

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

September 13, 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, August 9, 2021

(Motion, second, all in favor)

3. Proclamation Declaring “Hunger Action Month” in Ocean Breeze, Florida –

Ron Wise and Alexandra Lord

4. Budget to Actual Report: Third Quarter of Fiscal Year 2021

(Motion to accept, second, public comment, all in favor)

5. 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 VOLUNTARY 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. (Continued from August 9, 2021).

Morris Crady of Lucido & Associates representing the Applicant

(Follow Quasi-Judicial Hearing Procedure-yellow sheet)

6. SECOND READING: ORDINANCE NO. 310-2021 –

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

(Staff Presentation-motion, second, public comment, roll call)

7. Comments from the public on topics not on the agenda

8. Comments from the Council on topics not on the agenda

9. Comments from Town Management Consultant Terry O'Neil

10. Comments from Mayor Ostrand

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

- 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
- Regular Town Council Meeting October 11, 2021

12. Adjourn (Motion, second, all in favor)

TOWN OF OCEAN BREEZE
MINUTES REGULAR TOWN COUNCIL MEETING
Monday, August 9, 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, and David Wagner
Absent: Council Member Bill Arnold and Terry Locatis
- Staff Present – Town Management Consultant, Terry O'Neil; Town Clerk, Pam Orr; and Bookkeeper/Clerical Assistant, Maria Pierce

2. Approval of Minutes – Council Member Wagner, seconded by Council Member Docherty, made a motion to approve the Minutes of the July 12, 2021 regular meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Docherty, Wagner; No: None; Motion Passed - 4 - 0

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. – Town Clerk Orr read into the record the title of the resolution.

President De Angeles asked if any Council Members had any exparte communications to disclose.

There were none.

Town Management Consultant, Terry O'Neil informed Council that Morris Crady was scheduled to be at the meeting to represent the Developer on the PUD Amendment. He suggested a short recess to allow time to contact Mr. Crady to verify that he would be attending the meeting.

President De Angeles asked if there were any comments from the public not pertaining to this agenda item.

(Unidentified) Thanked Vice President Gerold for speaking with Chris at Ocean Breeze Resort which resulted in residents' lawns being cut every week.

Martin County Sheriff's Deputy Joe Angelico stated he had been looking into the traffic obstruction at the roundabout at Pineapple and Jensen Beach Blvd. He informed the Council that he would be looking at the placement of signs by local businesses at the roundabout and the possible visual obstruction they caused, along with the removal of any that were improperly posted. He also commented that this was a County road and commercial signs were prohibited from being placed on the County right of way.

President De Angeles asked Deputy Angelico if the Sheriff's office was prepared if the Federal Government delivered migrant people from the Mexican border to the Court House in Stuart.

Deputy Angelico explained that unless there is unlawful activity, there is nothing illegal about the relocation of the migrants. He did inform the Council that the Sheriff's office does have a rapid response team in place in the event there was a situation that called for a larger police presence.

Vice-President Gerold informed Deputy Angelico that there had been an increase of theft in Ocean Breeze Resort.

Deputy Angelico explained that the County had seen a large intake of juvenile activity over the summer and felt that was what the Resort is experiencing as well. He suggested that as school commenced, this type of crime should resolve itself.

Deirdre Henry, resident of Ocean Breeze, spoke about the safety of the roads in Ocean Breeze Resort and that it was improving.

Deputy Angelico introduced Deputy Andrea Olsen, who was a veteran with the department but new to the community policing unit and would be assigned to Hobe Sound. He stated that this is the 1st time since the unfortunate incident at the Parkland schools that the unit was fully staffed throughout the County.

Council Member Docherty stated that there have been more cars coming through the Town of Ocean Breeze.

Deputy Angelico stated that he would request an extra patrol for the area.

President De Angeles asked if there were any more questions for Deputy Angelico.

There were none.

Town Management Consultant, Terry O'Neil informed Council that due to an error in the meeting times that were posted, the PUD Amendment could not go forward. Mr. O'Neil recommended a motion to continue the item to the September 13, 2021 meeting. He remarked that new notices would be needed to be mailed to the surrounding property owners, and the sign would have to be corrected.

Council Member Wagner, seconded by Vice-President Gerold, made a motion to continue the PUD Amendment quasi-judicial hearing to the September 13, 2021 meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Docherty, Wagner; No: None; Motion Passed - 4 - 0

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.

President De Angeles presented the contract and asked for public comments. There were none.

Council Member Wagner, seconded by Council Member Docherty, made a Motion to approve the Consultant and Training Services Contract with Kim Stanton be signed by the Mayor.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Docherty, Wagner; No: None; Motion Passed - 4 - 0

5. Comments from the public on topics not on the agenda – There were none.

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

7. Comments from Town Management Consultant, Terry O'Neil – He had none.

8. Comments from Mayor Ostrand – Mayor Ostrand stated that she would be attending the Florida League of Cities conference and highlighted a few items that would be addressed. She stated that she would be participating on the Land and Economic Development Committee. She added that there would be new League leadership this year.

Janet Galante, resident of Ocean Breeze, asked if the Town had any information on the meeting in Stuart regarding the building of Costco.

Town Management Consultant, Terry O'Neil stated that the Costco is a City of Stuart's project and will be discussed at the City's meeting.

Tom Campenni – stated that the meeting would start at 4 p.m. and the Costco public hearing approximately at 5 p.m. at the Blake Library.

9. Announcements – President De Angeles announced the upcoming meetings to be held at Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida.

- Regular Town Council meeting to be held on Monday, September 13, 2021 at 10:30 am
- 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

Janet Galante, resident of Ocean Breeze, thanked the Council and the Mayor for mailing the election letter out in a timely manner.

Mayor Ostrand asked if the confusion on the time of the hearing was caused by the involvement of West End Blvd.

Town Clerk, Pam Orr, replied that the confusion on the time did not involve the West End.

10. Adjourn – Council Member Wagner, seconded by Vice-President Gerold, made a motion to adjourn the meeting at 10:49 am.

Respectfully Submitted,

Pam Orr
Town Clerk

Minutes approved: _____



PROCLAMATION

Declaring "Hunger Action Month" in Ocean Breeze, Florida

WHEREAS, hunger and poverty remain issues of grave concern in the United States, the State of Florida, the Treasure Coast, and the Town of Ocean Breeze, with 23,304 children and adults in Martin County now categorized as food insecure; and

WHEREAS, the Town of Ocean Breeze is committed to taking steps to raise awareness about the need to combat hunger in every part of our Town and to provide additional resources that the citizens of Ocean Breeze need; and

WHEREAS, the Town of Ocean Breeze is committed to working with the Treasure Coast Food Bank in mobilizing people about the role and importance of food banks and other hunger relief organizations in addressing hunger and bringing attention to the need to devote more resources and attention to hunger issues; and

WHEREAS, food banks and hunger relief organizations across the country, including the Treasure Coast Food Bank, coordinated Hunger Action Day® on September 17, 2021, and will continue to host numerous events throughout the month of September to shed light on this important issue and encourage involvement in efforts to end hunger in their local community.

NOW, THEREFORE, I, Karen Ostrand, by virtue of the authority vested in me as Mayor of the Town of Ocean Breeze, Florida, and on behalf of the Ocean Breeze Town Council, do hereby proclaim September as "Hunger Action Month" in Ocean Breeze and call this observance to the attention of our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Ocean Breeze to be affixed this 13th day of September, 2021.

Town of Ocean Breeze, Florida

Karen M. Ostrand, Mayor

Memorandum

TO: **TOWN COUNCIL AND MAYOR**

FROM: **HOLLY VATH, FINANCIAL CONSULTANT**

SUBJECT: **QUARTERLY FINANCIAL REPORT**

DATE: **AUGUST 30, 2021**

Attached is the quarterly financial report for third quarter of fiscal year 2021.

Revenue

The total year-to-date budgeted revenue was \$247,733, the Town received \$393,326 which is \$145,593 more than budgeted. The majority (\$131,856) is a result of building permit activity. All single family home building permits have been issued for Seawalk. These funds can only be used for expenses related to building permit activities. Several state shared revenues are below budget with charges for services and the administrative fee charged to collect school impact fees offsetting the shortfall in state revenue sharing.

Expenditures

The total year-to-date budgeted expenditures was \$269,315, the Town has expended year-to-date \$194,007. Some categories below budgeted expenditures include the Code of Ordinance update and fewer expenses for code compliance issues. The invoice for the annual audit bill was paid after the end of the quarter. This positive variance will be reduced in the last quarter. The Town expects to remain within budgetary expectations through the 2021 fiscal year.

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2020 through June 2021

	<u>Oct '20 - Jun 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
6001 · Taxes from other Governments			
312300 · State Fuel Tax	3,146.97	2,100.00	1,046.97
312410 · Local Option Gas Tax	2,510.97	1,500.00	1,010.97
312420 · New Local Option Gas Tax	1,824.01	900.00	924.01
314200 · Local Communications Svc Tax	1,904.25	4,200.00	-2,295.75
335120 · State Revenue Sharing	10,771.57	13,950.00	-3,178.43
335140 · Mobile Home Tags	2,083.87	1,575.00	508.87
335150 · Alcoholic Beverage Licenses	2,104.59	1,500.00	604.59
335180 · 1/2 Cent Sales Tax	25,739.88	23,550.00	2,189.88
Total 6001 · Taxes from other Governments	<u>50,086.11</u>	<u>49,275.00</u>	<u>811.11</u>
6002 · Licenses & Permits			
322000 · Building Permits	197,382.90	65,500.00	131,882.90
338200 · Occupational Licenses	123.39	150.00	-26.61
Total 6002 · Licenses & Permits	<u>197,506.29</u>	<u>65,650.00</u>	<u>131,856.29</u>
6003 · Other Fees for Services			
322001 · Fire Inspections	0.00	600.00	-600.00
322004 · Charges for Services	2,479.71	0.00	2,479.71
Total 6003 · Other Fees for Services	<u>2,479.71</u>	<u>600.00</u>	<u>1,879.71</u>
6004 · Investment & Other Earnings			
361000 · Interest Income	499.10	800.00	-300.90
Total 6004 · Investment & Other Earnings	<u>499.10</u>	<u>800.00</u>	<u>-300.90</u>
6005 · Ad Valorem Revenue			
312100 · Ad Valorem	128,829.97	127,658.00	1,171.97
Total 6005 · Ad Valorem Revenue	<u>128,829.97</u>	<u>127,658.00</u>	<u>1,171.97</u>
6006 · Grants and Contributions			
361100 · Government Grants	0.00	0.00	0.00
362000 · Private Contributions	0.00	0.00	0.00
362500 · Government Match	0.00	0.00	0.00
Total 6006 · Grants and Contributions	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
6007 · Miscellaneous Income			
369000 · Misc Inc - MCSB Admin Fee, Etc.	13,925.04	3,750.00	10,175.04
Total 6007 · Miscellaneous Income	<u>13,925.04</u>	<u>3,750.00</u>	<u>10,175.04</u>
Total Income	<u>393,326.22</u>	<u>247,733.00</u>	<u>145,593.22</u>

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2020 through June 2021

Expense	Oct '20 - Jun 21	Budget	\$ Over Budget
6101 · General Government			
513150 · Gross Payroll	57,236.75	64,500.00	-7,263.25
513155 · PTO Accrual	0.00	0.00	0.00
513297 · Grant Management Consultant	0.00	0.00	0.00
513301 · Management Consultant	14,869.00	21,000.00	-6,131.00
513302 · Rent	9,987.78	9,285.00	702.78
513304 · Communications / Website	10,222.13	10,950.00	-727.87
513305 · Engineering	0.00	1,875.00	-1,875.00
513306 · Accountant	1,680.00	6,000.00	-4,320.00
513308 · Insurance W/C	3,643.00	2,200.00	1,443.00
513309 · Insurance Package	10,109.00	10,300.00	-191.00
513311 · Public Advertising Notices	1,846.80	3,000.00	-1,153.20
513312 · Office Equipment & Supplies	5,668.83	6,750.00	-1,081.17
513313 · Postage	432.65	495.00	-62.35
513315 · Audit	0.00	20,000.00	-20,000.00
513316 · Utilities	502.84	540.00	-37.16
513317 · Dues	1,095.00	1,350.00	-255.00
513318 · Mileage Reimb. - Clerks	295.78	900.00	-604.22
513319 · Conferences & Travel - Council	830.44	3,300.00	-2,469.56
513321 · Election Expenses	0.00	0.00	0.00
513323 · Special projects Code of Ord	0.00	9,000.00	-9,000.00
513324 · Special Project-Digitizing	95.00	2,500.00	-2,405.00
513820 · Contributions	1,000.00	750.00	250.00
514100 · Legal Counsel	15,027.00	18,000.00	-2,973.00
514200 · Computer Services	1,963.25	2,700.00	-736.75
531110 · Payroll Taxes - Fica	3,548.64	3,990.00	-441.36
531111 · Payroll Taxes - Medicare	829.74	930.00	-100.26
531112 · Benefits	17,327.80	15,600.00	1,727.80
Total 6101 · General Government	158,211.43	215,915.00	-57,703.57
6102 · Public Safety			
522300 · M.C. Fire Rescue	0.00	0.00	0.00
524200 · Building Official Services	27,225.00	22,500.00	4,725.00
524210 · Building Code Compliance Ser	2,252.50	11,250.00	-8,997.50
524220 · Code Compliance Legal	275.00	15,000.00	-14,725.00
524300 · Fire Safety Inspector	0.00	900.00	-900.00
Total 6102 · Public Safety	29,752.50	49,650.00	-19,897.50
6104 · Transportation			
541300 · Road and Street Maintenance	3,702.50	0.00	3,702.50
541301 · Street Lights	940.98	3,750.00	-2,809.02
541600 · Road and Street Capital	1,400.00		
Total 6104 · Transportation	6,043.48	3,750.00	2,293.48

Town of Ocean Breeze General Fund
Profit & Loss Budget vs. Actual
October 2020 through June 2021

	<u>Oct '20 - Jun 21</u>	<u>Budget</u>	<u>\$ Over Budget</u>
6200 · Physical Environment			
531000 · Grants - Contract Labor	0.00	0.00	0.00
Total 6200 · Physical Environment	0.00	0.00	0.00
6600 · Capital Outlay			
555000 · Furniture & Equipment	0.00	0.00	0.00
Total 6600 · Capital Outlay	0.00	0.00	0.00
Total Expense	<u>194,007.41</u>	<u>269,315.00</u>	<u>-75,307.59</u>
Net Ordinary Income	199,318.81	-21,582.00	220,900.81
Other Income/Expense			
Other Expense			
80000 · Ask My Accountant	0.00	0.00	0.00
Total Other Expense	0.00	0.00	0.00
Net Other Income	0.00	0.00	0.00
Net Income	<u>199,318.81</u>	<u>-21,582.00</u>	<u>220,900.81</u>

MEMORANDUM

To: Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

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

Date: September 7, 2021

Re: Proposed amendments to the Ocean Breeze West PUD Agreement to allow for the construction of a single-family home on Parcel "A". (Hearing continued from August 9, 2021).

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 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").
3. 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").

