANDARDS

1. The following minimum off-street parking standards shall apply to development within the PUD:  
Residential – Market based single family housing: Two (2) parking spaces per unit
2. Excluding loading spaces, all off-street parking spaces shall be no less than ten (10) by twenty (20) feet in size, exclusive of maneuvering area and driveways.
3. No permanent on-street parking shall be permitted.

#### F. PRESERVE AREAS

Preserve Areas may not be altered except in accordance with the approved Preserve Area Management Plan (PAMP).

#### G. GOVERNMENTAL SERVICES

1. The OWNER is aware that only limited services are directly provided by the Town of Ocean Breeze and must disclose to potential lot purchasers and to the HOA, that certain services including but not limited to, water and wastewater treatment, police protection, waste management, fire protection and advanced life support services are provided by Martin County or other public or private service providers. The OWNER shall be responsible for all fees, costs and charges for all governmental services provided by way of interlocal agreement or other agreement between the Town, OWNER and/or public or private service providers until such time as the property is platted and conveyed to individual lot owners and/or the Homeowners' Association (HOA) and thereafter the HOA shall be responsible for all such fees, costs and charges.

2. As of the date of the approval of the OB West PUD Amendment, the Town has entered into an Interlocal Agreement with Martin County recorded at Official Records Book 2458, Page 1090, of the Public Records of Martin County, Florida for Advanced Life Support and Fire Protection Services. The term "Interlocal Agreement", as used herein, shall further include any and all amendments thereto, or substitutions or restatements thereof, including but not limited to any and all future Interlocal Agreement(s) between the Town and Martin County concerning life support and fire protection services, or any services related thereto. The OWNER shall pay its pro-rata share of the payment required by the Interlocal Agreement, based upon the acreage of the PUD relative to the total acreage of the Town. Upon platting of the PUD and conveyance of the property to individual lot owners and/or the HOA, the HOA shall thereafter be obligated to make such payments. The Town shall notify the OWNER or Homeowners' Association, as applicable, of the annual estimated costs and any necessary adjustments to prior payments, within thirty (30) days of receipt of such notice and information from the County. Payments to the Town shall be made no later than ten (10) days prior to the date that the Town's payment is due to the County. Alternatively, upon written notice to the Town, the OWNER or Homeowners' Association may arrange with Martin County to pay directly to Martin County its pro-rata share of the payment required by the Interlocal Agreement and shall provide proof of such payment to the Town. Furthermore, if at any time the Town, in its sole discretion, grants or allows Martin County to exercise jurisdiction to directly bill or assess property owners within the Town for life support and/or fire protection services, or for any other services whatsoever, then in that event Owner, the HOA and/or individual lot owners so billed or assessed shall be obligated to comply with Martin County's requirements related thereto, including but not limited to direct payment to Martin County.

## H. ACCESS AND CONNECTIVITY

1. As shown on the Revised Master/Final Site Plan, the OWNER has voluntarily elected to construct the following improvements to enhance access and connectivity:
  - An off-site, 6' wide public sidewalk along the easterly right-of-way of NE Skyline Drive extending from the proposed sidewalk at the project's entrance to the existing sidewalk on NE Jensen Beach Boulevard;
  - An off-site, 6' wide sidewalk from the proposed sidewalk system within the project to the Publix Shopping Center within the Town of Ocean Breeze;
  - An internal sidewalk system and bike parking facilities at the recreation site; and

- A primary access connection at NE White Pine Terrace including a 6' wide public sidewalk extending from the project's entrance to the existing sidewalk on NE Savannah Road.
2. Prior to any development activities, the applicant shall obtain Martin County's approval for the roadway connections at NE Skyline Drive and NE White Pine Terrace as depicted on the project's Revised Master/Final Site Plan. Any change to the location, functionality or general configuration of the roadway connections depicted on the Revised Master/Final Site Plan shall require Town Council approval via a Major PUD amendment, including at least one public hearing before the Town's Zoning Board and two public hearings before the Town Council.

## I. HOMEOWNERS ASSOCIATION

1. Upon the sale of the requisite number of lots prescribed by Florida Statute, the formation of a home owners association shall be mandatory. Said association shall be maintained in perpetuity.
2. Use of the PUD shall be governed by the Declaration of Covenants and Restrictions, which shall be in a form and content acceptable to the Town Council and recorded at the time the first plat is recorded.
3. The Declaration of Covenants and Restrictions shall be consistent with this PUD Amendment and shall include, but not be limited to, the following responsibilities, conditions and restrictions:
  - The terms and conditions of the PUD Agreement, including but not limited to Sections B, C, D, E, F and G of this Revised Exhibit "C," Ocean Breeze West PUD Development Conditions, shall be incorporated by reference into the Declaration of Covenants and Restrictions and any violations thereof by individual lot owners shall be timely remedied and enforced by the HOA. Failure to so remedy and enforce the same shall constitute a violation of the PUD. Nothing herein shall be deemed to limit the Town's right and power to separately enforce any PUD violations and avail itself of all such remedies as may be permitted by law.
  - Community rules and restrictions;
  - Acknowledgment of continuing responsibility to pay pro-rata share of Town's fees to Martin County for fire protection and emergency services pursuant to the Interlocal Agreement and any amendments thereto;

- Prohibition of home occupational uses that generate any additional traffic, noise or other nuisance impacts;
  - Acknowledgment that all roads and common area improvements within the project are private and shall be maintained in perpetuity by the HOA;
  - Compliance with all Preserve Area Management Plan monitoring and reporting requirements;
  - Provisions for waste management services and reporting of annual trash volumes to the Town for Comprehensive Planning purposes; and
  - Provisions for police patrol agreement.
4. In cases where the the PUD restrictions conflict with the Declaration of Covenants and Restrictions, the more restrictive provision shall prevail.

## J. AMENDMENTS

1. Amendments to OB West PUD Development Conditions or this PUD Amendment: Except as otherwise provided herein, amendments to these OB West PUD Development Conditions or the PUD Amendment and its exhibits shall only be requested by the OWNER or the HOA, as applicable, and shall require a major amendment reviewed and approved by the Town Council. Individual lot owners may not apply for an amendment to the PUD.
2. Amendment to OB West Revised Master/Final Site Plan
  - a. Major amendment to the OB West Revised Master/Final Site Plan shall be reviewed and approved by the Town Council. A major site plan amendment shall include:
    - i. Any change to the approved uses;
    - ii. An increase in approved residential density of five (5) percent or more
    - iii. An increase in approved nonresidential building square footage of ten (10) percent or more; and
    - iv. Any additional access points connecting a development parcel to roadways in the unincorporated Martin County.
  - b. Minor amendments to the OB West Revised Master/Final Site Plan shall be reviewed and approved administratively by Town staff. The review and approval of a minor amendment to the OB West Revised Master/Final Site Plan shall be limited to confirmation that the proposed amendment complies with the minimum requirements of these OB West PUD Development Conditions. A minor site plan is any proposed amendment to the OB West Master Site Plan or a final site plan not provided in Section J.2.a. above.

3. All approved amendments to the OB West PUD Development Conditions, the OB West Revised Master/Final Site Plan shall be recorded in the Public Records of Martin County, Florida.

## K. DEVELOPMENT TIMETABLE

### 1. Commencement of Construction

Approval of the revised master/final site plan, including the construction (civil engineering) plans and submittal of all required permits and fees, shall authorize the OWNER to proceed with a preconstruction meeting and to submit building permit applications in accordance with the Certificate of Occupancy Phasing Plan and Development Timetable, and these OB West PUD Development Conditions. Permission to initiate construction of site improvements shall not be granted or building permits issued, until all required documents are executed and all applicable conditions of approval are satisfied including payment of all pass-thru town consultant fees for services rendered.

2. Consistent with the Town Ordinance number 231-2015, review and approval of all civil, architectural and all other types of construction plans associated with the project shall be reviewed and approved by a duly licensed provider(s) acceptable to the Town and paid for by the OWNER.
3. Failure to commence site construction within two (2) years of approval of the revised master/final site plan shall render the final site plan approval null and void unless extended by the Town Council.
4. Completion of all infrastructure improvements and recordation of a plat must be completed within three (3) years of final site plan approval unless extended by the Town Council.
5. Parcel "A" as shown on the revised master/final site plan shall be voluntarily donated to the Town by the OWNER prior to or in conjunction with the recordation of the plat. Said donation shall be subject to the Town's acceptance. Approval for development of Parcel A as a Town office or single-family home shall require a minor amendment to this ordinance, including posting the site, mailed notice to property owners within 300 feet and at least one public hearing before the Town Council. Authorization for the Town to apply for and process said minor amendment is hereby deemed to be granted by the OWNER and the HOA. In no instance shall the Town, or any owner of Parcel A, be a member of the HOA or be subject to its provisions or covenants. Owner shall provide stub-out of water and sewer connections to the site.