PARCEL "A" CONNECTION TO THE COUNTY'S WASTEWATER SYSTEM

As was indicated in the staff memo originally presented as part of the August 9, 2021 agenda package, the applicant initially proposed to delete the "Owner shall provide stub-out of water and sewer" provision from condition K.5. in favor of a septic system. Staff had no objection at the time but has since determined that the Town's Comprehensive Plan requires that all residential development be connected to the County's wastewater system. This provision may not be overridden by a PUD agreement. At present, the County Utility Department can readily provide water service, but has declined to connect Parcel "A" to its wastewater system until the South

Street neighborhood as a whole is connected. The County's timeline to do so is outside its 5-year planning window with no specific target date. In light of the Town's long-standing commitment to eliminating septic systems, staff is disappointed in this decision and unless otherwise directed by the Council will continue to support efforts by the applicant to change the County's mind.

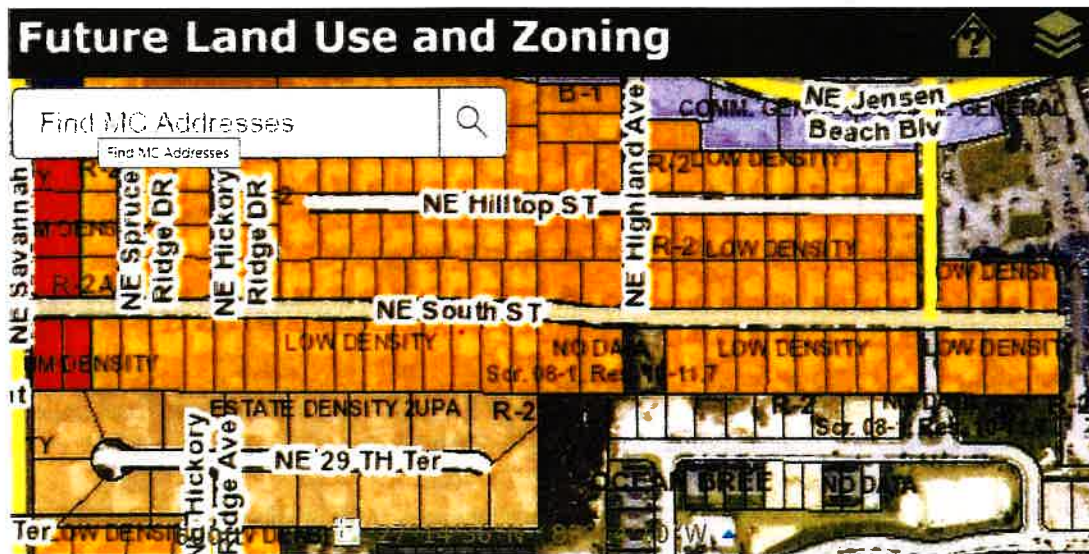
USE OF WATER FOR IRRIGATION AND OTHER PURPOSES

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"*
- Email from Martin County Utilities declining to connect Parcel "A" to sewer.
- Town Comprehensive Plan Sanitary Sewer Policy 1.2 requiring that all residential units be connected to County Sewer

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 VOLUNTARY 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 voluntary donation of Parcel "A" to the Town.

~~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 resolution are hereby superseded to the extent of such conflict.

SECTION 6. If any provision of this resolution or the application thereof to any person or circumstance is held to be unconstitutional, invalid or ineffective, this holding shall not affect the remaining portions of this ordinance. If this resolution or any provision thereof shall be held to be inapplicable to any person, property, or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 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 resolution 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 13th day of September, 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

KENNETH DE ANGELES
COUNCIL PRESIDENT

WILLIAM F. CRARY, II
TOWN ATTORNEY

KAREN M. OSTRAND
MAYOR

APPROVED AS TO FORM

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN 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: _____

By: _____
Nicolas Aparicio
President-Florida Region

Print Name: _____

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:

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

135

136

137

MODEL

MODEL

MODEL

MODEL

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)

1711 E Ocean Blvd., Suite 100, Fort Lauderdale, FL 33304

(754) 225-1234 Fax: (754) 225-4222

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

PH

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133

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MODEL

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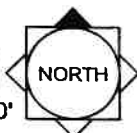
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Scale: 1" = 50'



0 25' 50' 100'



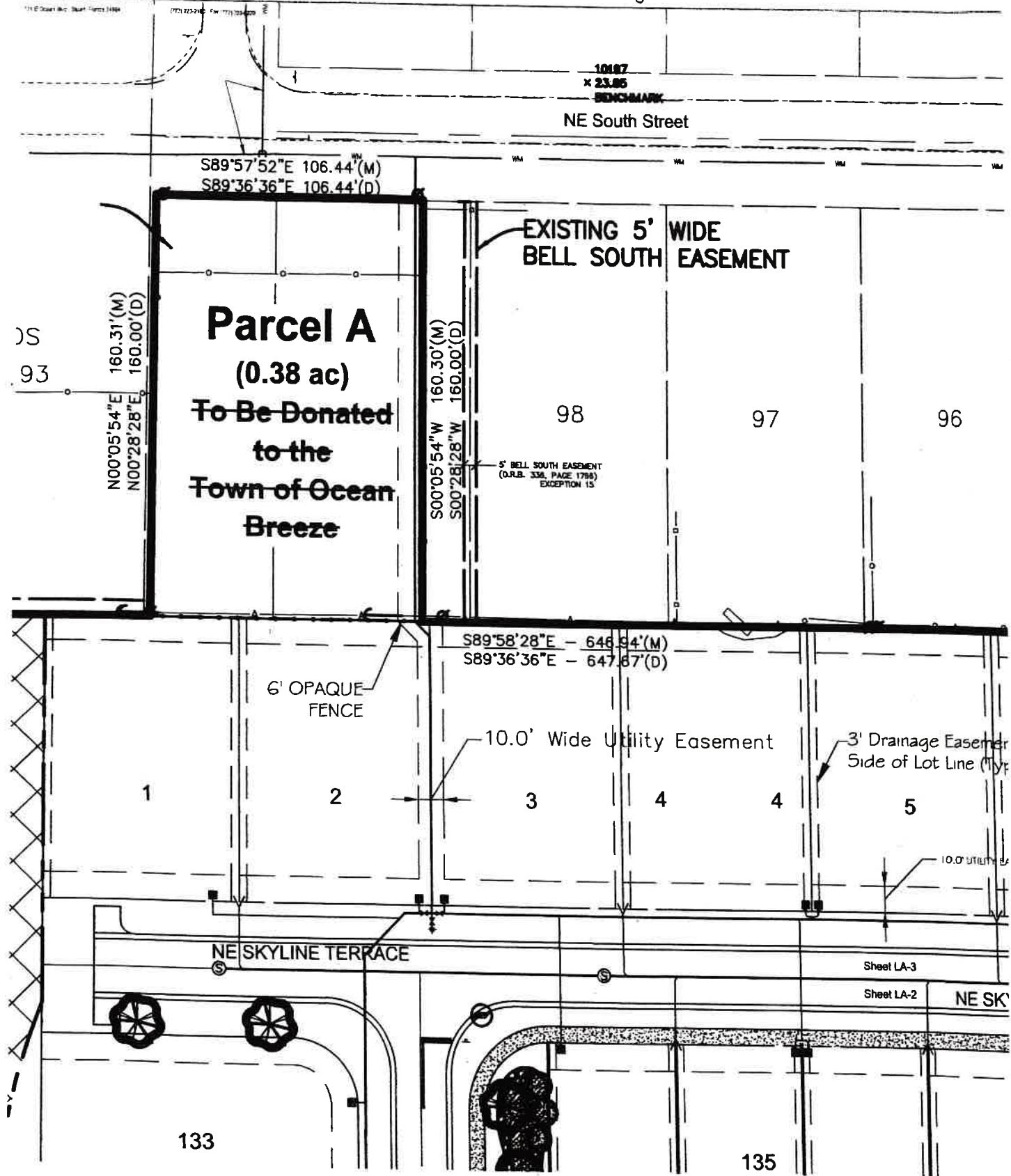
Date: 7.29.2021

Ocean Breeze West PUD

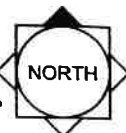
Town of Ocean Breeze, Martin County, Florida

Parcel A Exhibit

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



Scale: 1" = 50'



Date: 7.29.2021

Ocean Breeze West PUI

Town of Ocean Breeze, Martin County, Florida

Parcel A Exhibit

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

EXHIBIT "B"
DEVELOPMENT CONDITIONS FOR PARCEL "A"

Table # 1 -- Development Conditions for Parcel "A"

a. Minimum lot area:	7500 ft. ²
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 ⁷ , 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</i> , of the <i>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 servicing Parcel "A" and the Sea Walk 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".
h.	<p>The owners(s) of Parcel "A" shall not permit the grass, weeds or underbrush thereon to exceed a height of eight inches above the grade of the land, including any elevated and depressed areas. All such materials shall be cut and maintained to a height of eight inches or less and cuttings shall be either removed from the property or mulched. All such materials shall be cut and removed or mulched within fifteen calendar days of a notice to do so issued by the Town.</p> <p>Further, the owner(s) shall not permit the accumulation thereon of dead and dying trees and limbs; rubbish, trash and other refuse, including materials which might conceal pools of water creating breeding grounds for mosquitoes, as well as discarded appliances, furniture, tools, machinery, equipment, metal goods or other solid waste.</p> <p>If within fifteen days from receipt of a notice of violation from the Town, the owner(s) of Parcel "A" has not abated any nuisance(s) described above, the Town may enter upon the property and take such steps as are reasonably required to effect abatement through its employees, agents or contractors and may file a lien against the property to recover any abatement costs that are not reimbursed by the owner(s).</p>

June 10, 2021

Hand Delivery

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

received

**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 223741000000004051). 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."

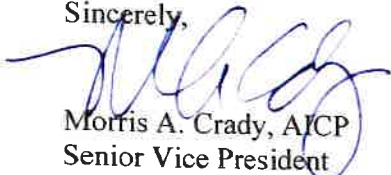
As per our discussions to date, the Town Council has elected not to accept the donation of Parcel A, therefore a minor PUD Amendment is necessary to delete Development Condition K.5. and allow the sale and development of Parcel A as a single family home site. To this end, the approved master/final site 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:

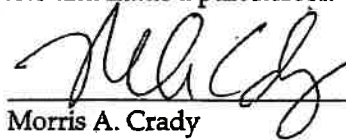
1. That Lucido & Associates is the authorized agent for Forestar (USA) Real Estate Group, Inc., the applicant of the development application to the Town of Ocean Breeze for an amendment to the Ocean Breeze West Planned Unit Development (OB West PUD);

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 re-scheduled public hearing before the Town Council on September 13, 2021 at 10:30 p.m. was sent by U.S. Mail on August 26, 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 August 25, 2021 the notification sign was re-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 1st day of September, 2021 by MORRIS A. CRADY, who [☒] is personally known to me or [☐] has produced _____ as identification.

(Notarial Seal)


NOTARY PUBLIC

My Commission Expires: May 18, 2024

NOTICE TO SURROUNDING PROPERTY OWNERS

Subject: Notice of Rescheduled 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 and to allow for the future development of a single family home.

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, September 13, 2021 at 10:30 am

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.

Author: Martin County GIS
Copyright: Copyright 2015

NOTICE OF PROPOSED AMENDMENT TO THE OCEAN BREEZE WEST PLANNED UNIT DEVELOPMENT (AKA SEAWALK)

Public Hearings 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

Meeting Location:

Ocean Breeze Resort Clubhouse

Town Council:

700 NE Seabreeze Way, Ocean Breeze, Florida 34957

Monday, September 13, 2021 at 10:30 AM

PROPOSAL TO AMEND DEVELOPMENT CONDITION K(5)
TO DELETE THE REQUIREMENT TO VOLUNTARILY
DONATE PARCEL "A" TO THE TOWN OF OCEAN BREEZE
FOR MORE INFORMATION PLEASE CALL
THE TOWN OF OCEAN BREEZE AT (772)334-6826

PT Prestige title agency, inc.

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

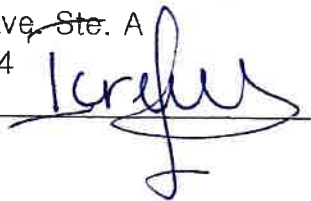
PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: _____

Iris M. Crews





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 14th 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

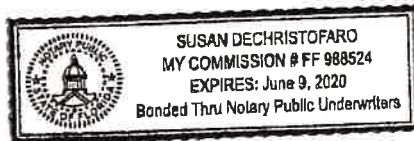
GRANTOR:

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 14th 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

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

Property Owners FORESTAR USA REAL ESTATE GROUP INC	Parcel ID 22-37-41-000-000-00405-1	Use Code/Property Class 0000 - 0000 Vacant Residential
Mailing Address 2221 E LAMAR BLVD #790 ARLINGTON TX 76006	Account Number 2745	Neighborhood 222030 Legion Hghts,Jensen Highlands
Tax District 1400 - OCEAN BREEZE	Property Address 1455 NE SILVER MAPLE WAY JENSEN BEACH FL	Legal Acres .3900
	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	Ag Use Acres 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 - B7 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 1

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	FULFORD DEXTER FLOYDFULFORD 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 OWNBY 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
SOUTH	ST	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 TERR	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	34957-7270
SOUTH	ST	JENSEN BEACH	FL	34957-7271	PO BOX 468	JENSEN BEACH	FL	34958-0468

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-LESCHOMMER
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



**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

Single Family Homes	Front	Side	Rear	Side/Corner
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 its 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 its 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 40th 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
Tel: 772.220.2100
Fax: 772.223.0220
mcrady@lucidodesign.com

Landscape Architecture - Land Planning - Land Entitlement



Please consider the environment before printing this e-mail.

From: Terry O'Neil <twoneil@aol.com>
Sent: Wednesday, July 28, 2021 10:52 AM
To: Morris Crady <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



MC 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 key, 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 m²). 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 m²) 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 m²). 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 m²)

of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) 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 section 21.173		

For SI: 1 square foot = 0.093 m².

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 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). 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.

From: Morris Crady
Sent: Wednesday, August 25, 2021 4:31 PM
To: Terry O'Neil
Cc: townclerk@townofoceanbreeze.org; Shirley Lyders
Subject: Seawalk PUD Amendment - Parcel A sewer service

Hi Terry,

See County's response to our engineer's investigation of the feasibility of providing a connection to the County's sewer system. Since the County will not authorize the connection, I believe there are 2 options the Town should consider for use of Parcel A as a single family lot:

1. Add a PUD special condition that allows the use of an interim septic tank system with a commitment to connect to the County's sewer system when available, or
2. Add a PUD special condition that withholds a building permit until such time as the County allows a connection to their sewer system.

With this understanding, we would like to move forward with the public hearing on September 13th. The sign has already been posted and we are planning to mail out the notices tomorrow.

Please feel free to contact me for further discussion.
Morris

From: Melissa Corbett <melissac@themilcorgroup.com>
Sent: Wednesday, August 25, 2021 1:12 PM
To: Frank Covelli <FACovelli@forestar.com>
Cc: Kim Little <kiml@themilcorgroup.com>; Alex Trovato <alex@themilcorgroup.com>
Subject: Fw: New sewer service

[External]

Please see below - MCU does not want the house connected.

Respectfully,
Melissa

From: Leo Repetti <lrepetti@martin.fl.us>
Sent: Wednesday, August 25, 2021 12:48 PM
To: Melissa Corbett <melissac@themilcorgroup.com>
Cc: Sharon Kuba <skuba@martin.fl.us>; James Christ <jchrist@martin.fl.us>; Kim Little <kiml@themilcorgroup.com>; Alex Trovato <alex@themilcorgroup.com>
Subject: RE: New sewer service

No sewer in the right of way adjacent to the property, so it is not available. We do not want to put a grinder and force main in for one house and really don't like utility easements between homes unless we can't avoid.