6. Except for Parcel A and the sales center/model permits, no building permits may be issued until the subdivision plat is recorded and the core infrastructure improvements identified on the Certificate of Occupancy (CO) Phasing Plan and Development Timetable are completed for the respective phase and inspected by the Town or it's designee.
7. Except for Parcel A and the sales center/model permits, no COs may be issued until the subdivision plat is recorded and the site, recreation and landscape plan improvements identified on the Certificate of Occupancy (CO) Phasing Plan and Development Timetable are completed for the respective phase and inspected by the Town or it's designee.
8. Except for Parcel A, no individual lots may be sold or conveyed until the plat is recorded and all required engineering and site improvements are completed or bonded pursuant to Florida Statutes.
9. The proposed common area recreation improvements shown on the revised master/final site plan shall be completed prior to the issuance of the certificate of occupancy (CO) for the 40<sup>th</sup> residential unit or within 18 months of the issuance of the first CO, whichever is first.
10. A Knox box key switch shall be installed to operate all entrance gates in coordination with the Martin County's Sheriff's Office and Martin County Fire Rescue.
11. Construction access shall be restricted to NE Skyline Drive and NE White Pine Terrace.
12. Construction activities shall be limited to 7:30 AM to 7:00 PM, Monday thru Saturday.
13. Any damages to Martin County infrastructure resulting from the OWNER's project-related construction activities shall be promptly repaired by the OWNER at the OWNER's expense.
14. All applicable Martin County and Martin County School Board impact fees shall be paid prior to the Town's issuance of any permits for homes.
15. To the extent permitted by Martin County's impact fee regulations, the Town agrees to support the OWNER in any request that Martin County grant credits against impact fees for off-site infrastructure improvements built and paid for by the OWNER.
16. Reports required by the project's Preserve Area Management Plan, which shall be made part of this ordinance, shall be provided to the Town once each year for five years and once every three years thereafter.
17. The address of the project and all residences therein shall be the "Ocean Breeze".
18. All structures on lots 120 through 127 as shown on the Revised Master/Final Site Plan shall be restricted to one-story.

#### **L. SUCCESSORS AND ASSIGNS**

All provisions and requirements under Ordinance Number 251-2017, including this Revised Exhibit "C" and all other attachments and provisions of the said ordinance and the Acceptance and Agreement appended thereto shall run with the land and be binding upon the OB West Property described therein and shall bind the Owner, its successors, heirs and assigns.

#### **M. VIOLATIONS**

In the event of a violation of the PUD by Owner, its successors, heirs or assigns, the Town shall have all remedies available under Florida law, including but not limited to those remedies specified in the Acceptance and Agreement provision appended to Ordinance Number 251-2017, which such remedies shall be cumulative.

**Morris A. Crady, AICP**  
**Senior Vice President**  
**Lucido & Associates**  
701 S.E. Ocean Blvd  
Stuart, Florida 34994  
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Landscape Architecture - Land Planning - Land Entitlement



Please consider the environment before printing this e-mail.

**From:** Terry O'Neil <[twoneil@aol.com](mailto:twoneil@aol.com)>  
**Sent:** Wednesday, July 28, 2021 10:52 AM  
**To:** Morris Crady <[mcrady@lucidodesign.com](mailto:mcrady@lucidodesign.com)>  
**Subject:** Availability of water service to Parcel "A"

Morris,

Can you check with your connections at Martin County and confirm that water service is available on South Street?

Thanks  
Terry

Sent from [Mail](#) for Windows 10

**From:** Morris Crady

**Sent:** Wednesday, July 28, 2021 12:19 PM

**To:** Terry O'Neil

**Subject:** RE: Availability of water service to Parcel "A"

Confirmed.





martin county water and sewer



Locating Water and Wastewater



Utilities



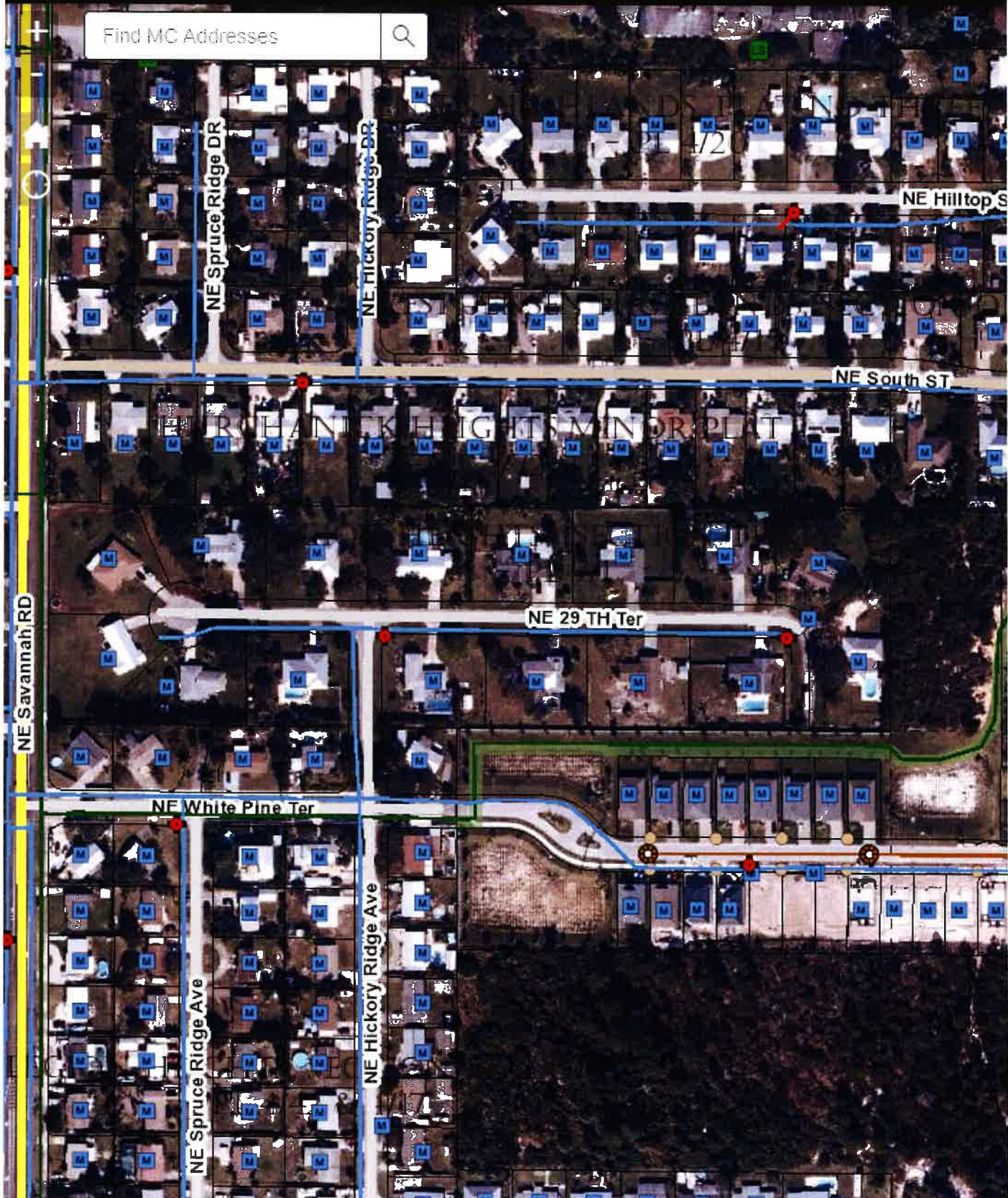
<https://geoweb.martin.fl.us/utilities/>



## Utilities

Martin County Board of County Commissioners

Find MC Addresses



## PART 2. - PROPERTY MAINTENANCE CODE

### ARTICLE 1. - IN GENERAL

#### Sec. 21.40. - Title.

These regulations shall be known as the "Property Maintenance Code of Martin County."

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.41. - Scope.

The provisions of the Property Maintenance Code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties. Life safety, safety from fire and similar hazards shall be governed and enforced by the Martin County Fire Prevention Office.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.42. - Intent.

Property Maintenance Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with the Florida Existing Building Code.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.43. - Responsibility.

The owner and/or occupant of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in the Property Maintenance Code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.44. - Maintenance.

Equipment, systems, devices and safeguards required by the Property Maintenance Code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of the Property Maintenance Code are not intended to provide

the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.45. - Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Florida Existing Building Code.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.46. - Existing remedies.

The provisions in the Property Maintenance Code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, unsafe and unsanitary.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.47. - Workmanship.

Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the Property Maintenance Code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.48. - Historic buildings.

The provisions of the Property Maintenance Code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.49. - Referenced codes and standards.

The codes and standards referenced in the Property Maintenance Code shall be those that are adopted by Florida Statutes, including, but not limited to, the Florida Building Code, the Florida Residential Code, the Florida Plumbing Code, the Florida Mechanical Code, the Florida Fuel Gas Code, the Florida Existing Building Code and the National Electric Code and considered part of the requirements of the Property Maintenance Code to the prescribed extent of each such reference. Where differences occur between provisions of the Property Maintenance Code and the referenced standards, the provisions of the Property Maintenance Code shall apply.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.50. - Requirements not covered by Property Maintenance Code.



Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by the Property Maintenance Code, shall be determined by the Building Official.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.51—21.54. - Reserved.

## ARTICLE 2. - DIVISION OF PROPERTY MAINTENANCE INSPECTION

Sec. 21.55. - General.

The Division of Property Maintenance Inspection is hereby created and the official in charge shall be the Building Official.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.56. - Fees.

The fees for activities and services performed by the division in carrying out its responsibilities under the Property Maintenance Code shall be set by resolution of the Board of County Commissioners.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.57—21.59. - Reserved.

## ARTICLE 3. - DUTIES AND POWERS OF THE BUILDING OFFICIAL

Sec. 21.60. - General.

The Building Official shall enforce the provisions of the Property Maintenance Code. The Building Official is hereby authorized and directed to enforce the provisions of the Property Management Code. The Building Official shall have the authority to render interpretations of the Property Management Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the Property Management Code, and shall not have the effect of waiving requirements specifically provided for in the Property Management Code.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.61. - Delegation of authority.

Whenever a provision appears requiring the Building Official or some other officer or employee to do some act or perform some duty, it is to be construed to authorize the Building Official or other officer to designate, delegate and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.62. - Rule-making authority.

The Building Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of the Property Maintenance Code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in the Property Maintenance Code, or of violating accepted engineering methods involving public safety.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.63. - Inspections.

The Building Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.64. - Reserved.

### ARTICLE 4. - APPROVAL

#### Sec. 21.65. - Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the Property Maintenance Code, the Building Official shall have the authority to grant modifications for individual cases, provided the Building Official shall first find that special individual reasons make the strict letter of the Property Maintenance Code impractical and the modification is in compliance with the intent and purpose of the Property Maintenance Code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be set forth in writing by the Building Official.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.66. - Alternative materials, methods and equipment.

The provisions of the Property Maintenance Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by the Property Maintenance Code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of the Property Maintenance Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the Property Maintenance Code in quality, strength, effectiveness, fire resistance, durability and safety.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.67. - Required testing.

Whenever there is insufficient evidence of compliance with the provisions of the Property Maintenance Code, or evidence that a material or method does not conform to the requirements of the Property Maintenance Code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.68. - Test methods.

Test methods shall be as specified in the Property Maintenance Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.69. - Material and equipment reuse.

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.70—21.74. - Reserved.

ARTICLE 5. - UNSAFE STRUCTURES AND EQUIPMENT

Sec. 21.75. - General.

When a structure or equipment is found by the Building Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of the Property Maintenance Code. It shall be unlawful to maintain or permit the existence of any unsafe structure, unsafe equipment, a structure unfit for human occupancy or an unlawful structure.

- 21.75.1. *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible or said structure has been abandoned.
- 21.75.2. *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- 21.75.3. *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the Building Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the Property Maintenance Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- 21.75.4. *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the Property Maintenance Code, or was erected, altered or occupied contrary to law.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.76. - Vacant structures/abandoned structures.

If the structure is vacant or has been abandoned for a period of time in excess of 180 days and unfit for human habitation and occupancy, regardless of whether it is in danger of structural collapse, the Building Official is authorized to declare the structure a public nuisance which shall be synonymous with the definition of an unsafe structure and subject to the same requirements outlined in the Property Maintenance Code up to and including condemnation.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.77. - Notice.

Whenever the Building Official has condemned a structure or equipment, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner and the person or persons responsible for the structure or equipment as set forth below. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

21.77.A. *Form.* Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of the Property Management Code.
5. Include a statement that failure to comply with the correction order shall result in the Building Official causing the structure or equipment to be demolished and removed.
6. Inform the property owner of the right to appeal.
7. Include a statement of the right to file a lien.

21.77.B. *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

21.77.C. *Transfer of ownership.* It shall be unlawful for the owner of any unsafe structure or equipment who has received notice as set forth above, to sell, transfer, mortgage, lease or otherwise dispose of such structure or equipment to another until compliance has been achieved or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of such notice and shall furnish to the Building Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging receipt of such notice and fully accepting the responsibility without condition for making the required corrections or repairs.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.78. - Placarding.

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Building Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.79. - Placard removal.

The Building Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. It shall be a violation of the Property Management Code to deface or remove a condemnation placard without the approval of the Building Official. Violators of this section shall be subject to the penalties provided by the Property Maintenance Code.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.80. - Prohibited occupancy.

Any occupied structure condemned and placarded by the Building Official shall be vacated as ordered by the Building Official. It shall be a violation of the Property Management Code for any person to occupy a placarded premises or to operate placarded equipment, and for any owner or any person responsible for the premises to let anyone occupy a placarded premises or operate placarded equipment.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.81. - Failure to comply.

If the owner of the structure or equipment fails to comply with the correction order, within the time prescribed, the Building Official shall cause the structure or equipment to be demolished and removed, and the cost of such demolition shall be billed to the owner of the real property involved and if not paid within 30 days, shall constitute a lien payable to Martin County.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.82—21.84. - Reserved.

ARTICLE 6. - EMERGENCY MEASURES

Sec. 21.85. - Imminent danger.

When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.86. - Temporary safeguards.

Notwithstanding other provisions of the Property Maintenance Code, whenever, in the opinion of the Building Official, there is imminent danger due to an unsafe condition, the Building Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe; and shall cause such other action to be taken as the Building Official deems necessary to meet such emergency.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.87. - Closing streets.

When necessary for public safety, the Building Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.88. - Emergency repairs.

The Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.89. - Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be billed to the owner of the real property involved and if not paid within thirty (30) days shall constitute a lien payable to Martin County.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.90—21.94. - Reserved.

ARTICLE 7. - EXTERIOR PROPERTY AREAS

Sec. 21.95. - Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The owner or occupant shall keep that part of the exterior property, which such owner or occupant occupies, or controls in a clean and sanitary condition.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.96. - Grading and drainage.

All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

*Exception:* Approved retention areas and reservoirs.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.97. - Sidewalks and driveways.

All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.98. - Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.99. - Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.100—21.104. - Reserved.

ARTICLE 8. - SWIMMING POOLS, SPAS AND HOT TUBS

Sec. 21.105. - Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.106. - Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or approved barrier at least 48 inches (1,219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.107—21.109. - Reserved.

ARTICLE 9. - EXTERIOR STRUCTURE

Sec. 21.110. - General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.111. - Protective treatment.



All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.112. - Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.113. - Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.114. - Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface-coated where required to prevent deterioration.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.115. - Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain and the roof and flashing shall utilize only materials and connection methods that are approved assemblies and have product approvals as an approved assembly in accordance with the applicable provisions of the Florida Building Code. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

However, in the event of roof damage caused by hurricanes, high winds, fire or other factors beyond the control of the property owner, the property owner, for 90 days, may utilize temporary weather proofing measures (e.g., blue tarps) not otherwise in compliance with this section. In the event of a declared emergency, this provision may be further extended by the Board of County Commissioners.

(Ord. No. 742, pt. 2, 2-6-2007; Ord. No. 808, pt. 1, 9-9-2008)

Sec. 21.116. - Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.117. - Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.118. - Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.119. - Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.120. - Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.121. - Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

21.121.1. *Glazing.* All glazing materials shall be maintained free from cracks and holes.

21.121.2. *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.122. - Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with applicable provisions of the Florida Building Code.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.123. - Building security.

Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

21.123.1. *Doors.* Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by turning of a knob or a key and shall have a lock throw of not less than one inch. For the purpose of this section, a slide bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a tool, combination thereof or any other special knowledge or effort.

21.123.2. *Windows.* Operable windows located in whole or in part within six feet (1,828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.124—21.129. - Reserved.

#### ARTICLE 10. - INTERIOR STRUCTURE

Sec. 21.130. - General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Owners or occupants shall keep that part of the structure, which they occupy or control, in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.131. - Structural members.

All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.132. - Interior surfaces.

All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.133. - Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.134. - Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.135. - Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.136—21.139. - Reserved.

ARTICLE 11. - HANDRAILS AND GUARDRAILS

Sec. 21.140. - General.

Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1,067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

*Exception:* Guards shall not be required where exempted by the governing building code.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.141—21.144. - Reserved.

ARTICLE 12. - EXTERMINATION

Sec. 21.145. - Infestation.

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.146. - Owner.

The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.147. - Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.148. - Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.149. - Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

*Exception:* Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.150—21.154. - Reserved.

ARTICLE 13. - LIGHT

Sec. 21.155. - Habitable spaces.

Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

*Exception:* Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The exterior glazing area shall be based on the total floor area being served.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.156. - Common halls and stairways.

Every common hall and stairway in residential occupancies, other than in one-family and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). In other than residential occupancies, means of egress, including exterior means of egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one foot-candle (11 lux) at floors, landings and treads.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.157. - Other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.158, 21.159. - Reserved.

ARTICLE 14. - VENTILATION

Sec. 21.160. - Habitable spaces.

Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in section 21.155.

*Exception:* Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m<sup>2</sup>). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.161. - Bathrooms and toilet rooms.