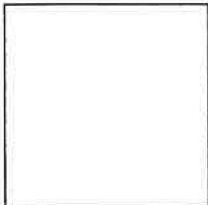
At some point that neighborhood will have sewer, but it is outside our 5-year planning window with no target date.

Thank you,

Leo Repetti, PE
Martin County Utilities & Solid Waste

3473 SE Willoughby Blvd
Suite 102
Stuart, Florida 34994
(772) 320-3065

From: Melissa Corbett <melissac@themilcorgroup.com>
Sent: Wednesday, August 25, 2021 12:42 PM
To: Leo Repetti <lrepetti@martin.fl.us>
Cc: Sharon Kuba <skuba@martin.fl.us>; James Christ <jchrist@martin.fl.us>; Kim Little <kiml@themilcorgroup.com>; Alex Trovato <alex@themilcorgroup.com>
Subject: New sewer service



Hi Leo -

We have been asked to look at sewer service for PCN 22-37-41-000-000-00405-1

There is sewer in the development just south of there, but we're at a terminal MH, so there isn't enough depth to run gravity. We were thinking a small grinder with 2" FM connection to the terminal MH with easement over the western property line, but wanted to run it by you first.

Terminal MH - SHM06351

Link: NW-NWW-OCEAN-BREEZE-PARK-WEST-PHASE-I-2019-JUN-25(SET).pdf

Thank you!
Respectfully,
Melissa

Melissa G. Corbett, P.E.
The MilCor Group, Inc.
Cell: 772-215-2280
Office: 772-223-8850
Fax: 772-223-8851

10975 S.E. Federal Highway
Hobe Sound, Florida 33455

725 S.E. Port St. Lucie Boulevard, #104
Port St. Lucie, Florida 34984



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

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

SANITARY SEWER

OBJECTIVE 1:

To provide for reliable sewage collection and disposal to meet the present and future needs of Town of Ocean Breeze.

POLICY 1.1

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

POLICY 1.2

All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. All new residential development shall be required to connect to Martin County regional wastewater systems.

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

To: Mayor and Town Council
From: Terry O'Neil, Town Management Consultant
Cc: Pam Orr, Town Clerk
 Rick Crary, Town Attorney
Date: September 4, 2021
Re: Final Adoption of EAR-Based Comprehensive Plan Amendments

The Florida Department of Economic Opportunity (DEO) has completed its review of the Town's proposed EAR-based comprehensive plan amendments adopted on first reading on 2/8/21 and transmitted to the agency via Ordinance No. 310-2021. The DEO's review, entitled "*Objections, Recommendations and Comments*" (ORC), was received on 4/16/21. It also includes comments from other reviewing agencies; more specifically the Florida Department of Transportation (FDOT) and South Florida Water Management District (SFWMD). Staff has carefully considered all modifications asked for in the ORC report and agrees they are reasonable and well established by Florida Statute.

The following summary lists the changes asked for by each agency. New language intended to address each concern is depicted by ~~struck through~~ and underlined blue text in the body of Ordinance No. 310-2021. Text shown in **red** consists of amendments previously approved by the Council on first reading. Changes contained in the final version of Ordinance No. 310-2021 are limited to revisions made in response to the DEO's ORC Report.

Agency	Objections, Recommendations and Comments	Staff Comment(s)	Revised Map or Text
1. DEO	Objection 1: The Coastal Impact Area (CIA) Map proposed by the Town is insufficiently detailed to determine the exact areas of the Town which are subject to coastal flooding, including storm surge. The map should be revised to represent all areas at risk of flooding.	Staff agrees. Working with Treasure Coast Regional Planning Council Staff, County Staff, DEO representatives and particularly the Florida Department of Emergency Management's IT Department, a new map has been created which meets the DEO's expectations.	See new map and on page 45 of Ordinance No. 310-2021. Copy attached to this memo as well. Also added, <u>The Town's CIA shall mirror the evacuation zones shown on its CIA map.</u> Page 44, Objective 8.
2. DEO	Objection2.: The Coastal High Hazard Area (CHHA) map submitted by the Town lacks current data, is not sufficiently to scale, and does not depict the Town's boundaries.	Staff agrees. Working with Treasure Coast Regional Planning Council Staff, County Staff, DEO representatives and particularly the Florida Department of Emergency Management's IT Department, a new map has been created which meets the DEO's expectations.	See new map on page 48 of Ordinance No. 310-2021. Copy attached to this memo as well.

Agency	Objections, Recommendations and Comments	Staff Comment(s)	Revised Map or Text
3.	DEO	<p>Staff agrees. In the course of updating the plan, draft language was inadvertently used from a file that varied from the final version approved and transmitted to DOE in 2014. The language shown to the right is the correct version and has been restored in Ordinance No. 310-2021. No changes are proposed.</p>	<p>Coastal Element:</p> <p>POLICY 2.9</p> <p>The Town shall define its CHHA as the area below the elevation of the category 1 storm surge line as established by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. See page 41 of Ordinance No. 310-2021.</p> <p>POLICY 2.10</p> <p>The Town shall cooperate and coordinate with Martin County as well as State agencies in an effort to protect and preserve existing natural systems. See page 41 of Ordinance No. 310-2021.</p> <p>Capital Improvement Element:</p> <p>Policy 1.4</p> <p>The Town acknowledges that is currently bears no responsibility for providing those capital improvements necessary to maintain the required level of service standards for municipal services (such as, potable water, sanitary sewer, solid waste management, stormwater management/drainage, transportation facilities, parks and recreational facilities, etc.) but recognizes that in the future, should the Town take on such responsibility, the comprehensive plan will be amended to include a capital improvement schedule providing appropriate information regarding funding of applicable capital improvement projects. See page 65 of Ordinance No. 310-2021.</p> <p>Policy 1.5</p> <p>The Town may expend funds for replacement and restoration of existing public facilities in the Coastal High Hazard Area. See page 41 of Ordinance No. 310-2021.</p>

Agency	Objections, Recommendations and Comments	Staff Comment(s)	Revised Map or Text
			<p>Transportation Element:</p> <p>See restored map on page 25 of Ordinance No. 310-2021. Copy attached to this memo as well.</p>
4. DEO	<p>Comment 2.: The latest adoption date should be added to the Future Land Use Map included in the Land Use Element.</p>	<p>Staff agrees.</p>	<p>See map on page 20 of Ordinance No. 310-2021. Language added:</p> <p>Adopted September 8, 2014</p>
5. DEO	<p>Comment 3: Previously adopted language in Policy 1.4 of the Capital Improvement Element may have been inadvertently omitted and replaced with out of date language.</p>	<p>Staff agrees. This was referred to in the agency's comment number 2 above. The language in question was omitted during the importation of text into amending Ordinance No. 301-2021 and has been restored.</p>	<p>Capital Improvement Element:</p> <p>Policy 1.4 The Town acknowledges that is currently bears no responsibility for providing those capital improvements necessary to maintain the required level of service standards for municipal services (such as, potable water, sanitary sewer, solid waste management, stormwater management/drainage, transportation facilities, parks and recreational facilities, etc.) but recognizes that in the future, should the Town take on such responsibility, the comprehensive plan will be amended to include a capital improvement schedule providing appropriate information regarding funding of applicable capital improvement projects. See page 65 of Ordinance No. 310-2021.</p>
6. DEO	<p>Comment 4.: The Existing Circulation Map and 2035 Future Circulation Map contained in the Transportation Element is lacking in scale and scale and omits the Town's boundaries.</p>	<p>Staff agrees. Circulation maps submitted on first reading did not match the single circulation map adopted in 2014. The extraneous maps have been removed and the original map, including scale and town boundaries has been restored.</p>	<p>See map on page 25 of Ordinance No. 310-2021. See enlarged version attached to this memorandum.</p>

Agency	Objections, Recommendations and Comments	Staff Comment(s)	Revised Map or Text
7. FDOT	Comment: The town should consider adding a policy in the coastal management element or the intergovernmental coordination element providing for continuing coordination with Martin County on the counties resiliency program and coordination with the Martin metropolitan planning organization on their resiliency related efforts.	Staff agrees. The requested language has been added to the Coastal Management Element.	Coastal Management Element: Policy 8.1 G. The Town shall continue to coordinate with Martin County's flood resiliency efforts, as well as the flood resiliency efforts of the Martin County Metropolitan Planning Organization (MPO) as they pertain to future impacts of flooding on local transportation systems. See page 47 of Ordinance No. 310-2021.
8. SFWMD	Comment: Update Potable Water Sub-Element Policy 4.6 to reference the most current Martin County Water Supply Facilities Work Plan. Please update the following statement as follows in strikethrough/underline. "The Town adopts by reference the Martin County Water Supply Facilities Work Plan, as updated on February 27, 2018.	Staff agrees. Revised language shown in column to the right.	Sanitary Sewer, Solid Waste, Drainage, Potable Water And Natural Groundwater Aquifer Recharge Element: POLICY 4.6 The Town's potable water service is provided by the Martin County Consolidated Water System. Martin County has included the Town's estimated population and water demand projections in the Martin County Comprehensive Growth Management Plan data and analysis. The Town adopts by reference the Martin County Water Supply Facilities Work Plan, as updated on July 10, 2012 February 27, 2018 . The Town will coordinate with Martin County on population projections, water demands, water conservation, and alternative water supply as needed. See page 35 of Ordinance No. 310-2021.

Finally, at first reading of Ordinance NO. 301-2021 the Council instructed staff to include language in the Capital Improvement Element that provides for an analysis to determine the feasibility of the Town securing its own offices and meeting facilities. This language (see below) is found on page 64 and has drawn no comments from the DEO or other reviewing agencies.

POLICY 1.1

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

Within (24) twenty-four months, the Town shall conduct an analysis to determine the feasibility of securing its own town hall facility, including offices and a space for public meetings.

Staff Recommendation

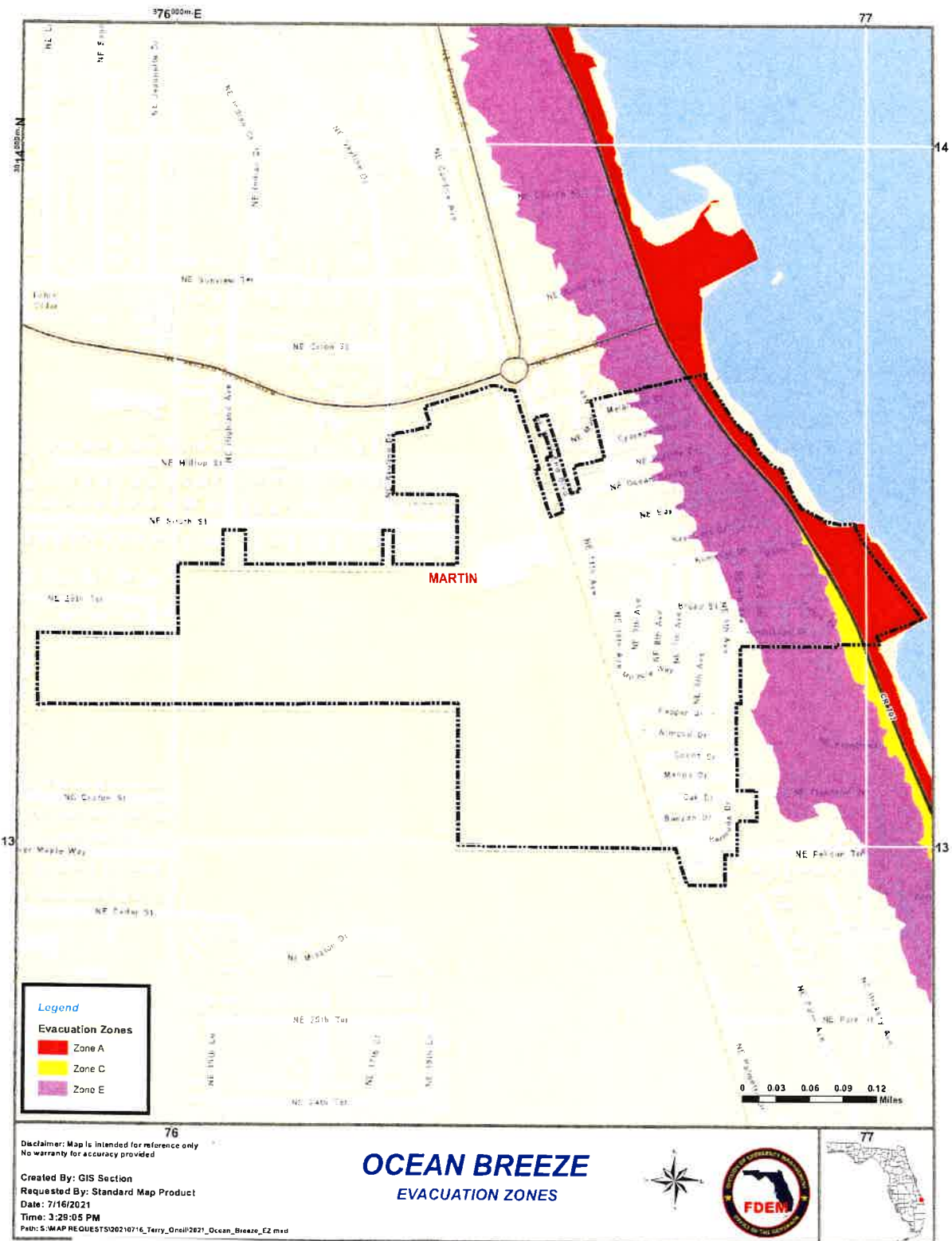
Staff has reviewed its proposed ORC-based amendments with DEO staff and anticipates no objections. Accordingly, following its presentation, comments from the public and council member deliberations, **staff recommends approval of Ordinance No. 310-2021 on second reading.**

Attached Documents

- Ordinance No. 310-2021, including Exhibit "A" amendments
- Department of Economic Opportunity's April 16, 2021 *Objections, Recommendations and Comments (ORC) Report*
- Transmittal Letter and Agency Review Memorandum
- Newspaper Advertisement
- January 20, 2021 Staff Memorandum
- Email from DEO confirming that proposed map changes are acceptable