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by section 21.160 except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.162. - Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

*Exception:* Where specifically approved in writing by the Building Official.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.163. - Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.164. - Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.165—21.169. - Reserved.

ARTICLE 15. - OCCUPANCY LIMITATIONS

Sec. 21.170. - Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.171. - Minimum room widths.

A habitable room, other than a kitchen, shall not be less than seven feet (2,134 mm) in any plan dimension.

Kitchens shall have a clear passageway of not less than three feet (914 mm) between counter fronts and appliances or counterfronts and walls.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.172. - Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2,134 mm).

*Exceptions:*

1. In one-family and two-family dwellings, beams or girders spaced not less than four feet (1,219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height.
2. Basement rooms in one-family and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2,033 mm) with not less than six feet four inches (1,932 mm) of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2,134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1,524 mm) or more shall be included.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.173. - Bedroom requirements.

Every bedroom shall comply with the requirements of sections 21.213.1 through 21.213.5.

21.173.1. *Area for sleeping purposes.* Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>)



of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

21.173.2. *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

*Exception:* Units that contain fewer than two bedrooms.

21.173.3. *Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

21.173.4. *Prohibited occupancy.* Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

21.173.5. *Other requirements.* Bedrooms shall comply with the applicable provisions of the Property Maintenance Code including, but not limited to, the light, ventilation, room area, ceiling height and room width; the plumbing facilities and water-heating facilities requirements of [Article 16](#); the heating facilities and electrical receptacle requirements of [Article 20](#); and the smoke detector and emergency escape requirements of the applicable requirements of the Florida Building Code.

(Ord. No. 742, pt. 2, 2-6-2007)

#### Sec. 21.174. - Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table [21.174](#).

TABLE [21.174](#)  
MINIMUM AREA REQUIREMENTS

Space	Minimum Area In Square Feet		
	1—2 Occupants	3—5 Occupants	6 or More Occupants
Living room	No requirements	120	150
Dining room	No requirements	80	100
Bedrooms	Shall comply with <a href="#">section 21.173</a>		

For SI: 1 square foot = 0.093 m<sup>2</sup>.

a. See section 21.174.2 for combined living room/dining room spaces.

b. See section 21.174.1 for limitations on determining the minimum occupancy area for sleeping purposes.

21.174.1. *Sleeping area.* The minimum occupancy area required by Table 21.74. shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with [section 21.173](#).

21.174.2. *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 21.1; total area is equal to that required for separate rooms and if the space is located so as to function as a combination room/dining room.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.175. - Efficiency unit.

Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m<sup>2</sup>). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m<sup>2</sup>). These required areas shall be exclusive of the areas required by items 2 and 3.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to the Property Maintenance Code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
4. The maximum number of occupants shall be three.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.176. - Food preparation.

All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.177—21.179. - Reserved.

ARTICLE 16. - PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

Sec. 21.180. - Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.181. - Rooming houses.

At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.182. - Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.183. - Employees' facilities.

A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.184. - Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.185. - Toilet rooms.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.186. - Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.187. - Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

*Exception:* Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.188. - Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.189. - Plumbing fixtures.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.190. - Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.191. - Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the Building Official shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.192—21.194. - Reserved.

ARTICLE 17. - WATER SYSTEM

Sec. 21.195. - General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Plumbing Code.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.196. - Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.197. - Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.198. - Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.199. - Reserved.

ARTICLE 18. - SANITARY DRAINAGE SYSTEM

Sec. 21.200. - General.

All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.201. - Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.202—21.204. - Reserved.

ARTICLE 19. - STORM DRAINAGE

Sec. 21.205. - General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.206—21.209. - Reserved.

ARTICLE 20. - HEATING FACILITIES

Sec. 21.210. - Heating facilities required.

Heating facilities shall be provided in structures as required by this section.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.211. - Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

*Exception:* In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.212. - Heat supply.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

*Exceptions:* 1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Plumbing Code. 2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.213. - Occupiable work spaces.

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than degrees 65 Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

*Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.214. - Room temperature measurement.

The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.215. - Mechanical appliances.

All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.216. - Removal of combustion products.

All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

*Exception:* Fuel-burning equipment and appliances which are labeled for unvented operation.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.217. - Clearances.

All required clearances to combustible materials shall be maintained.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.218. - Safety controls.

All safety controls for fuel-burning equipment shall be maintained in effective operation.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.219. - Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.220. - Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.221. - Electrical facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Article 21. Electrical Equipment.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.222. - Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.223. - Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Building Official shall require the defects to be corrected to eliminate the hazard.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.224—21.229. - Reserved.

#### ARTICLE 21. - ELECTRICAL EQUIPMENT

Sec. 21.230. - Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.231. - Receptacles.

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.232. - Lighting fixtures.

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.233, 21.234. - Reserved.

#### ARTICLE 22. - ELEVATORS, ESCALATORS AND DUMBWAITERS

Sec. 21.235. - General.

Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

(Ord. No. 742, pt. 2, 2-6-2007)

Sec. 21.236. - Elevators.

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.



*Exception:* Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

(Ord. No. 742, pt. 2, 2-6-2007)

Secs. 21.237—21.239. - Reserved.

## ARTICLE 23. - DUCT SYSTEMS

Sec. 21.240. - General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

(Ord. No. 742, pt. 2, 2-6-2007)

## ARTICLE 24. - COASTAL CONSTRUCTION CODE

### *Footnotes:*

— (3) —

**Cross reference**— *Beach nourishment, § 17.91 et seq.; beach erosion, § 67.171 et seq.*

**State Law reference**— *Coastal construction, F.S. §§ 161.55, 161.56.*

Sec. 21.241. - Title.

The provisions contained herein shall constitute the coastal construction code for construction within the coastal building zone and coastal barrier islands in Martin County and shall be referred to as the "coastal code."

(Ord. No. 742, pt. 3, 2-6-2007)

Sec. 21.242. - Purpose.

The purpose of the coastal code is to provide minimum standards for the design and construction of buildings and structures to reduce the harmful effects of hurricanes and other natural disasters occurring along the coastal areas of Martin County which front on the Atlantic Ocean. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes, and topography of adjacent properties. The coastal code is site specific to the coastal building zone and coastal barrier islands as defined herein and is not applicable to other locations. In the event of a conflict between this chapter and other chapters of this Code, the requirements resulting in more restrictive design shall apply. No provisions in this chapter shall be construed to permit any construction in any area prohibited by local city, County, State or federal regulation.

(Ord. No. 742, pt. 3, 2-6-2007)

Sec. 21.243. - Applicability.

21.243.A The requirements of this coastal code shall apply to the following types of construction in the coastal building zone . and on coastal barrier islands in Martin County:

1. The new construction of, or substantial improvement to, major structures as defined herein.
2. Construction which would change or alter the character of the shoreline (e.g., excavation, grading, paving). The

coastal code does not apply to minor work in the nature of normal beach cleaning or debris removal.

3. Construction located partially within the coastal building zone.
4. Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of "substantial improvement" as defined herein.
5. Construction of nonhabitable major structures, to the extent set forth in section 21.247.
6. Construction of minor structures, to the extent set forth in section 21.248.

21.243.B The requirements of this article shall not apply to existing structures (except for substantial improvements, as defined herein), structures under construction, or structures for which a valid and unexpired municipal or County building permit was issued prior to the adoption of the coastal code.

21.243.C Structures or construction extending seaward of the mean high-water line which are regulated by F.S. § 161.041 (e.g., groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, etc.), are specifically exempt from the provisions of this chapter. In addition, the coastal code does not apply to piers, pipelines, or outfalls which are regulated pursuant to the provisions of F.S. § 161.053.

21.243.D The following shall also be exempt from the requirement of this coastal code:

1. Minor work in the nature of normal beach cleaning and debris removal.
2. Structures listed in the National Register of Historic Places or the State inventory of historic places.
3. Construction for improvement of a major structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

21.243.E Applications for building permits for all construction in the coastal building zone and on coastal barrier islands shall be certified by an architect or professional engineer registered in the State of Florida. Such certification shall state that the design plans and specifications for the construction are in compliance with the criteria established by this coastal code.

(Ord. No. 742, pt. 3, 2-6-2007)

#### Sec. 21.244. - Definitions.

The following terms are defined for general use in the coastal code:

*Beach* means the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach" is alternatively termed "shore."

*Breakaway wall or frangible wall* means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrodynamic, wave, and run-up forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be a characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than ten nor more than 20 pounds per square foot.

*Building support structure* means any structure which supports floor, wall or column loads, and transmits them to the foundation. The term shall include beams, grade beams, or joists, and includes the lowest horizontal structural member exclusive of piles, columns, or footings.

*Coastal barrier islands* shall mean those portions of Hutchinson Island and Jupiter Island within Martin County's jurisdiction.

*Coastal building zone* shall mean those portions of Hutchinson Island and Jupiter Island within Martin County's jurisdiction.

*Coastal construction control line* means the landward extent of that portion of the beach-dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves, or other predictable weather conditions as established by the Department of Environmental Protection in accordance with F.S. § 161.053.

*Column action* means the potential elastic instability in piles or columns resulting in axial or lateral bending of the member due to compressive stress.

*Construction* means the carrying out of any building, clearing, filling, or excavation or the making of any material change in the size or use of any structures or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

*Dune* means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach, and deposited by natural or artificial means.

*Major structure* includes but is not limited to residential buildings including mobile homes, commercial, institutional, industrial, and other construction having the potential for substantial impact on coastal zones.

*Mean high-water line* means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters over a 19-year period.

*Minor structure* includes but is not limited to pile-supported elevated dune and beach walkover structures; beach access ramps and walkways; stairways; pile-supported elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts, and other uncovered paved areas; beach retaining walls; sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.

*Mobile home* means manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI A-119.1 pursuant to F.S. § 320.823.

*NGVD* means National Geodetic Vertical Datum, a geodetic datum established by the National Ocean Service and frequently referred to as the "1929 Mean Sea Level Datum."

*Nonhabitable major structure* includes but is not limited to swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, transmission and distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; underground storage tanks; communications buildings and towers; flagpoles and signs over 15 feet in height.

*100-year storm* means a shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

*Seasonal high-water line* means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.

*State minimum building code* means the building code adopted by a municipality or County pursuant to the requirements of F.S. § 553.73.

*Substantial improvement* means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds a cumulative total of 50 percent of the market value of the structure either:

1. Before the repair or improvement is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or the State inventory of historic places.

(Ord. No. 742, pt. 3, 2-6-2007)

**Sec. 21.245. - Coastal construction requirements; generally.**

Construction within the coastal building zone and on coastal barrier islands shall meet the requirements of this chapter. All structures shall be designed so as to minimize damage to life, property, and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in section 21.251.

(Ord. No. 742, pt. 3, 2-6-2007)

**State Law reference—** Similar provisions, F.S. § 161.54.

**Sec. 21.246. - Structural requirements for major structures.**

**21.246.A *Design and construction.*** All major structures, except mobile homes, shall be designed to withstand 140 mile-per-hour wind speeds. Major structures, except mobile homes, shall also comply with the applicable standards for construction found elsewhere in the Southern Standard Building Code.

**21.246.B *Mobile homes.*** Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI A119.1, pursuant to F.S. § 320.823, as well as the requirements of subsection 21.246.C.

**21.246.C *Elevation, floodproofing and siting.*** All major structures shall be designed, constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR parts 59 and 60 or article 4, division 9 of the Land Development Regulations, whichever is more restrictive.

**21.246.D *Design conditions.***

1. ***Wind speeds; velocity pressures.*** All major structures, except mobile homes, shall be designed to withstand 140-mile-per-hour wind speeds. Horizontal wind velocity pressures shall not be less than the value given below:

BASIC WIND VELOCITY DESIGN PRESSURE  
(Pounds per Square Foot)

Standard Building Code		South Florida Building Code	
Height (feet)	Pressure (psf)	Height (feet)	Pressure (psf)
0—30	41	0—5	<u>30</u>
<u>31</u> —50	54	5—25	37

51—100	65	25—35	45
101—200	<u>79</u>	<u>35</u> —55	50
201—300	92	<u>55</u> —75	<u>63</u>
301—400	101	75—100	68
401—500	109	100—150	<u>75</u>
501—800	121	150—250	<u>83</u>
801—1,000	133	250—350	97
Over 1,000	137	350—550	109
		550—750	121
		750—1,000	132
		Over 1,000	137

\*The above table is based upon the formula:

$$P = 0.00256 \times V^2 \times (H/30)^{2/7}$$

Where:

P	=	Pressure in pounds/square foot.
V	=	140 mph.
H	=	Height above grade in feet.

2. *Foundations.* The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for

adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980. Upon request the Department of Environmental Protection may provide information as to those areas within coastal building zones where erosion and scour of a 100-year storm event is applicable.

3. *Wave forces.*

- a. Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual, U.S. Department of the Army Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Center technical papers and reports; the technical and design memoranda of the Office of Beaches and Coastal Systems, Florida Department of Environmental Protection; or other professionally recognized methodologies which produce equivalent design criteria.
- b. Breaking, broken, and nonbreaking waves shall be considered as applicable. Design wave loading analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as dynamic loading and the harmonic intensification resulting from repetitive waves.

4. *Hydrostatic loads.* Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the design storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward and downward on horizontal or inclined surfaces of major structures (i.e., floors, slabs, roofs, walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

5. *Hydrodynamic loads.* Hydrodynamic loads shall consider the maximum water pressures resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied on all structural surfaces above the design grade which would affect the flow velocities.

(Ord. No. 742, pt. 3, 2-6-2007)

**State Law reference**— Similar provisions, F.S. § 161.55(1).

Sec. 21.247. - Structural requirements for nonhabitable major structures.

Nonhabitable major structures need not meet the specific structural requirements of section 21.246, except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found elsewhere in this Code. All sewage treatment and public water supply systems shall be floodproofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be floodproofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.

(Ord. No. 742, pt. 3, 2-6-2007)

**State Law reference**— Similar provisions, F.S. § 161.55(3).

Sec. 21.248. - Structural requirements for minor structures.

Minor structures need not meet the specific structural requirements of section 21.246, except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found elsewhere in this Code.

(Ord. No. 742, pt. 3, 2-6-2007)

**State Law reference**— Similar provisions, F.S. § 161.55(2).

#### Sec. 21.249. - Location of construction.

Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.

(Ord. No. 742, pt. 3, 2-6-2007)

**State Law reference**— Similar provisions, F.S. § 161.55(4).

#### Sec. 21.250. - Public access.

Where the public has established an accessway through private lands to lands seaward of mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as they are:

21.250.A. Of substantially similar quality and convenience to the public;

21.250.B. Approved by the local government; and

21.250.C. Consistent with the Coastal Management Element of the local Comprehensive Plan adopted pursuant to F.S. § 163.3178.

(Ord. No. 742, pt. 3, 2-6-2007)

**State Law reference**— Similar provisions, F.S. § 161.55(6).

#### Sec. 21.251. - References.

Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this chapter may be obtained from:

21.251.A. Shore Protection Manual, U.S. Army Corps of Engineers, fourth edition, 1984.

21.251.B. U.S. Department of the Army, Coastal Engineering Research Center's technical papers and reports.

21.251.C. Florida Department of Environmental Protection, Office of Beaches and Coastal Systems technical and design memoranda.

21.251.D. Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy.

21.251.E. Coastal Construction Manual, Federal Emergency Management Agency, February, 1986. (Please note that the wind design section is based upon the 1982 edition of the Standard Building Code with the 1984 accumulated amendments and not the 1985 edition of the Standard Building Code with the 1986 revisions as required by F.S. § 161.55(1)(d).)

ARTICLE 25. - DOCK BUILDING CODE

Sec. 21.252. - Adoption of County dock building code.

It is the intent of this section to set minimum standards for dock construction. This section shall not create liability on the part of Martin County or by any officer or employee thereof for any damages that result from reliance on this section. All docks shall be approved by the Building Department. Prior to approval, all applicants shall present evidence of compliance with all State and federal regulations.

*Residential—Commercial*

21.252.A. *Residential docks.*

1. *Material.* All material shall be new.

a. *Piling.*

- (1) Wood piling shall be smooth surfaced, straight and free of splits. Minimum diameter of pile butt to be six inches.
- (2) Wooden piling shall be marine pressure treated with creosote to 20 pounds per cubic feet or CCA to 2.5 pounds per cubic feet or equivalent preservative. All piling shall be branded with treatment. Concrete piling may be prestressed or precast of minimum 4,000 psi concrete. Piling shall have a minimum cross section dimension of ten inches and have not less than four deformed No. 4 steel rebars with No. 2 or heavier rebar stirrups not more than 18 inches on center. All piling shall be clearly marked with date cast and length of pile.

2. *Lumber.*

- a. All lumber shall be pressure treated southern pine not less than No. 2 grade.
- b. *Treatment.* Lumber emersed in salt water shall be CCA 2.5 pounds per cubic feet or equivalent preservative, marine treated and clearly marked with treatment. Lumber in contact with soil or fresh water shall be CCA 0.5 pounds per cubic feet or equivalent preservative and clearly marked with treatment. Lumber not in contact with water or soil shall be CCA 0.25 pounds per cubic feet or equivalent preservative and clearly marked with treatment.
- c. Single two-by-eight stringers may be used for spans in excess of ten feet; single two-by-six stringers may be used for spans ten feet or less.
- d. Maximum spacing of stringers not to exceed 32 inches. Horizontal braces shall not be less than two-by-six.

3. *Hardware.* All hardware shall be hot-dipped galvanized or stainless steel.

- a. Bolts shall not be less than one-half-inch diameter.
- b. Nails shall be of adequate size for their intended use.