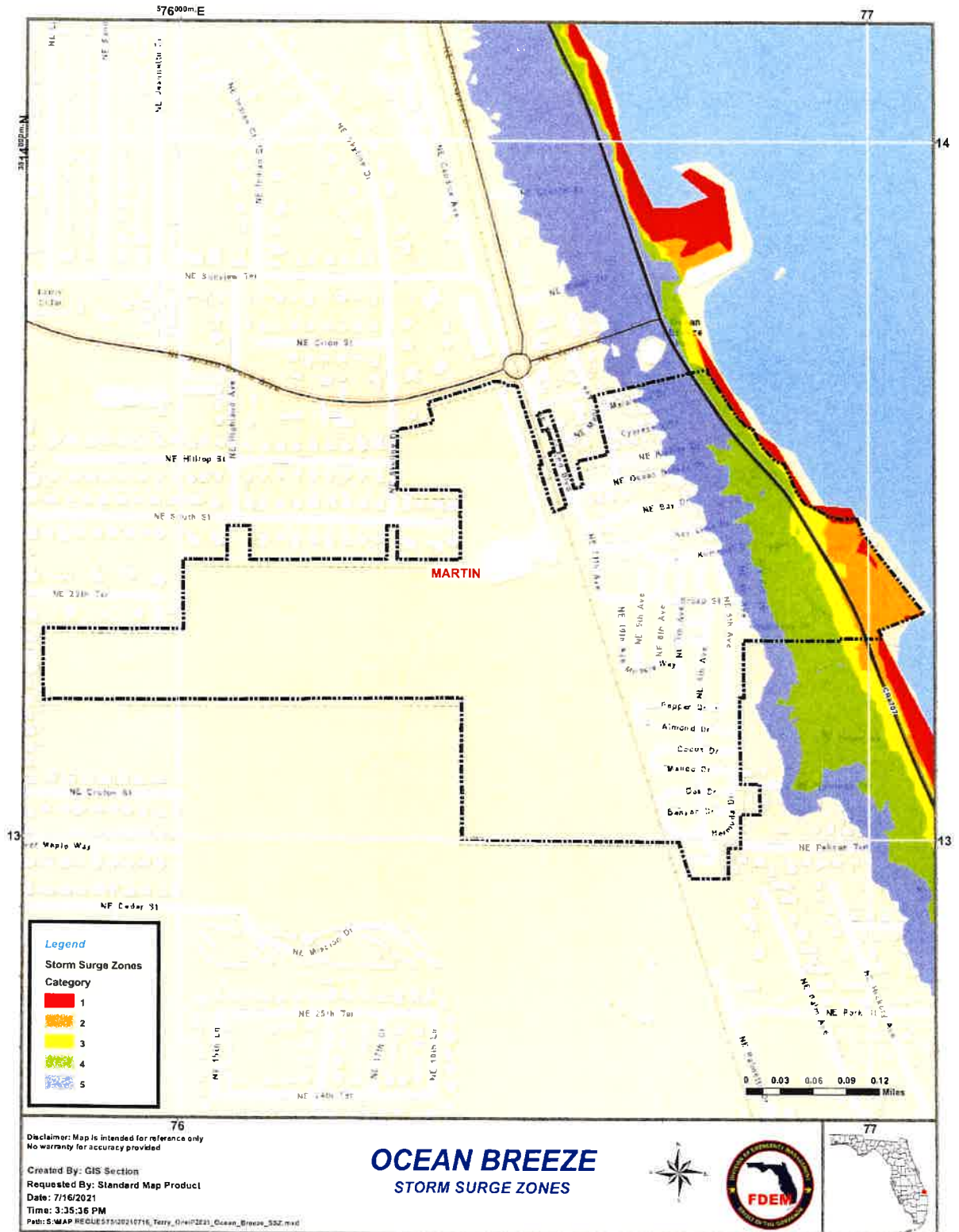
TOWN OF OCEAN BREEZE COASTAL IMPACT AREA (CIA) MAP

The Town's Coastal Impact Area shall consist of Evacuation Zones A, C and E.
Town limits are shown by dashed black line.

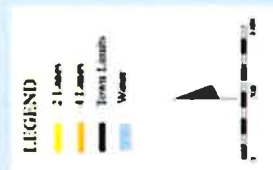


TOWN OF OCEAN BREEZE COASTAL HIGH HAZARD AREA (CHHA) MAP

The Coastal High Hazard Area shall be that area below the elevation of the Category 1 storm surge line. Town limits are shown by dashed black line. Data is derived from the 2016-17 FDEM SLOSH Model



ADOPTED SEPTEMBER 13, 2021



BEFORE THE TOWN COUNCIL
TOWN OF OCEAN BREEZE, FLORIDA
ORDINANCE NO. 310-2021

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

*** * * * ***

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

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

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

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

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

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

WHEREAS, on February 8, 2021, the Town Council conducted a duly advertised public hearing to consider the Zoning Board's recommendations, as well as public comments, and voted on first reading to approve the amendments set forth by Exhibit "A" of this ordinance and

approved their transmittal to the Florida Department of Economic Opportunity (DEO) and all other relevant agencies; and

WHEREAS, after careful consideration of an April 16, 2021 *Objections, Recommendations and Comments Report* issued by the Florida Department of Economic Opportunity, the Town Council conducted a duly advertised public hearing on September 13, 2021, to consider adoption of this ordinance on second reading; and

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

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

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

SECTION 2: The Ocean Breeze Town Council does hereby approve transmittal of this Ordinance on to the Florida Department of Economic Opportunity (DEO) and all relevant agencies.

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

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

SECTION 5: The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining

that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency of the Administrative Commission enters the final order determining this adopted amendment to be in compliance.

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

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

KENNETH DE ANGELES, PRESIDENT

RICHARD GEROLD, VICE-PRESIDENT

DAVID WAGNER, COUNCIL MEMBER

TERRY LOCATIS, COUNCIL MEMBER

KEVIN DOCHERTY, COUNCIL MEMBER

BILL ARNOLD, COUNCIL MEMBER

YES	NO	ABSENT

ADOPTED on this 13th day of September, 2021.

Town of Ocean Breeze Ordinance No. 310-2021
EAR-based Comprehensive Plan Amendments

ATTEST:

PAM ORR

TOWN CLERK

KENNETH DE ANGELES

PRESIDENT

KAREN OSTRAND

MAYOR

APPROVED AS TO FORM:

RICK CRARY, II

TOWN ATTORNEY

EXHIBIT A

TOWN OF OCEAN BREEZE, FLORIDA 2035 COMPREHENSIVE PLAN

**TOWN OF OCEAN BREEZE
MARTIN COUNTY, FLORIDA**

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

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

PLAN PREPARATION DATE: October 17, 1988;

REVISIONS TO PLAN COMPLETED: March 1, 1990

PLAN PREPARED BY:

Glenn E. Massnick
3162 S. E. Dixie Highway Stuart, FL 34997
(407) 286-1662

REVISIONS TO PLAN PREPARED BY:

Eileen E. Miller, AICP
E.E. Miller & Associates, Inc. 1339 E. Ocean Blvd.
Stuart, Florida 34996
(407) 287-6747
Final editing of revisions in association with: Cathy S. Reeder

2008 PLAN AMENDMENTS PREPARED BY:

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

2014 PLAN AMENDMENTS PREPARED BY:

Terry O'Neil, Town Management Consultant
Pinal Gandhi-Savdas, Planning Consultant

2021 PLAN AMENDMENTS PREPARED BY

Terry O'Neil, Town Management Consultant

**TOWN OF OCEAN BREEZE
MARTIN COUNTY, FLORIDA**

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TOWN OF OCEAN BREEZE COMPREHENSIVE PLAN

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

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

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

FUTURE LAND USE ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

Commented [T01]: Changes reflect development patterns that have emerged since last plan's last update in 2014.

OBJECTIVE 1:

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

POLICY 1.1

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

Commented [T02]: State rules require that the plan's "planning horizon" be identified in the land use element.

POLICY 1.2

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

POLICY 1.3

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

POLICY 1.4

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

POLICY 1.5

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

Commented [T03]: Florida law and this document's "Intergovernmental Coordination" element provide guidance here. Only selected development permit requests fall into this category. The reference to the TCRPC is out of place.

POLICY 1.6

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

POLICY 1.7

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

POLICY 1.8

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

- 1). Commit to compliance with all applicable portions of the adopted Town of Ocean Breeze Comprehensive Plan, including level of service standards for public facilities;
- 2). Reflect the findings of an acceptable transportation impact study, including a neighborhood traffic management plan;
- 3). Reflect consultation with the Florida Fish and Wildlife Conservation Commission (FWC) regarding adequate protection of any rare, endangered, threatened or special concern plant and animal species present on the affected property;
- 4). Provide for acceptable buffers along property boundaries and a high priority on preservation of existing vegetation;
- 5). Payment of impact fees to address off-site impacts of the new development; and
- 6). Comply with the Indian River Lagoon Comprehensive Conservation and Management Plan.
- 7). Reflect consultation with Martin County to address compatibility of project with existing and planned development on adjacent unincorporated lands; and

POLICY 1.9

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

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

Commented [T04]: DR Horton has remediated (closed) the old landfill site to the state's satisfaction.

POLICY 1.10

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

POLICY 1.11

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

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

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

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

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

OBJECTIVE 5:

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

OBJECTIVE 6:

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

OBJECTIVE 7:

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

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

Commented [T05]: Change reflects the fact that OB East and OB West are already Planned Unit Developments, while the plaza has straight "Business" zoning. The plaza owners may at some point wish to propose a PUD agreement to accommodate future development but are not compelled to do so.

OBJECTIVE 9: FUTURE LAND USE CATEGORIES

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

Commented [T06]: Changes reflect development patterns that have emerged since last plan's last update in 2014.

POLICY 9.1

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

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

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

- 1) A variety of building types including mobile homes, modular homes, manufactured homes and recreational vehicles to ensure a diverse and affordable quality environment.
- 2) Replacement of existing mobile homes with traditional site built structures as appropriate and consistent in scale and character with the typical home types in the park.
- 3) Storage for vehicles for the convenience of the residents.
- 4) Neighborhood commercial uses, primarily serving Town residents, not exceeding 25,000 square feet in floor area.
- 5) Public waterfront amenities such as piers, docks, or boardwalks (see Coastal Management Element for details).

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

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

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

- b. For sites that share a common boundary with a single-family land use, a buffer must be provided.
- c. Senior housing projects must include the following design standards:
 - i) at least one zero step entrance
 - ii) all interior doors providing at least 31 ¾ inches of unobstructed passage space, and
 - iii) at least a half bathroom on the main floor.
- d. For affordable housing projects; a minimum of 15% of the proposed units must be allocated to persons of very low and/or low income as defined by the State of Florida Guidelines for the State Housing Incentive Program (SHIP), for a minimum period of 20 years or such longer period as set forth by a controlling grant or other affordable housing program such as the Martin County Local Housing Assistance Plan. The units intended for affordable housing shall be subject to a recorded land use restriction for not less than 20 years and shall include resale provisions to ensure long-term affordability for very low and/or low income homeowners and renters.

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

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

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

- 1) With the exception of mobile home development, group homes, foster homes, nursing care facilities and assisted living facilities, a 25% gross density bonus will be granted to residential development that is restricted to senior housing (either limited to occupancy by residents 62 years of age or older or to those intended and operated for occupancy by persons 55 years of age or older provided that at least 80 per cent of the occupied units are occupied by at least one person 55 years of age or older) or a 50% bonus will be granted to residential development that is committed to a proportion of owner occupied or rental housing meeting the definition of very low and low income as defined by the State of Florida guidelines for the State Housing Incentive Program (SHIP). Projects receiving a density bonus must further meet the criteria listed below.
 - a. The project must be subject to a Planned Unit Development Agreement.
 - b. For sites that share a common boundary with a single-family land use, a buffer must be provided.
 - c. Senior housing projects must include the following design standards:
 - i) at least one zero step entrance
 - ii) all interior doors providing at least 31 ¼ inches of unobstructed passage space, and

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

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

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

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

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

CONTAINING 3.71 ACRES, MORE OR LESS.

E. Commercial (Ocean Breeze Plaza, Approximately 12 acres) – Commercial uses within the area

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

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

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

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

POLICY 9.1

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

POLICY 9.2

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

POLICY 9.3

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

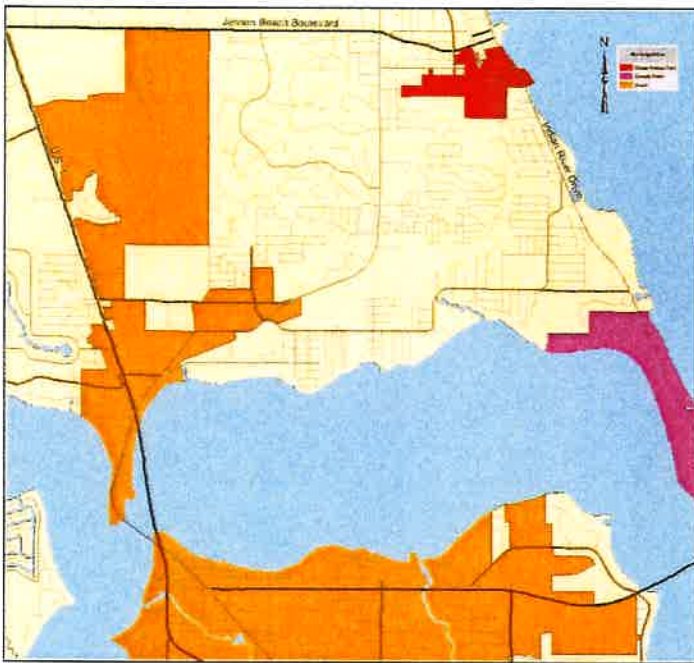
- 1) Only be approved based upon a finding that the proposed development will be appropriate to the topography, soil conditions, availability of facilities and services and surrounding land uses;
- 2) Ensure the protection of natural and historical resources;
- 3) Be coordinated with appropriate local or regional hurricane evacuation plans, when applicable;
- 4) Be coordinated with any appropriate resource planning and management plan prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet;
- 5) Ensure the availability of suitable land for utility facilities necessary to support proposed development; and
- 6) Encourage the use of innovative land development techniques as may be appropriate to the situation of the land; and
- 7) Be subject to a Planned Unit Development Agreement.

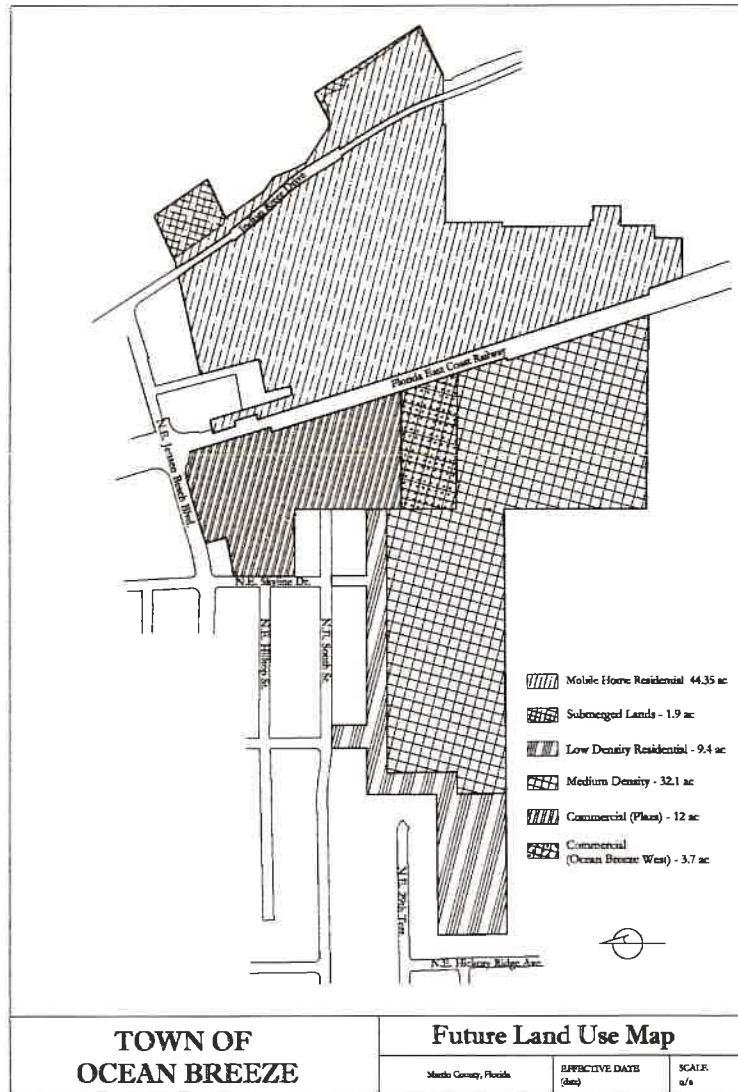
FUTURE LAND USE CATEGORY – EXHIBIT A

TABLE OF LAND USE DENSITIES AND INTENSITIES

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

TOWN OF OCEAN BREEZE
MUNICIPALITIES MAP DETAIL





Town of Ocean Breeze Future Land Use Map – through 2035

Adopted September 8, 2014

Commented [T07]: State requires the planning horizon be shown on the future land use map.