4. *Construction methods.*

- a. Badly deteriorated piles shall be completely replaced and not repaired.
- b. Bolts shall be centered on piling and boards and at least two inches from the edges of all boards to the bolt centers.
- c. Not less than two nails shall be used to join deck boards to stringers and nails are not to be placed closer



than one inch to edges of boards.

5. *Splices.*

- a. Overlap for splicing shall not be less than 24 inches for boards of the same dimensions. Boards to be spliced shall be butted and joined with a splice board not less than 48 inches long of the same dimensions.
- b. All major loadbearing splices shall be bolted with eight one-half-inch diameter galvanized bolts spaced at not more than 12 inches on center and not less than 1½ inches from the edges of the boards to the bolt centers. Nonloadbearing splices may be bolted or securely nailed.

6. *PVC encased poured in place piling or precast.*

- a. *Concrete fill for pilings.* To be type I, 3,000 psi (at 28 days) pea rock pump mix. Darex added for air entrainment. Portex retardant added to provide uniform curing. Concrete should be designed for this type application.
- b. *PVC casing.* Shall be six-inch 125 psi polyvinyl chloride (type 1) or larger diameter where required.
- c. *Reinforcing.* Shall be one piece of No. 5 steel per piling (or greater).

7. *Construction methods.*

- a. PVC pile casings shall be installed accurately and plumbed to provide good alignment. Casings to be jetted into place on no greater than 12-foot o.c.
- b. PVC casings to be compacted a minimum of six inches to provide firm bearing for piles during construction period.
- c. Minimum penetration for pier piles to be five feet. Minimum dolphin pile penetration to be eight feet.
- d. Piling encountering rock shall be installed no less than 42 inches into or through said rock.
- e. All sand, soil or debris is to be evacuated from within the casing (prior to concrete placement) down to a point no greater than 12 inches up from the casing base.
- f. Reinforcing is to be placed within the vertical PVC casing so as to provide parallel reinforcement alignment and uniform spread over the entire length of the piling. Reinforcing to be securely fastened during concrete placement.
- g. Concrete is to be pumped into place by tremie apparatus with care to keep outlet imbedded in fresh concrete at all times.
- h. Concrete shall cure for not less than seven days before application of lateral loads such as moored yachts and vessels (type 1 cement).
- i. Spacing of piling shall not exceed 12 feet on center.

8. *Penetration.*

- a. Dock piling set in rock will have a minimum penetration of 42 inches, in sand or hard soil, five feet, and in soft mud silt, eight feet.
- b. Freestanding piling shall have a minimum penetration of four feet in rock, eight feet in sand or hard soil, and 12 feet in soft mud or silt.

9. *Plans and drawings.* Any design other than outlined in these specifications must be signed and sealed by a licensed professional engineer or architect registered in the State of Florida.

10. *Definitions.*

*Dock.* A platform built on the shore or out from the shore.

21.252.B. *Commercial piers.*

1. *Material.* All material shall be new.
  - a. *Piling.* Wood piling shall be smooth surfaced, straight and free of wood splits. Minimum diameter of pile butt to be nine inches and minimum diameter of tip to be six inches. Wooden piling shall be marine pressure treated with creosote to 20 pounds per cubic feet or CCA to 2.5 pounds per cubic feet or equivalent preservative. All piling shall be branded with treatment. Concrete piling may be prestressed or precast of minimum 4,000 psi concrete. Piling shall have a minimum cross section dimension of ten inches and have not less than four deformed No. 4 steel rebars with No. 2 or heavier rebar stirrups not more than 18 inches on center. All piling shall be clearly marked with date cast and length of pile.
2. *Construction methods.*
  - a. Spacing of piling shall not exceed 12 feet on center.
  - b. *Penetration.*
    - (1) Dock piling set in rock shall have minimum penetration of 42 inches.
    - (2) Dock piling set in sand or hard soil shall have a minimum penetration of six feet.
    - (3) Dock piling set in soft mud or silt shall have a minimum penetration of ten feet.
    - (4) Freestanding piling (tie-off) shall have a minimum penetration of six feet in rock, ten feet in sand or hard soil and 15 feet in soft mud or silt.
3. *Lumber.* All lumber shall be pressure treated southern pine not less than No. 2 grade.
  - a. *Treatment.* Lumber emersed in salt water shall be CCA 2.5 pounds per cubic feet marine treated or equivalent preservatives and clearly marked with treatment. Lumber in contact with soil or fresh water shall be CCA 0.5 pounds per cubic feet or equivalent preservatives and clearly marked with treatment. Lumber not in contact with water or soil shall be CCA 0.25 pounds per cubic feet or equivalent preservatives and clearly marked with treatment.
  - b. *Stringers.* Maximum spacing is not to exceed 32 inches distance between stringers.
  - c. Minimum size of all lumber other than decking shall be three-by-eight or laminated (doubled) two-by-eight with 50 percent lap. Horizontal braces may be single three-by-eight or doubled two-by-eight.
  - d. Minimum size of decking shall be two-by-six.
  - e. Lumber for ladders, railing, etc., shall be of a size adequate for the strength required for the intended purpose.
4. *PVC encased poured-in-place piling or precast.*
  - a. *Concrete fill for pilings:* To be type I, 3,500 psi (at 28 days) pea rock pump mix. Darex added for air entrainment. Protex retardant added to provide uniform curing. Concrete should be designed for this type application.
  - b. *PVC casing:* Shall be eight inches 125 psi minimum polyvinyl chloride (type 1) or larger diameter where required.
  - c. *Reinforcing:* Shall be four pieces of No. 5 steel per piling (or greater).
5. *Construction methods.*
  - a. PVC pile casings shall be installed accurately and plumbed to provide good alignment. Casings to be jetted into place on no greater than 12-foot o.c.
  - b. PVC casings to be compacted a minimum of six inches to provide firm bearing for piles during construction period.
  - c. All sand, soil or debris is to be evacuated from within the casing (prior to concrete placement) down to a point no greater than 12 inches up from the casing base.

- d. Reinforcing is to be placed within the vertical PVC casing so as to provide a parallel reinforcement alignment spread over the entire length of the piling. Reinforcing to be securely fastened during concrete placement.
  - e. Concrete is to be pumped into place by tremie apparatus with care to keep outlet imbedded in fresh concrete at all times.
  - f. Concrete shall cure for not less than seven days before application of lateral loads such as moored yachts and vessels (type 1 cement).
6. *[Spacing of pilings.]* Spacing of pilings shall not exceed 12 feet on center.
7. *Penetration.*
- a. Dock piling set in rock will have a minimum penetration of 42 inches, in sand or hard soil, six feet, and in soft mud or silt, ten feet.
  - b. Freestanding pilings shall have a minimum penetration of six feet in rock, ten feet in sand or hard soil, and 15 feet in soft mud or silt.
8. *Hardware.* All hardware shall be hot-dipped galvanized or stainless steel.
- a. Bolts shall not be less than five-eighths-inch diameter.
  - b. Nails shall be of adequate size for their intended use.
9. *Construction methods.*
- a. Badly deteriorated piles shall be completely replaced and not repaired.
  - b. Bolts shall be centered on piling and boards and at least two inches from the edges of all boards to the bolt centers.
  - c. Not less than two nails shall be used to join deck boards to stringers and nails are not to be placed closer than one inch to edges of boards.
10. *Splices.* Overlap for splicing shall not be less than 24 inches for boards of the same dimensions. Boards to be spliced shall be butted and joined with splice board not less than 48 inches long of the same dimensions. All major loadbearing splices shall be bolted with eight one-half-inch diameter galvanized bolts spaced at not more than 12 inches on center and not less than 1½ inches from the edges of the boards to the bolt centers. Nonloadbearing splices may be bolted or securely nailed.
11. *Plans and drawings.* Any design other than outlined in these specifications must be signed and sealed by a licensed professional engineer or architect, registered in the State of Florida.
12. *Definitions.*
- Business.* A thing that one is busy at; occupation, profession, or trade; work. Buying, selling, renting; commercial dealings, trade. A store, factory or other commercial enterprise.
- Commercial.* Having to do with trade or business. Made to be sold for profit. For business purposes.
- Pier.* A structure built out over the water supported on columns or piles and used as a walk or a landing place for ships.

## CONSULTING AND TRAINING SERVICES CONTRACT

**THIS CONTRACT** (the "Contract") is made and entered into this 1st day of August, 2021, by and between the TOWN OF OCEAN BREEZE, FLORIDA, a municipal corporation, ("Town"), and KIM STANTON ("Consultant").

The Town retains Kim Stanton as a Consultant, to provide consulting and training services in the area of bookkeeping, elections preparation, budget preparation, etc. as well as digitizing services for the Town of Ocean Breeze as an independent contractor in accordance with the terms and conditions hereafter set forth:

1. Consultant shall provide services to the Town for an indefinite term until such time as the Contract is terminated. This Contract may be terminated at any time and for any reason, without cause, by the Mayor on behalf of the Town, or by Consultant, upon 24-hour written notice to the other party.
2. Consultant shall provide the following:

**General Scope of Services:** Under general direction of the Town Clerk, Consultant shall provide consulting and training services in the area of bookkeeping, elections preparation, budget preparation, etc. as well as digitizing services.