TRANSPORTATION ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

OBJECTIVE 1:

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

POLICY 1.1

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

POLICY 1.2

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

POLICY 1.3

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

POLICY 1.4

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

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

*Martin County 2012 Roadway Level of Service Inventory Report

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

POLICY 1.5

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

POLICY 1.6

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

POLICY 1.7

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

POLICY 1.8

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

POLICY 1.9

Unless an overall beneficial urban design approach indicates otherwise, protection of existing and future public roadway rights-of-way from building encroachment shall be accomplished by maintaining the following right-of-way requirements for all future construction except replacements of existing structures:

(1) Major Arterials - 100'/ Minor Arterials - 80', (2) Collectors - 60', 50' with curb-and-gutter construction.

POLICY 1.10

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

POLICY 1.11

The Town shall work with Martin County, Martin County MPO and private land owners as well as local and regional mass transit providers to promote transit to and from the Town of Ocean Breeze. This

coordination shall include: identifying destinations and traffic generators preferred by Town residents, identifying safe stopping places for mass transit, and identifying and helping to obtain needed right-of-way for mass transit stops.

POLICY 1.12

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

POLICY 1.13

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

POLICY 1.14

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

POLICY 1.15

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

POLICY 1.16

In the interest of the public safety and general welfare, new development and redevelopment adjacent to the FEC railway corridor shall address rail safety to prevent trespass and incorporate controls for noise and vibration sensitive uses, such as residential and educational uses.



HOUSING ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

OBJECTIVE 1:

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

POLICY 1.1

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

POLICY 1.2

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

POLICY 1.3

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

Commented [T08]: Change reflects DR Horton's state approved cleanup.

POLICY 1.4

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

POLICY 1.5

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

POLICY 1.6

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

OBJECTIVE2:

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

POLICY2.1

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

SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND

NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

SANITARY SEWER

OBJECTIVE 1:

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

Commented [T09]: Records confirm that all properties with the Town the Resort, Sea Walk subdivision and Ocean Breeze Plaza) are now entirely connected to the County's sanitary sewer system.

POLICY 1.1

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

POLICY 1.2

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

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

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

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

POLICY 1.3

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

POLICY 1.4

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

POLICY 1.5

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

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

SOLID WASTE

OBJECTIVE 2:

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

POLICY 2.1

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

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

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

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

POLICY 2.2

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

POLICY 2.3

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

POLICY 2.4

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

POLICY 2.5

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

POLICY 2.6

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

POLICY 2.7

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

DRAINAGE

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

POLICY 3.1

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

POLICY 3.2

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

POLICY 3.3

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

POLICY 3.4

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

POLICY 3.5

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

POTABLE WATER

OBJECTIVE 4:

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

POLICY 4.1

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

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

POLICY 4.2

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

POLICY 4.3

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

POLICY 4.4

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

POLICY 4.5

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

POLICY 4.6

The Town's potable water service is provided by the Martin County Consolidated Water System. Martin County has included the Town's estimated population and water demand projections in the Martin County Comprehensive Growth Management Plan data and analysis. The Town adopts by reference the Martin County Water Supply Facilities Work Plan, as updated on ~~July 10, 2012~~, February 27, 2018. The Town will coordinate with Martin County on population projections, water demands, water conservation, and alternative water supply as needed.

POLICY 4.7

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

OBJECTIVE 5:

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

OBJECTIVE 6:

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

POLICY 6.1

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

POLICY 6.2

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

POLICY 6.3

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

POLICY 6.4

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

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

COASTAL MANAGEMENT ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

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

OBJECTIVE 1:

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

POLICY 1.1

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

POLICY 1.2

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

POLICY 1.3

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

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

POLICY 1.4

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

POLICY 1.5

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

OBJECTIVE 2:

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

POLICY 2.1

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

POLICY 2.2

Immediate repair and clean-up actions needed to protect the public health and safety shall receive first priority in emergency permitting decision. These actions include repairs to facilities for transportation (roadways), sanitary sewer, potable water, waste water and power facilities; removal of debris; and stabilization of any structures which are a threat to collapse and constitute a hazard.

POLICY 2.3

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

POLICY 2.4

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

POLICY 2.5

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

POLICY 2.6

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

POLICY 2.7

With the exception of improvements that enhance waterfront access for the Town's residents, improve water quality, or restore native habitat, the Town shall limit its expenditure of public funds for capital improvements (or the maintenance thereof) that fall within the Coastal High Hazard Area (CHHA). In no instance shall the Town adopt or enforce policies which disrupt or threaten the continued use of existing

(and replacement) homes on the east side of Indian River Drive. The Town shall prohibit commercial marinas, including commercial anchorages. However, through its land development regulations and PUD agreements, the Town may allow less intensive waterfront uses such as fishing piers, public access platforms, day-docks or longer-term docking facilities, designed to serve Town residents, at the Town's discretion under the terms of a planned unit development agreement.

POLICY 2.8

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

POLICY 2.9

The Town shall define its CHHA as the area below the elevation of the category 1 storm surge line as established by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

POLICY 2.10

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

Policy 2.11

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

OBJECTIVE 3:

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

POLICY 3.1

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

OBJECTIVE 4:

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

POLICY 4.1

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

OBJECTIVE 5:

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

POLICY 5.1

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

POLICY 5.2

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

POLICY 5.3

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

POLICY 5.4

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

POLICY 5.5

The Town will coordinate with the South Florida Water Management District (SFWMD) to ensure that all future new developments meet stormwater retention criteria and requirements of that agency. Redevelopment construction shall adhere to the criteria and requirements as set forth by the SFWMD to the extent feasible, prioritizing no displacement of existing residents and affordability for new ones.

POLICY 5.6

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

OBJECTIVE 6:

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

OBJECTIVE 7:

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

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

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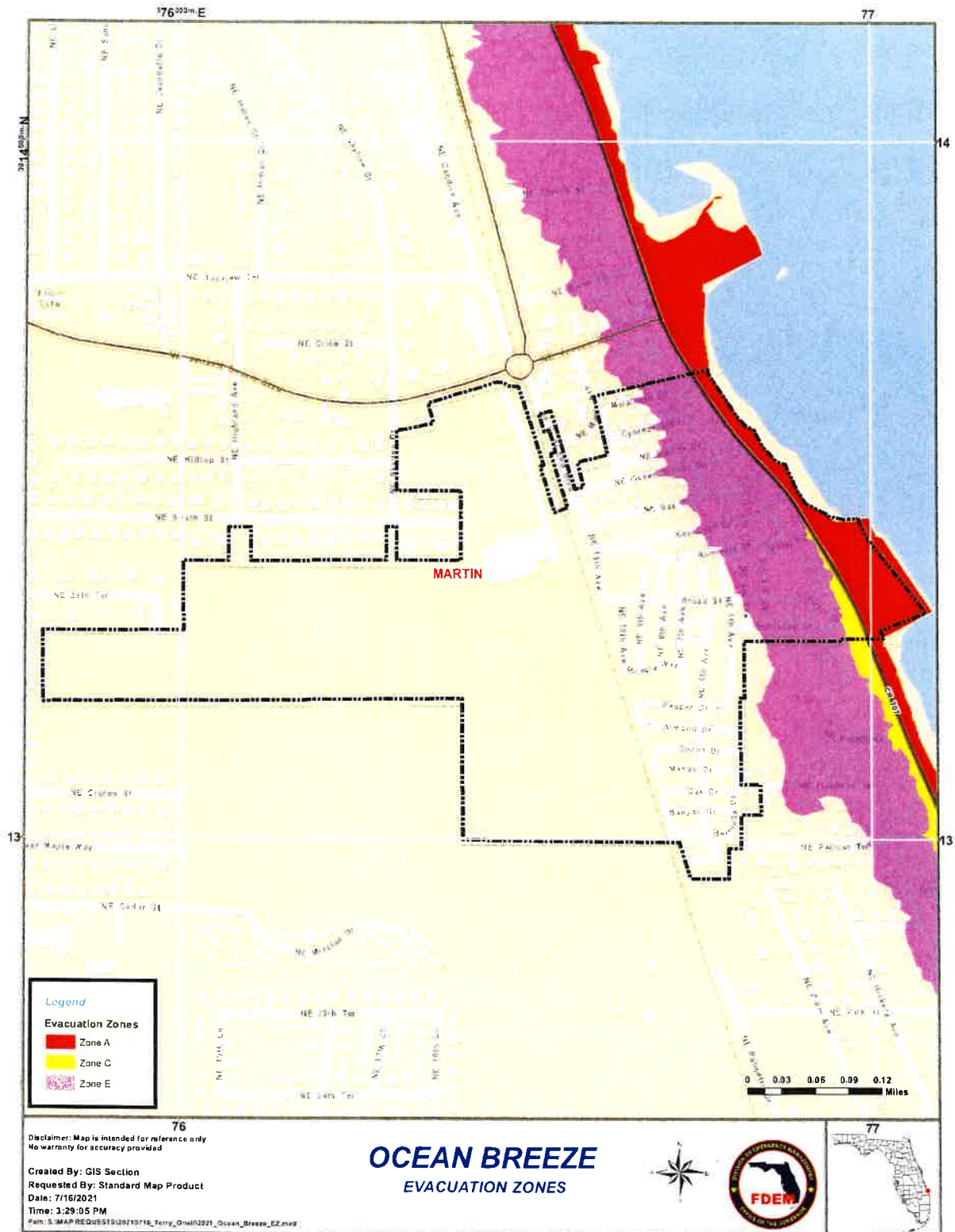
Objective 8:

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

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

TOWN OF OCEAN BREEZE COASTAL IMPACT AREA (CIA) MAP

The Town's Coastal Impact Area shall consist of Evacuation Zones A, C and E.
Town limits are shown by dashed black line.



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Policy 8.1

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

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

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

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

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

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

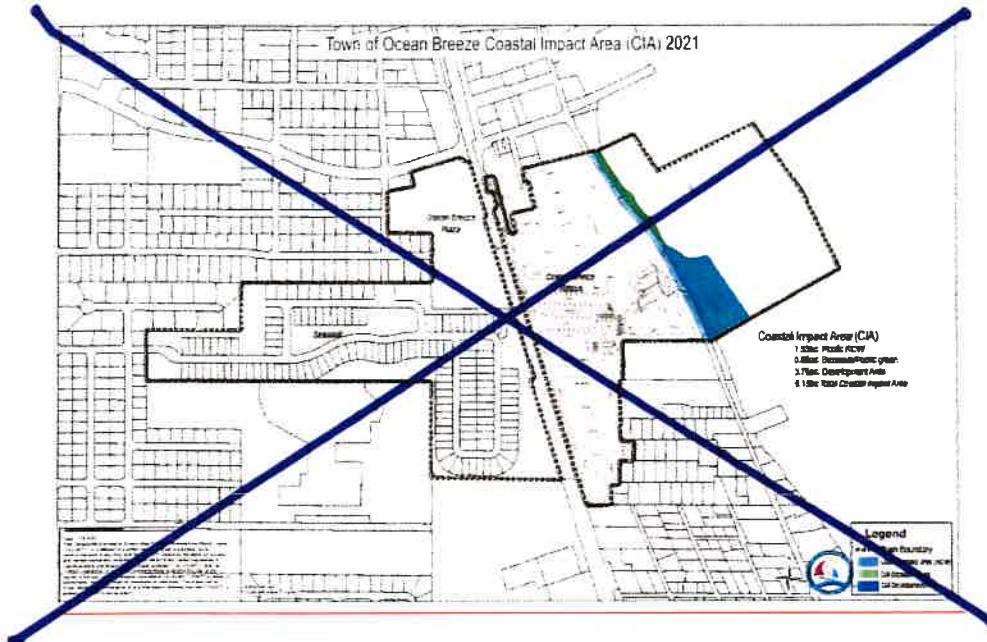
(1) encourage that further development intended for occupancy within the coastal impact area be limited to modular and manufactured residences only, which are easier and less costly to relocated than site-built structures.

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

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

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

(3) Specifically, upon considering a request for an amendment to a development order involving a property which is wholly or partially located within the Coastal Impact Area (CIA), the Town shall encourage an applicant maintaining common recreational buildings to install an



emergency electrical generator or generators sufficient to temporarily accommodate residents of the subject property following a storm event or other emergency.

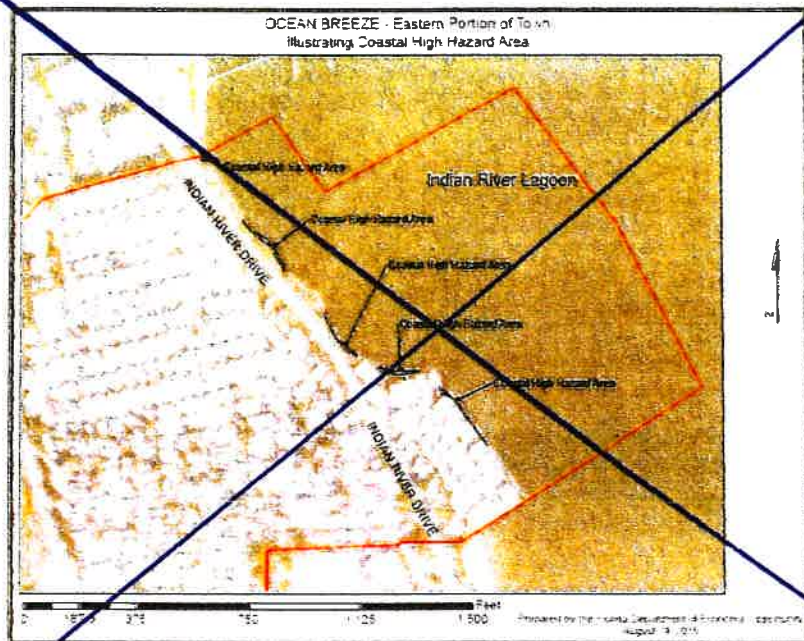
(4) The floodplain administrator/building official shall review all permit applications to determine whether proposed development will be reasonably safe from flooding.

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

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

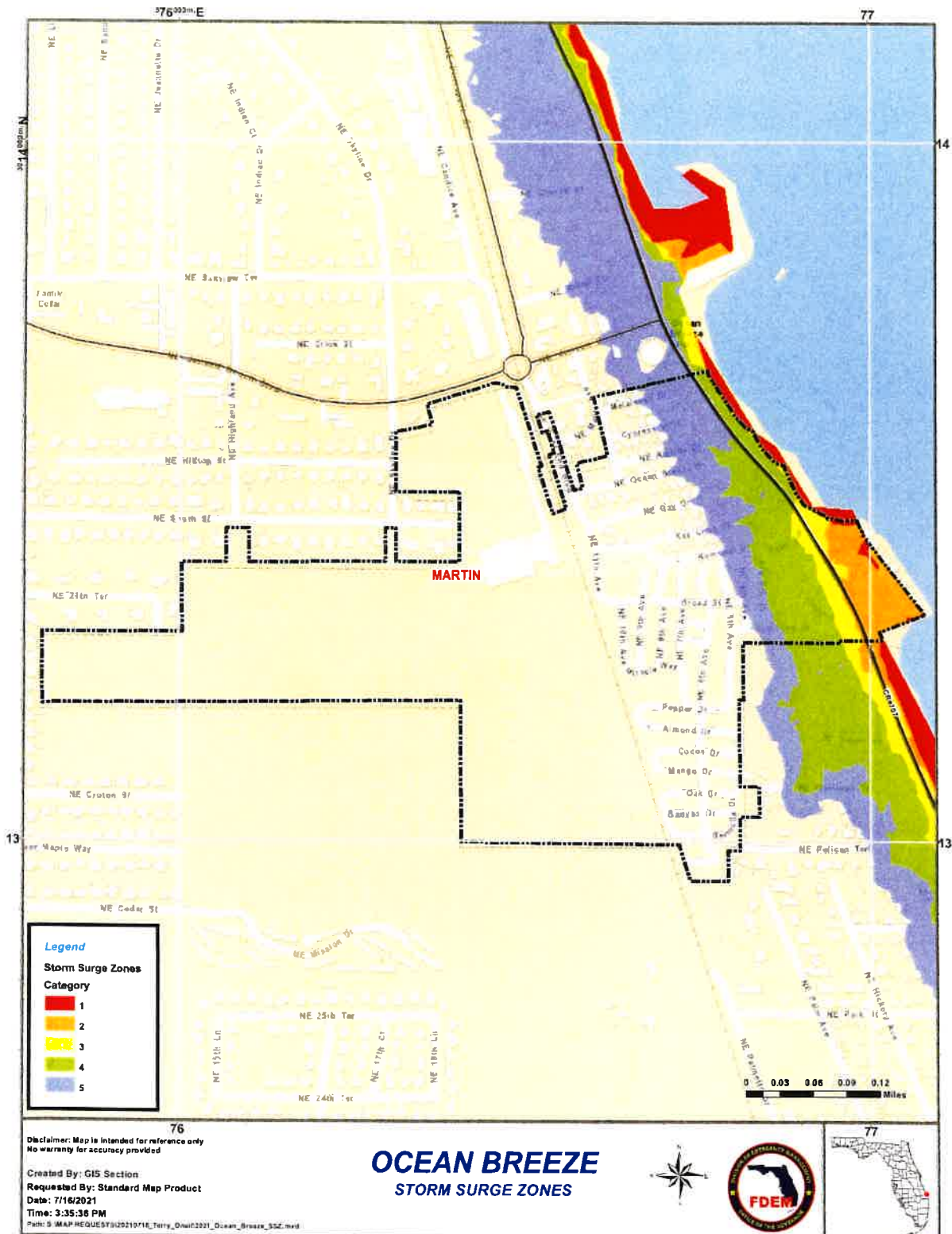
F. Encourage participation in the National Flood Insurance Program Community Rating System administered by FEMA to achieve flood insurance premium discounts for residents.

G. The Town shall continue to coordinate with Martin County's flood resiliency efforts, as well as the flood resiliency efforts of the Martin County Metropolitan Planning Organization (MPO) as they pertain to future impacts of flooding on local transportation systems.



TOWN OF OCEAN BREEZE COASTAL HIGH HAZARD AREA (CHHA) MAP

The Coastal High Hazard Area shall be that area below the elevation of the Category 1 storm surge line. Town limits are shown by dashed black line. Data is derived from the 2016-17 FDEM SLOSH Model



ADOPTED SEPTEMBER 13, 2021

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CONSERVATION ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

OBJECTIVE 1:

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

POLICY 1.1

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

POLICY 1.2

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

POLICY 1.3

The Town shall improve, maintain or restore surface water quality consistent with relevant Federal and State standards. No development order will be issued which result in degradation of the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification by the Department of Environmental Protection.

POLICY 1.4

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

POLICY 1.5

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

OBJECTIVE 2:

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

POLICY 2.1

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

POLICY 2.2

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

POLICY 2.3

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

OBJECTIVE 3:

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

POLICY 3.1

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

POLICY 3.2

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

POLICY 3.3

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

POLICY 3.4

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

POLICY 3.5

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

OBJECTIVE 4:

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

POLICY 4.1

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

POLICY 4.2

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

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

~~POLICY 4.3~~

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

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

OBJECTIVE 5:

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

Policy 5.1

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

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

POLICY 5.2

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

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

POLICY 5.3

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

POLICY 5.4

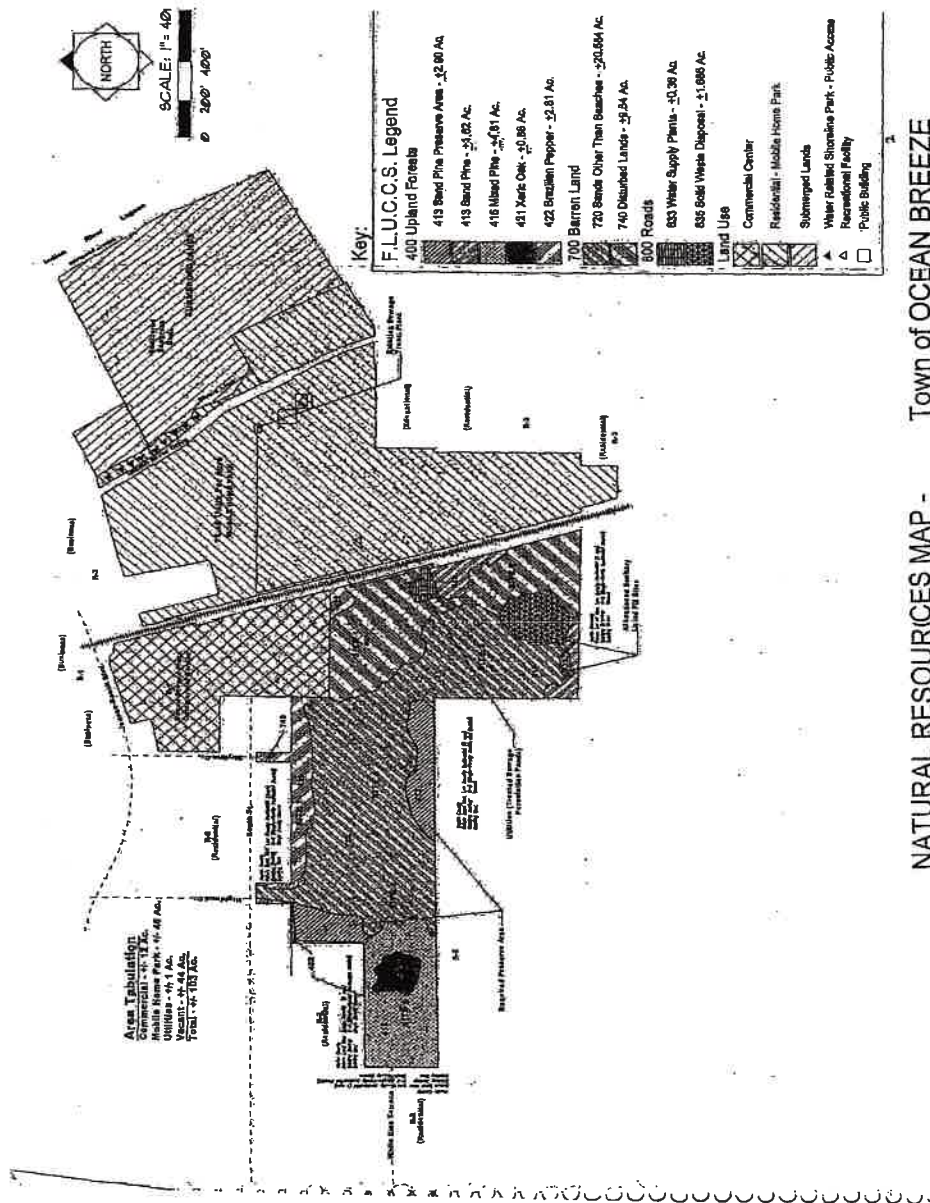
Gopher tortoises shall be preserved on site to the extent of the carrying capacity of the required preserve as determined by applicable State permitting agencies. All remaining gopher tortoises shall be relocated off-site unless otherwise permitted by State permitting agencies

OBJECTIVE 6:

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

Policy 6.1

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



RECREATION AND OPEN SPACE ELEMENT

GOAL, OBJECTIVES AND POLICIES

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

OBJECTIVE 1:

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

POLICY 1.1

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

POLICY 1.2

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

POLICY 1.3

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

POLICY 1.4

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

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

POLICY 1.5

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

POLICY 1.6

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

OBJECTIVE2

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

POLICY 2.1

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

POLICY 2.2

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

INTERGOVERNMENTAL COORDINATION ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1

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

OBJECTIVE 1:

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

POLICY 1.1

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

POLICY 1.2

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

POLICY 1.3

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

POLICY 1.4

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

POLICY 1.5

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

POLICY 1.6

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

POLICY 1.7

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

POLICY 1.8

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

POLICY 1.9

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

POLICY 1.10

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

POLICY 1.11

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

POLICY 1.12

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

POLICY 1.13

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

POLICY 1.14

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

POLICY 1.15

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

POLICY 1.16

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

POLICY 1.17

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

POLICY 1.18

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

POLICY 1.19

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

POLICY 1.20

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

POLICY 1.21

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

POLICY 1.22

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

POLICY 1.23

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

Commented [T015]: Change reflects the Town's requirements under its current PUD agreements that both Martin County and School Board impact fees, when applicable, must be paid prior to development approval.

POLICY 1.24

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

OBJECTIVE 2:

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

POLICY 2.1

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

POLICY 2.2

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

CAPITAL IMPROVEMENTS ELEMENT

GOAL, OBJECTIVES AND POLICIES

GOAL 1:

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

OBJECTIVE 1:

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

POLICY 1.1

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

Within (24) twenty-four months, the Town shall conduct an analysis to determine the feasibility of securing its own town hall facility, including offices and a space for public meetings.

Commented [T016]: Language added at the direction of the Town Council.

POLICY 1.2

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

- a. Protection of public health and safety;

- b. Increased utilization of existing Town facilities, multiple use of facilities or improved efficiency of facility operation;
- c. Overcome existing level of service deficiencies;
- d. Impact upon local budget;
- e. Financial feasibility;
- f. Meet requirements of future development and redevelopment facility demands; and
- g. Positive contribution to the Town's physical character, economic stability, or environmental quality.

POLICY 1.3

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

Policy 1.4

The Town acknowledges that it currently bears no responsibility for providing those capital improvements necessary to maintain the required level of service standards for municipal services (such as, potable water, sanitary sewer, solid waste management, stormwater management/drainage, transportation facilities, parks and recreational facilities, etc.) but recognizes that in the future, should the Town take on such responsibility, the comprehensive plan will be amended to include a capital improvement schedule providing appropriate information regarding funding of applicable capital improvement projects.

Policy 1.5

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

POLICY 1.6

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

OBJECTIVE 2:

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

POLICY 2.1

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

Facility	Level of Service Standard
Recreation and Open Space Facilities	2.0 acres per 1,000 population for land designation as low and medium density residential on the Future Land Use Map
Transportation Facilities	<p>County Roadways:</p> <p>(1) Indian River Drive (CR 707) "D"</p> <p>(2) Jensen Beach Blvd. (CR-707A) "D"</p> <p>*Martin County 2013 Roadway Level of Service Inventory Report</p> <p>*If facilities within Martin County are shown to operate below their required levels of service, payment of the development's fair share contribution to the impacted roadway system in addition to the payment of the appropriate County impact fees shall be deemed adequate to meet the level of service standards of the Comprehensive Plan.</p>
Solid waste facilities	<p>Service provided by private contractor:</p> <p>3.5 pounds per person per day (Residential: Single-Family and Multi-Family)</p> <p>2.1 pounds per person per day (Residential: Mobile Homes)</p>

	0.007 pounds per square foot per day (Non-Residential)
Sanitary sewer facilities	<p>Services provided by Martin County Utilities: 90 gallons per capita per day (residential) 0.1 gallon per square foot per day (non-residential)</p> <p>*All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. All new development shall be required to connect to regional wastewater system.</p>
Potable water	<p>Service provided by Martin County Utilities: 100 gallons per capita per day consumption (residential) 0.1 gallon per square foot per day (non-residential)</p> <p>*No potable water wells shall be permitted in the future development area of the town so long as potable water is available from a regional source. Wells for purposes other than human consumption (such as lawn sprinkling) may be permitted where such wells would not adversely affect natural resources or increase saltwater intrusion.</p>
Drainage facilities	<p>All new project sites shall control the timing of discharges to preclude any off-site impact for any storm event. The peak discharge rate shall not exceed the predevelopment discharge rate for the 25-year frequency, 3-day duration storm event.</p> <p>*Martin County Comprehensive Plan</p>

POLICY 2.2

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

POLICY 2.3

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

Development (PUD) agreements and building permits will be utilized to require and ensure the availability of public facilities and services concurrent with the impacts of development.

POLICY 2.4

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

POLICY 2.5

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

POLICY 2.6

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

April 16, 2021

The Honorable Karen Ostrand
Mayor, Town of Ocean Breeze
Post Office Box 1025
Jensen Beach, Florida 34958

Dear Mayor Ostrand:

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for the Town of Ocean Breeze (Amendment No. 21-01ER), which was received and determined complete on February 17, 2021. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached **Objections, Recommendations, and Comments Report** outlines our findings concerning the amendment. We have identified two objections and have included recommendations regarding measures that can be taken to address the objections. We are also providing four comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in Section 163.3184(1)(b), F.S. Copies of comments received by the Department from reviewing agencies, if any, are also enclosed.

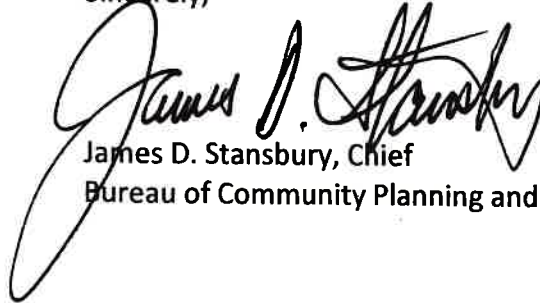
The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of the Department's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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

Department staff is available to assist the Town to address the objections and comments. If you have any questions related to this review, please contact Melissa Corbett, Planning Analyst, by telephone at (850) 717-8505 or by email at Melissa.Corbett@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J" and "S".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ mc

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Terry O'Neil, Town Management Consultant, Town of Ocean Breeze
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
Town of Ocean Breeze 21-01ER**

The Department of Economic Opportunity has identified two objections and four comments regarding the Town of Ocean Breeze's proposed comprehensive plan amendments. The objections and comments are provided below, along with recommended actions the Town could take to resolve issues of concern. If the Town adopts the plan amendment without adequately addressing the objections, the Department may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

Department staff has discussed the basis of the report with local government staff and is available to assist the Town to address the objections and comments.

I. Objection:

Objection 1: Coastal Management Element-Peril of Flood:

While the Town has made efforts in addressing flooding impacts and the requirements contained in Section 163.3178(2)(f), F.S., the policies proposed to address these impacts would only be applicable to the Town's newly created Coastal Impact Area (CIA). The CIA is solely depicted graphically on a map with a scale that makes it difficult to ascertain the exact areas encompassed. As such, it cannot be determined if the CIA will include all areas of the Town that are subject to coastal flooding, specifically storm surge. As a result of this issue, the provided map does not lend itself to providing meaningful and predictable standards for the use and development of land.