3. Consultant may receive work assignments orally or in writing and shall coordinate regularly with the person who assigned the work regarding the actual services provided.
4. During the term of this Contract, Consultant shall be compensated for her services at the rate of \$28.00 per hour. The amount billed by Consultant shall be for work performed, and billed on a monthly basis. Consultant is an independent contractor, by virtue of her using her own means and methods to complete work assigned, setting her own hours of work, using her own equipment, and charging additionally for actual expenses incurred. Consultant shall not receive any Town employment salary or benefits, retirement plan participation; group medical insurance; holiday, vacation or sick time compensation or the like.

5. When providing the said consultation services or otherwise acting on behalf of the Town, Consultant shall comply with all public records laws of the State of Florida, including but not limited to the requirements specified in Florida Statutes Section 119.0701 (attached). IF CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSUTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 1508 N.E. JENSEN BEACH BLVD., JENSEN BEACH, FL. 34957.

**Town of Ocean Breeze**

**Kim Stanton**

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Karen M. Ostrand  
Mayor

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Kim Stanton  
Consultant

**119.0701 Contracts; public records; request for contractor records; civil action.—**

(1) **DEFINITIONS.**—For purposes of this section, the term:

(a) “Contractor” means an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency as provided under s. 119.011(2).

(b) “Public agency” means a state, county, district, authority, or municipal officer, or department, division, board, bureau, commission, or other separate unit of government created or established by law.

(2) **CONTRACT REQUIREMENTS.**—In addition to other contract requirements provided by law, each public agency contract for services entered into or amended on or after July 1, 2016, must include:

(a) The following statement, in substantially the following form, identifying the contact information of the public agency’s custodian of public records in at least 14-point boldfaced type: IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address) .

(b) A provision that requires the contractor to comply with public records laws, specifically to:

1. Keep and maintain public records required by the public agency to perform the service.
2. Upon request from the public agency’s custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the public agency.

4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be

provided to the public agency, upon request from the public agency's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

(3) REQUEST FOR RECORDS; NONCOMPLIANCE.—

(a) A request to inspect or copy public records relating to a public agency's contract for services must be made directly to the public agency. If the public agency does not possess the requested records, the public agency shall immediately notify the contractor of the request, and the contractor must provide the records to the public agency or allow the records to be inspected or copied within a reasonable time.

(b) If a contractor does not comply with the public agency's request for records, the public agency shall enforce the contract provisions in accordance with the contract.

(c) A contractor who fails to provide the public records to the public agency within a reasonable time may be subject to penalties under s. 119.10.

(4) CIVIL ACTION.—

(a) If a civil action is filed against a contractor to compel production of public records relating to a public agency's contract for services, the court shall assess and award against the contractor the reasonable costs of enforcement, including reasonable attorney fees, if:

1. The court determines that the contractor unlawfully refused to comply with the public records request within a reasonable time; and

2. At least 8 business days before filing the action, the plaintiff provided written notice of the public records request, including a statement that the contractor has not complied with the request, to the public agency and to the contractor.

(b) A notice complies with subparagraph (a)2. if it is sent to the public agency's custodian of public records and to the contractor at the contractor's address listed on its contract with the public agency or to the contractor's registered agent. Such notices must be sent by common carrier delivery service or by registered, Global Express Guaranteed, or certified mail, with postage or shipping paid by the sender and with evidence of delivery, which may be in an electronic format.

(c) A contractor who complies with a public records request within 8 business days after the notice is sent is not liable for the reasonable costs of enforcement.

**History.**—s. 1, ch. 2013-154; s. 1, ch. 2016-20.

West End Blvd.  
Lighting

**townclerk@townofoceanbreeze.org**

---

**From:** Lavette, Kerry <Kerry.Lavette@fpl.com>  
**Sent:** Tuesday, July 6, 2021 7:01 PM  
**To:** TOWNCLERK@townofoceanbreeze.org  
**Subject:** Re: Lighting West End Blvd. Ocean Breeze FPL

Good evening Pam,  
FPL usually installs new fixtures 60 to 120 after receiving the signed agreement. We should have your lights installed within 90 days. Thank you for your patience. Please contact me if you have questions.  
All the best ,

**Kerry Lavette**  
Florida Power and Light  
LED Lighting Solutions  
[Kerry.lavette@fpl.com](mailto:Kerry.lavette@fpl.com)  
[561-312-7038](tel:561-312-7038)  
[6001 Village Blvd](#) ES/CSE  
West Palm Beach, FL 33407

On Jul 6, 2021, at 2:59 PM, TOWNCLERK@townofoceanbreeze.org wrote:

Hi Kerry:

Is there any progress on the lighting on West End Blvd? We are having the Town Council meeting on the 12<sup>th</sup> of July and would like to give an update. Please let us know.

Thank you,

---

Pam Orr  
Town Clerk



Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
[townofoceanbreeze.org](http://townofoceanbreeze.org)

**Please make note of our new email address.**



**From:** Critchfield, Marshall <Marshall.Critchfield@fpl.com>

**Sent:** Monday, June 7, 2021 2:53 PM

**To:** townclerk@townofoceanbreeze.org

**Subject:** Re: Lighting West End Blvd. Ocean Breeze FPL

Hi Pam, Kerry is sending you an update - we're definitely working on it.

Thank you,

Marshall

Sent from my iPhone

On Jun 7, 2021, at 11:19 AM, [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) wrote:

Good Morning, Marshall:

It is a pleasure speaking with you today.

We are looking for an update on the situation with the lighting on West End Blvd for the Town Council meeting on June 14, 2021. Please let us know where the issue stands.

Have a great day!

---

Pam Orr

Town Clerk

<image001.jpg>

Town of Ocean Breeze

P. O. Box 1025

Jensen Beach, FL 34957

772-334-6826 office

772-334-6823 fax

[townofoceanbreeze.org](http://townofoceanbreeze.org)

**Please make note of our new email address.**

# Indian River Dr. Lights

**townclerk@townofoceanbreeze.org**

---

**From:** Lavette, Kerry <Kerry.Lavette@fpl.com>  
**Sent:** Tuesday, August 3, 2021 6:26 PM  
**To:** Straley, Anthony; townclerk@townofoceanbreeze.org  
**Cc:** bookkeeper@townofoceanbreeze.org  
**Subject:** RE: Vacant Light Poles

Good evening team,

FPL's engineering team should have the design completed this week and with the Town's approval, I will send you the agreement for the new lights. Once I receive the signed agreement, installation is within 60 to 120 days. Please contact me if you have questions

Regards,

**Kerry Lavette**  
Florida Power and Light  
LED Lighting Solutions  
Kerry.lavette@fpl.com  
561-312-7038  
6001 Village Blvd ES/CSE  
West Palm Beach, FL 33407

---

**From:** Straley, Anthony <Anthony.Straley@fpl.com>  
**Sent:** Tuesday, August 3, 2021 4:32 PM  
**To:** townclerk@townofoceanbreeze.org; Lavette, Kerry <Kerry.Lavette@fpl.com>  
**Cc:** bookkeeper@townofoceanbreeze.org  
**Subject:** RE: Vacant Light Poles

Hi Pam,

Thank you for the info. I will update out contacts list here.

Kerry,

I know we spoke on this a few weeks back, would you be able to provide a status update to Ocean Breeze on this ? Much appreciated sir !

**Thank you**  
**Anthony Straley**

Customer Advisor  
(772) 489-6254 (office)  
(772) 284-9740 (cell)

---

**From:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>  
**Sent:** Tuesday, August 3, 2021 1:04 PM  
**To:** Straley, Anthony <[Anthony.Straley@fpl.com](mailto:Anthony.Straley@fpl.com)>  
**Cc:** [bookkeeper@townofoceanbreeze.org](mailto:bookkeeper@townofoceanbreeze.org)  
**Subject:** FW: Vacant Light Poles

Hi Anthony:

I wanted to let you know, that Kim Stanton has resigned and our new bookkeeper/clerical assistant is Maria Pierce. We are preparing for our Town Council meeting and wanted to know if you have an update on the lighting situation on Indian River Drive.

Thank you,

---

Pam Orr

Town Clerk



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

**Please make note of our new email address.**

---

**From:** [bookkeeper@townofoceanbreeze.org](mailto:bookkeeper@townofoceanbreeze.org) <[bookkeeper@townofoceanbreeze.org](mailto:bookkeeper@townofoceanbreeze.org)>  
**Sent:** Tuesday, August 3, 2021 12:54 PM  
**To:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
**Subject:** FW: Vacant Light Poles

---

**From:** [bookkeeper@townofoceanbreeze.org](mailto:bookkeeper@townofoceanbreeze.org) [<mailto:bookkeeper@townofoceanbreeze.org>]  
**Sent:** Tuesday, July 6, 2021 11:10 AM  
**To:** [anthony.Straley@fpl.com](mailto:anthony.Straley@fpl.com)  
**Cc:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org); 'Terry O'Neil' <[twoneil@aol.com](mailto:twoneil@aol.com)>; Terry O'Neil <[terracewoneil@gmail.com](mailto:terracewoneil@gmail.com)>  
**Subject:** Vacant Light Poles

Hi Anthony,

It was nice to speak with you last week regarding the FP&L lighting for our Account #: 40616-22736. As per your instructions, attached is a FP&L lighting map which depicts all the lights running along Indian River Drive in the Town of Ocean Breeze (Martin County's right-of-way). As you can see, we have placed and circled in "red" the three light poles which do not currently have light fixtures. This area runs along a sidewalk where residents walk regularly and it is dark.