Statutory Authority: Sections 163.3177(1) and (1)(f) and 163.3178(2)(f)1-6., F.S.

Recommendations:

Prior to adoption, the amendment should be revised to include a detailed map of the CIA at a scale that clearly depicts the areas encompassed and/or include a definition of the CIA in the Coastal Management Element that specifically describes the areas included in order to ensure that the amendment is consistent with Section 163.3178(2)(f)1-6., F.S. The areas encompassed by the CIA must represent all areas at risk to flooding. Alternatively, the proposed language restricting the Peril of Flood related policies to the CIA could be removed so that these policies apply to the entire jurisdiction.

Objection 2) Coastal Management Element - Coastal High Hazard Area map (CHHA map):

Pursuant to Section 163.3178(2)(h), F.S., the CHHA is defined as the area below the elevation of the Category 1 storm surge line as established by Sea, Lake, and Overland Surges from Hurricanes

(SLOSH) computerized storm surge modeling, which is available through the Florida Division of Emergency Management (FDEM). The amendment includes a Coastal High Hazard Area (CHHA) map within the Comprehensive Plan as required by Section 163.3177(6)(a)10.c.VI., F.S. However, this map does not include a date and data source to demonstrate that the map depicts the most updated SLOSH model data as required by statute. Most importantly, the CHHA map does not include the Town boundaries and the information is presented at a scale such that it is difficult to discern what areas are affected by the flooding hazards rendering the policies associated with the map lacking in meaningful and predictable standards.

Statutory Authority: Sections 163.3177(1), 163.3177(6)(a)10.c.VI., and 163.3178(2)(h), F.S.

Recommendations:

Prior to adoption, the CHHA map should be revised to a scale where the areas of the Town that could be impacted by storm surge are easily identifiable. In addition, the revised map should include the graphic depiction of the location of the CHHA based upon the required SLOSH model data, as well as indicate the date and source of the CHHA data utilized in the map legend, e.g. 2016-2017, Florida Division of Emergency Management SLOSH Model data. The updated 2016-2017 SLOSH model data may be obtained from the Florida Division of Emergency Management or the County's Emergency Management Division. Department staff can also assist the Town in obtaining the required data.

II. Comment:

Comment 1: Format for Comprehensive Plan Revisions:

The proposed amendment includes revisions in strikethrough/underline format in multiple Elements of the Town's Comprehensive Plan. However, it was noted that a few policies that are not proposed for revision do not appear to match the language previously adopted in the last known Comprehensive Plan Amendment 14-1ER on file with the Department. Specifically, Coastal Management Element Policies 2.9 and 2.10 along with Capital Improvements Element Policies 1.4 and 1.5 contain language that differs from that adopted in the last known amendment. The Transportation Systems maps in the Transportation Element also do not appear to match those last adopted in 14-1ER. However, no changes to the language in these policies or maps are indicated within the current amendment. Prior to adoption, the Town should indicate within the amendment all alterations in strikethrough/underline format or another identifiable format to ensure all revisions since the last adopted Comprehensive Plan Amendment are noted. Alternatively, if policy language and/or maps were inadvertently omitted from the current amendment, then staff is prepared to work with the Town to make certain that the previously adopted language is presented accurately prior to adoption of the current amendment.

Comment 2: Future Land Use Map Effective Date:

The Future Land Use Map included at the end of the Future Land Use Element includes a notation within the Legend for an Effective Date. However, instead of a date certain in this Legend, it includes the phrase *(date)* under Effective Date. The Town should consider adding the latest creation or adoption date to the Legend in the Future Land Use Map that is included within the Comprehensive Plan.

Comment 3: Capital Improvements Plan:

As proposed, the Comprehensive Plan does not include a capital improvements schedule. In accordance with Section 163.3177(3)(a)4., F.S. comprehensive plans must include a schedule of capital improvements that includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. The schedule must identify projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the immediate five-year period as either funded or unfunded and given a level of priority for funding. It is important to note that within the language previously adopted by the Town in Comprehensive Plan Amendment 14-1ER, Capital Improvements Element (CIE) Policy 1.4 contained language that included an acknowledgement of responsibility for capital improvements. The policy acknowledged that the Town currently bears no responsibility for providing the capital improvements necessary to maintain required level of service standards for municipal services (such as potable water, sanitary sewer, solid waste management, stormwater management/drainage, transportation facilities, park and recreational facilities, etc.) but recognized that in the future, should the Town take on such responsibility, the Comprehensive Plan will be amended to include a capital improvements schedule providing appropriate information regarding the funding of applicable capital improvement projects. That Policy language was incorporated in response to a comment by the Department on the jurisdiction's lack of a capital improvements plan in the aforementioned Amendment. It appears the previously adopted language in Policy 1.4 may have been inadvertently omitted and replaced with out of date language. Therefore, the Town should incorporate the language adopted in CIE Policy 1.4 in the 14-1ER amendment. Alternatively, the Town could include a five-year schedule of capital improvements in the Capital Improvements Element.

Comment 4: Transportation Element – Existing and Proposed Transportation System Features Map:

Section 163.3177(6)(b)1., F.S., requires the local government's comprehensive plan to include a map (or map series) of existing and proposed transportation system features. The Transportation Element within the proposed amendment includes an Existing Circulation Map and 2035 Future Circulation Map, however, the scale and size of the maps and the omission of the Town's boundaries render the content to be lacking in sufficient detail to ascertain the Town's transportation system features. It was noted that the 2035 Future Circulation Map differs from that previously adopted in the 14-1ER amendment. Therefore, this previously adopted map may have been inadvertently omitted from the current submittal. To ensure the Plan provides meaningful and predictable standards for the use and development of land, the transportation

maps should be revised to clearly illustrate the Town's boundaries and transportation system features (existing and proposed) of interest to the Town, at a usable scale, wherein the majority of the jurisdictional area represented on the map is within the Town. Transportation facilities shown on the map should be identifiable or labeled (such as by street names). The maps should also provide a scale, date, and data source. As an alternative to the revision of the 2035 Future Circulation Map, the Town could incorporate the previously adopted version of this map if the information is not outdated.

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Town of Ocean Breeze

From: Staff

Date: March 8, 2021

Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Town of Ocean Breeze Comprehensive Plan
Amendment No. 21-01ER

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from the Town of Ocean Breeze was received on February 10, 2021 and contains amendments to the Future Land Use; Housing; Sanitary Sewer, Drainage, Potable Water and Groundwater Aquifer Recharge; Coastal Management; Conservation; Intergovernmental Coordination; and Capital Improvements elements of the comprehensive plan. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

The proposed changes are based on the Town's Evaluation and Appraisal Review (EAR), which took place in February of 2020. The purpose of the EAR is to determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated and to address issues of local concern. The Town has provided the proposed amendments for review. Because of the extensive volume of material in the amendment package, the revisions will be provided upon request. The proposed amendments are summarized below:

Future Land Use Element

- Goal 1 is being revised to reflect changes in the development patterns for the Town to include modular homes and create a single-family subdivision.
- Policy 1.1 is revised to indicate the planning horizon for the comprehensive plan is through 2035.

- Policy 1.5 is revised to remove specific reference to the Treasure Coast Regional Planning Council in the development permitting process, and adding “other relevant agencies.”
- Policy 1.9 is being revised to indicate that the portion of the Ocean Breeze West Planned Unit Development (PUD) that was previously used as a land fill has undergone excavation and remediation acceptable to the Florida Department of Environmental Protection.
- Objective 8 is revised to exclude the Ocean Breeze Plaza property from the requirement for any new development and redevelopment to be allowed only pursuant to a negotiated PUD.
- Objective 9 is revised to include language related to modular homes; future redevelopment of the existing commercial center; and preservation of the Town’s single-family residential subdivision.

Housing Element

- Policy 1.3 is revised to indicate the Town will continue to ensure federal, state, and local regulations are met regarding the Town’s closed landfill.

Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element

- Objective 1 is revised to indicate the Town, through continuing cooperation with Martin Utilities, will provide for reliable sewage collection and disposal as the Town is now entirely connected to the County’s sanitary sewer system.
- Policy 1.2 is revised to delete reference to the Ocean Breeze Plaza package plant as it has been eliminated and the buildings are now connected to the County’s wastewater system. Additionally, the policy is revised to state that all new commercial development must connect to the County’s wastewater system.

Coastal Management Element

In 2015, under Chapter 163, Florida Statutes (F.S.), the Legislature passed requirements under the Peril of Flood (POF) Act for jurisdictions with Coastal Management Elements contained in their comprehensive plan to provide a redevelopment component with principles to use to eliminate inappropriate and unsafe development in coastal areas. The Act defines components that must be included in the comprehensive plan to address POF requirements. The proposed amendments to this element are summarized below:

- A New Coastal Impact Area Map for 2021 has been included.
- Goal 1 is revised to include flooding and sea level rise as vulnerabilities for the Town’s property and residents.
- New Objective 8 and underlying policies are added to require the Town’s adherence to the State’s POF requirements. This includes:
 - Applying principles, strategies and engineering solutions that reduce flood risk in coastal areas
 - Continued participation in the Federal Emergency Management Agency’s (FEMA) national flood insurance program
 - Maintaining the existing seawall along the Indian River Lagoon and planning for native vegetation and other environmentally sound shoreline protection
 - Encouraging best management practices and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from FEMA flood zone designations

- Continuing participation in FEMA's National Flood Insurance Program (NFIP)
- Continuing participation in Martin County's Local Mitigation Strategy program
- Being consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code
- Requiring any construction activities seaward of the coastal construction control lines be consistent with Chapter 161
- Encouraging participation in the NFIP's Community Rating System to achieve flood insurance premium discounts for residents

Conservation Element

- Policy 4.3 is being deleted as it relates to the closed landfill
- Policy 5.1 is revised to indicate the Town will continue to protect the Sand Pine Scrub communities through enforcement of the Town's Preserve Area Maintenance Plan, which was approved under the Ocean Breeze West PUD Agreement

Intergovernmental Coordination Element

- Policy 1.23 is revised to state that new development will be subject to Martin County School Board impact fees

Capital Improvements Element

- Policy 1.1 is revised to indicate that within 24 months the Town will conduct an analysis to determine the feasibility of securing its own town hall facilities, including offices and a space for public meetings

Regional Impacts

No adverse effects on regional resources or facilities have been identified.

Extrajurisdictional Impacts

Council requested comments from local governments and organizations expressing an interest in reviewing the proposed amendment on February 16, 2021. No extrajurisdictional impacts have been identified.

Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified.

Council Action – March 11, 2021

The next scheduled Council meeting is March 19, 2021. In order to avoid unnecessary delay and meet the 30 day agency review deadline, Council's Executive Director, Thomas J. Lanahan, approves this report and authorizes its transmittal to the Town of Ocean Breeze and the Florida Department of Economic Opportunity.

Attachments

From: [Oblaczynski, Deborah](#)
To: [Eubanks, Ray](#)
Cc: [Corvin, Kelly D.](#); [Stephanie Heidt \(sheidt@tcrc.org\)](#); [tlanahan@tcrc.org](#); "Terrance O'Neil"; [DCPexternalagencycomments](#)
Subject: [EXTERNAL] - Town of Ocean Breeze, DEO #21-1ER Comments on Proposed Comprehensive Plan Amendment Package
Date: Thursday, March 11, 2021 6:37:33 AM

Dear Mr. O'Neil:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Town of Ocean Breeze (Town). The amendment package consists of the Town of Ocean Breeze's Evaluation and Appraisal Review based amendments. The District provides the following comment under Section 163.3184(3)(4)(g) Florida Statutes (F.S.). The important state resource impacted by this amendment is regional water supply. The comment needs to be addressed before final adoption of this amendment. If the comment is not addressed prior to adoption, the District may recommend the state land planning agency, the Department of Economic Opportunity, challenge the amendment:

- Update Potable Water Sub-Element Policy 4.6 to reference the most current Martin County Water Supply Facilities Work Plan. Please update the following statement as follows in strikethrough/underline: "The Town adopts by reference the Martin County Water Supply Facilities Work Plan, as updated on ~~July 10, 2012~~ February 27, 2018."

The District requests that the Town forward a copy of the adopted amendment to the District. Please contact me if you have any questions or need additional information.

Sincerely,

Deborah Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit

Please be advised I am working from home until further notice. I can be contacted at:
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
Email: doblaczy@sfwmd.gov or
Cell Phone: 561-315-1474

From: Hymowitz, Larry
To: DCPexternalagencycomments; Eubanks, Ray
Cc: townclerk@townofoceanbreeze.org; Corvin, Kelly D.; Stephanie Heidt; Gardner-Young, Caryn; Carver, Jennifer; Bush, Lois
Subject: [EXTERNAL] - Town of Ocean Breeze 21-1ER - FDOT District Four Review
Date: Thursday, March 18, 2021 3:59:25 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the proposed Town of Ocean Breeze EAR based amendment 21-1ER.

FDOT is providing the following technical assistance comment consistent with Section 163.3168(3), Florida Statutes. This technical assistance comment will not form the basis of a challenge. This comment is intended to strengthen the local government's comprehensive plan in order to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

Upon request, FDOT can consider assistance to the Town in pursuing its comprehensive plan objectives.

Technical Assistance Comment

The Town should consider adding a policy in the Coastal Management Element or the Intergovernmental Coordination Element providing for continuing coordination with Martin County on the County's Resilience Program and coordination with the Martin Metropolitan Planning Organization (MPO) on their resiliency-related efforts. The MPO's efforts include completion of a study addressing how resiliency/climate change impacts the transportation system and providing recommendations on how to consider resiliency/climate change in the transportation planning process, considering the additional costs associated with reducing vulnerability of the existing transportation infrastructure.

The Department requests a digital copy from the City of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents. * It is appreciated if the Town could include a response to the Department's comment as part of the adoption.

If you have any questions relating to resiliency and climate change, please contact Lois Bush at 954-777-4654.