We spoke about the price to add these lights and understand the fees will correlate directly with the Town's existing charge for the lights currently in place which equates to roughly an additional \$11.08 per month

We also spoke about the change-over to led lighting and we forwarded those documents to you with the Mayor's signature several weeks ago in order to assist you in moving forward with this change. We understand these changes may take between 60 – 120 days.

Thank you for all your help, Anthony; if you have any questions please contact our offices.

Kim Stanton  
Assistant to Pam Orr, Town Clerk  
Bookkeeping



Town of Ocean Breeze  
Post Office Box 1025  
Jensen Beach, FL 34958  
Telephone: (772) 334-6826  
Fax: (772) 334-6823  
[www.townofoceانبreeze.org](http://www.townofoceانبreeze.org)

**townclerk@townofoceanbreeze.org**

---

**From:** townclerk@townofoceanbreeze.org  
**Sent:** Tuesday, August 3, 2021 11:45 AM  
**To:** 'Dennis McManus'  
**Subject:** RE: Crosswalk Flashers

Hi Dennis:

Any updates? When you have a chance, please let us know.

Have a great day!

Pam Orr  
Town Clerk



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

**Please make note of our new email address.**

---

**From:** Dennis McManus <dmcmamus@martin.fl.us>  
**Sent:** Wednesday, July 7, 2021 2:24 PM  
**To:** townclerk@townofoceanbreeze.org  
**Cc:** twoneil@aol.com; Lukas Lambert <llambert@martin.fl.us>  
**Subject:** RE: Crosswalk Flashers

Pam,

We will bring all this to the County Engineer's attention when she returns from vacation next week. We will be in touch.

Sincerely,

*Dennis McManus*

Traffic Sign & Marking Supervisor  
Public Works Dept.  
Martin County BOCC  
2485 SE Avenger Circle  
Stuart, FL 34996  
772-221-1392

**From:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) <[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)>

**Sent:** Tuesday, July 6, 2021 2:13 PM

**To:** Dennis McManus <[dmcmanus@martin.fl.us](mailto:dmcmanus@martin.fl.us)>

**Cc:** [twoneil@aol.com](mailto:twoneil@aol.com)

**Subject:** Crosswalk Flashers

**Caution: This email originated from an external source.  
Be Suspicious of Attachments, Links, and Requests for Login Information**

Dear Dennis:

Thank you again for looking into the matter of broken bulbs in the crosswalk flasher on Indian River Drive at Ocean Breeze Drive in the Town. Checking our records, we find that the Town did not directly purchase the flashes, but rather they were installed as part of the recently-completed Indian River Drive project administered by the County.

Assuming MC owns and maintains these items, we are aware of your department's policy the flashers are not replaced until all the bulbs in the unit are out. Further, we understand that the units in question do not permit for the replacement of the individual bulbs, but rather require replacement of the entire apparatus at a cost of approximately \$1500.

Again, assuming the County owns the units, it is our understanding that you will check to see if they are still under warranty and if so, you will seek their replacement by the warrantor.

Finally, if the units are yours and they are not under warranty, will you consider replacement if the Town agrees to pay the cost?

Again, we very much appreciate your help and look forward to hearing from you when time permits.

Regards,

---  
Pam Orr  
Town Clerk



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[townofoceanbreeze.org](http://townofoceanbreeze.org)

**Please make note of our new email address.**

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**townclerk@townofoceanbreeze.org**

---

**From:** Terry O'Neil <twoneil@aol.com>  
**Sent:** Tuesday, August 3, 2021 11:53 AM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** FW: Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

Sent from [Mail](#) for Windows 10

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**From:** [Terry O'Neil](#)  
**Sent:** Wednesday, July 14, 2021 1:21 PM  
**To:** [dwagner@townofoceanbreeze.org](mailto:dwagner@townofoceanbreeze.org)  
**Cc:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
**Subject:** FW: Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

fyi

Sent from [Mail](#) for Windows 10

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**From:** [TERRANCE O NEIL](#)  
**Sent:** Tuesday, July 13, 2021 3:50 PM  
**To:** [Ryan White](#)  
**Cc:** [Terry O'Neil](#); [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
**Subject:** Re: Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

Understood and thanks. Standing by.

Sent from my iPhone

On Jul 13, 2021, at 1:28 PM, Ryan White <rmwhite@hntb.com> wrote:

Terry, I have requested my Contractor to procure and end treatment for this guardrail. I will keep you updated on procurement and construction schedule.

**Ryan White, P.E. | Project Engineer – Zone 4**  
Brightline | 300 North Drive  
Melbourne, FL 32934  
C: 407.304.8432

---

**From:** Terry O'Neil <terrancewoneil@gmail.com>  
**Sent:** Thursday, July 8, 2021 1:25 PM  
**To:** townclerk@townofoceanbreeze.org; Terry O'Neil <Twoneil@aol.com>; Ryan White <rmwhite@HNTB.com>  
**Subject:** RE: Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

Dear Ryan,



Installation of the water barriers as a stopgap measure is appreciated, however, their placement encroaches onto the paved surface such that a southbound driver must now shift rather close to oncoming traffic. Removing and relocating the barrier as soon as possible seems the best course of action.

Please advise.

Sincerely,  
Terry

Sent from [Mail](#) for Windows 10

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**From:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
**Sent:** Thursday, July 8, 2021 1:12 PM  
**To:** [Terry O'Neil](#); [Terrance O'Neil](#)  
**Subject:** FW: Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

---

Pam Orr  
Town Clerk  
<image001.jpg>  
Town of Ocean Breeze  
P. O. Box 1025  
Jensen Beach, FL 34957  
772-334-6826 office  
772-334-6823 fax  
[townofoceanbreeze.org](http://townofoceanbreeze.org)

**Please make note of our new email address.**

---

**From:** TERRANCE O NEIL <[twoneil@aol.com](mailto:twoneil@aol.com)>  
**Sent:** Tuesday, June 15, 2021 4:13 PM  
**To:** Ryan White <[rmwhite@hntb.com](mailto:rmwhite@hntb.com)>  
**Cc:** Marcela <[marcela@marcelacambor.com](mailto:marcela@marcelacambor.com)>; Lisa Wichser <[lwichser@martin.fl.us](mailto:lwichser@martin.fl.us)>;  
[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)  
**Subject:** Re: Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

Thank you. And we look forward to the ultimate fix.

Sent from my iPhone

On Jun 15, 2021, at 3:56 PM, Ryan White <[rmwhite@hntb.com](mailto:rmwhite@hntb.com)> wrote:

I've spoken to our contractor and they will have water filled barrier out there today to protect the end while we come up with a long term solution.

**Ryan White, P.E. | Project Engineer – Zone 4**

Brightline | 300 North Drive

Melbourne, FL 32934

C: 407.304.8432

**From:** Terry O'Neil <[twoneil@aol.com](mailto:twoneil@aol.com)>

**Sent:** Monday, June 14, 2021 1:12 PM

**To:** Ryan White <[rmwhite@HNTB.com](mailto:rmwhite@HNTB.com)>

**Cc:** Marcela <[marcela@marcelacambor.com](mailto:marcela@marcelacambor.com)>; Lisa Wichser <[lwichser@martin.fl.us](mailto:lwichser@martin.fl.us)>;  
[townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org)

**Subject:** Dangerous situation of FEC property adjacent to West End Boulevard. Urgent!

Dear Ryan,

I'm requesting your assistance in dealing with a dangerous situation on railroad property adjacent to West End Boulevard. Specifically, I'm referring to a derelict guardrail that is extremely unsafe. The exhibit below is from the property appraisers web site and shows that the structure in question is within railroad's right of way.

<image001.png>

The image below is from Google Earth and shows the guardrail when driving southbound on West End. The photo is a bit dated, but clearly that shows that the structure presents a poorly-lighted collision hazard just inches from the edge of pavement.

<image002.png>

Finally, the photo below was provided to me today by one of the Town Council members and shows that the barricade has been struck, and not for the first time!

<image004.jpg>

I realize you are a consultant to FEC/Brightline and that you are not the specific person to get this resolved, however, I am hoping that you can point me to the right person, or even better forward this email to that individual as well? Sorry for the cliché, but this really is a serious accident just waiting to happen.

Please let me know if you're able to address my request.

Regards,

Terry O'Neil

Town Manager

Town of Ocean Breeze

Sent from Mail for Windows 10

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