Thank you.

| Larry Hymowitz

From: [Plan Review](#)
To: [Eubanks, Ray](#); [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Ocean Breeze 21-01ER Proposed
Date: Wednesday, March 17, 2021 3:01:17 PM
Attachments: [image002.png](#)

To: Ray Eubanks, DEO Plan Review Administrator

Re: Ocean Breeze 21-01ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@floridadep.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

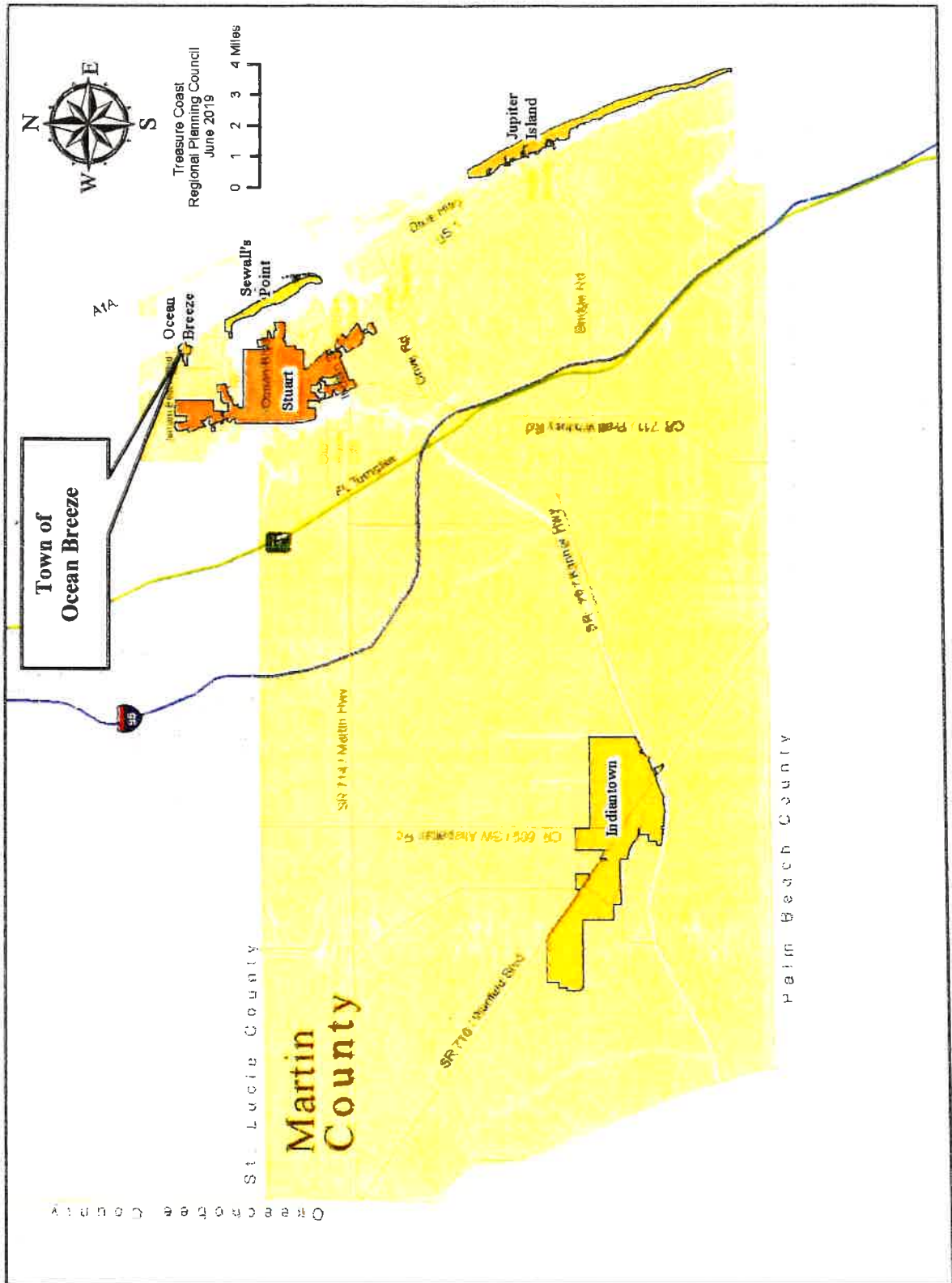


List of Exhibits

Exhibit

1 General Location Map

Exhibit 1 General Location Map





Town of Ocean Breeze

September 21, 2021

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

RE: TOWN OF OCEAN BREEZE, FLORIDA ORDINANCE NO. 310-2021 – FINAL ADOPTION OF
EAR-BASED COMPREHENSIVE PLAN AMENDMENTS -- (DEO ID# 21-01ER)

The Town of Ocean Breeze's EAR-Based comprehensive plan amendments contained in Ordinance No. 310-2021 have adopted on second reading and are hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184 F.S. The final public hearing on Ordinance No. 310-2021 was held on September 13, 2021. The ordinance was approved by a 6-0 vote. Amendments contained in the final version of Ordinance No. 310-2021 are limited to changes made in response to your agency's April 16, 2021 ORC Report.

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

1. Memo to Reviewing Agencies
2. Executed version of Ordinance No. 310-2021, including "Exhibit A" revisions in ~~struck through~~ and underlined format.
3. Staff Memo/Analysis
4. Minutes from the Town Council meeting of September 13, 2021
5. Advertising Notice

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

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

Sincerely,

Terry O'Neil
Town Management Consultant

*P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 • Fax: 772-334-6823
email: townclerk@townofoceanbreeze.org • website: townofoceanbreeze.org*

Enclosures:

Cc: (full packet on disc):

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

Cc: (letter only):

Ocean Breeze Mayor and Town Council
Rick Crary, Town Attorney
Pam Orr, Town Clerk



Town of Ocean Breeze

September 21, 2021

Memorandum

To: Distribution List

From: Terry O'Neil, Town Management Consultant

RE: TOWN OF OCEAN BREEZE, FLORIDA ORDINANCE NO. 310-2021 – FINAL ADOPTION OF EAR-BASED COMPREHENSIVE PLAN AMENDMENTS -- (DEO ID# 21-01ER)

The Town of Ocean Breeze's EAR-Based comprehensive plan amendments contained in Ordinance No. 310-2021 have adopted on second reading and have been transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184 F.S. The final public hearing on Ordinance No. 310-2021 was held on September 13, 2021. The ordinance was approved by a 6-0 vote. Amendments contained in the final version of Ordinance No. 310-2021 are limited to changes made in response to the DEO's April 16, 2021 ORC Report.

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

1. Executed version of Ordinance No. 310-2021, including "Exhibit A" revisions in ~~struck through~~ and underlined format.
2. Staff Memo/Analysis
3. Minutes from the Town Council meeting of September 13, 2021
4. Advertising Notice

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

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

Sincerely,

Terry O'Neil
Town Management Consultant

Enclosures:
Distribution list:

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

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

*P. O. Box 1025 • Jensen Beach, FL 34958
Office: 772-334-6826 • Fax: 772-334-6823*

email: townclerk@townofoceanbreeze.org • website: townofoceanbreeze.org

Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

The Stuart News

1939 SE Federal Highway, Stuart, FL 34994

AFFIDAVIT OF PUBLICATION

TOWN OF OCEAN BREEZE
PO BOX 1025
JENSEN BEACH FL 34958

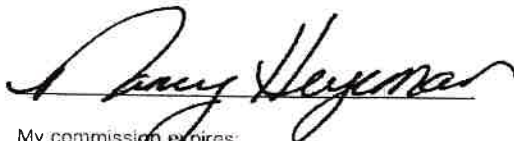
STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned authority personally appeared, said legal clerk, who on oath says that he is a legal clerk of the Stuart News, a daily newspaper published at Stuart in Martin County, Florida: that the attached copy of advertisement was published in the Stuart News in the following issues below. Affiant further says that the said Stuart News is a newspaper published in Stuart in said Martin County, Florida, with offices and paid circulation in Martin County, Florida, and that said newspapers have heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The Stuart News has been entered as Periodical Matter at the Post Offices in Stuart, Martin County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

8/31/2021



Subscribed and sworn to before on the 31th day of August, 2021:



My commission expires: 5.15.23

Publication Cost: \$472.50
Ad No: GCI0693195
Customer No: 434701
PO#: PUBLIC NOTICE

NANCY HEYRMAN
Notary Public
State of Wisconsin

Timestamp

8/24/2021 7:54:59

Final Publication Date

8/31/2021

Ad Number

GCI0693195

Publication

Stuart News

Market

Treasure Coast

Delivery Method

Email

Number of Affidavits Needed

1

Customer Name

Town Of Ocean Breeze

Account Number (If Known)

434701

Customer Email

townclerk@townofoceanbreeze.org

Your Name

Thank You, Sara Tanton

Email Address

STanton@localiq.com

NOTICE OF PUBLIC HEARING BEFORE THE OCEAN BREEZE TOWN COUNCIL
TO REVIEW AND CONSIDER FINAL APPROVAL OF PROPOSED EAR-BASED
AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN

Notice is hereby given that on Monday, September 13, 2021, beginning at 10:30 AM, at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida, 34957, the Ocean Breeze Town Council will conduct a public hearing to review and consider final approval of proposed (Evaluation and Appraisal Review) EAR-based comprehensive plan amendments and their transmittal to the Florida Department of Economic Opportunity. All interested parties are invited to attend and be heard.

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

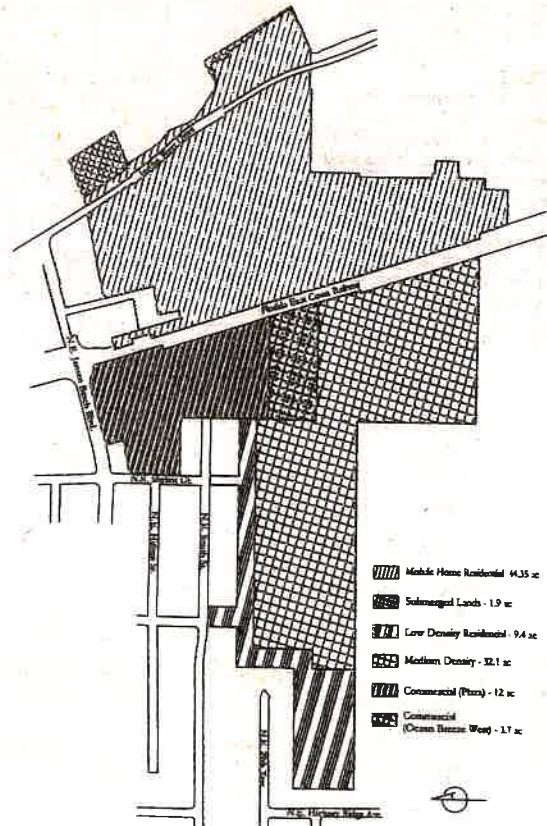
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA UPDATING THE TOWN'S COMPREHENSIVE PLAN IN ACCORDANCE WITH FLORIDA STATUTE SECTION 163.3191; ADOPTING NEW PROVISIONS DEEMED MANDATORY BY FLORIDA LAW SINCE THE TOWN PLAN'S LAST UPDATE IN 2014, INCLUDING "PERIL OF FLOOD" STANDARDS SET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

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

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

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

Publish August 31, 2021



TOWN OF
OCEAN BREEZE

Future Land Use Map

North Arrow, Florida

EFFECTIVE DATE

1/1/21

SCALE

1" = 1/4"

TOPIC: COMPREHENSIVE PLAN AMENDMENT

TOWN OF OCEAN BREEZE - DATE: **SEPTEMBER**

PUBLIC HEARING:

TOWN COUNCIL

[illegible]

Memorandum

To: Town Zoning Board, Town Council and Mayor

From: Terry O'Neil, Town Management Consultant

Cc: Pam Orr, Town Clerk

Rick Crary, Town Attorney

Date: January 20, 2021

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

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

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

Town's obligation to update its Comprehensive Plan

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

Amendment Process

EAR-Based amendments must be adopted by local ordinance. This requires at least one public hearing before the Town's Zoning Board (which acts as an advisory board and consists of the Town Council and a non-voting member from the School Board¹) and at least two public hearings before the Council. Transmittal of the "updating ordinance" to the Florida Department of Economic Opportunity (DEO) and other reviewing agencies occurs upon its adoption by the Council on first reading. The DEO then has 60 days to advise the Town of any "objections,

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

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

Format and types of amendments

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

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

(2) Each coastal management element required by s. ~~163.3177~~(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.
3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.
4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.
5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. ~~161.053~~ be consistent with chapter 161.
6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

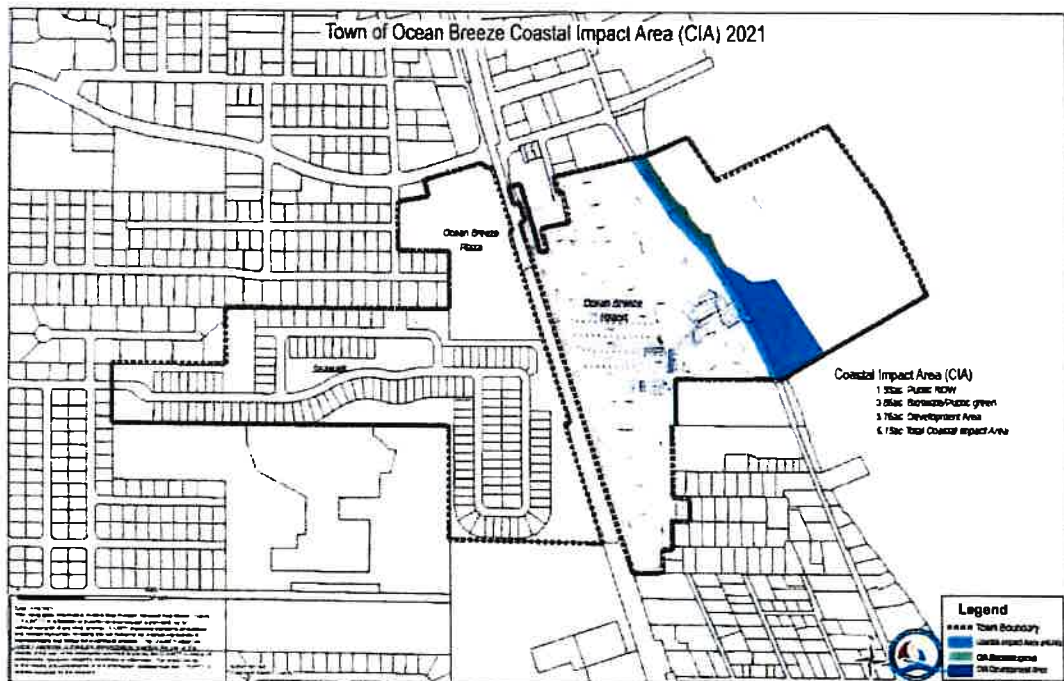
Peril of Flood Analysis

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


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

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

TOWN OF OCEAN BREEZE COASTAL IMPACT AREA (2021)




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




Town of Ocean Breeze

Indian River Drive


Stormwater Improvements












Before


→




After

Partners



Partners & Costs		Lagoon & Community Benefits	
2012 Lagoonview Acquisition	\$ 150,000	48+ acres improved	
2016 Brevard Lagoon Phase	\$ 315,000	Removed 235 mobile homes and 300 leaching septic/cesspool tanks	
2016 Brevard Lagoon Phase	\$ 68,171	Installed 4 stormwater technologies – bioswales, baffle boxes, infiltration and PAM logs	
2017 Brevard Lagoon Phase	\$ 250,000	Ceased pollutant discharges to the IRLot	
2017 Brevard Lagoon Phase	\$ 190,000	– 7,875 lbs/yr of nitrogen from septic tanks	
Sun Communities	\$ 150,000	– 101 lbs/yr of nitrogen from stormwater	
Ocean Breeze & Martin County	\$ 372,000	– 18 lbs/yr of phosphorus from stormwater	
Total Cost	\$1,493,171	Constructed 200 new bungalow homes on sewer	
		Environmentally-friendly waterfront green space	

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

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

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

Objective 8:

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

Policy 8.1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

More about the proposed amendments in other elements of the plan

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

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

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

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

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

- Acknowledging that modular (manufactured) units and single-family homes have become an integral form of residential development.
- Recognizing that DR Horton, in developing Seawalk, has successfully remediated (cleaned up) an old, unregulated land fill to the satisfaction of the Florida Department of Environmental Regulation (FDEP) to the extent that there are no obstacles to the developer making use of the entire site.
- Recognition that DR Horton, per the developer's PUD agreement with the Town, has provided a "Preserve Area Maintenance Plan" (PAMP) that undertakes and guarantees perpetual maintenance of the Seawalk project's environmental set aside area.

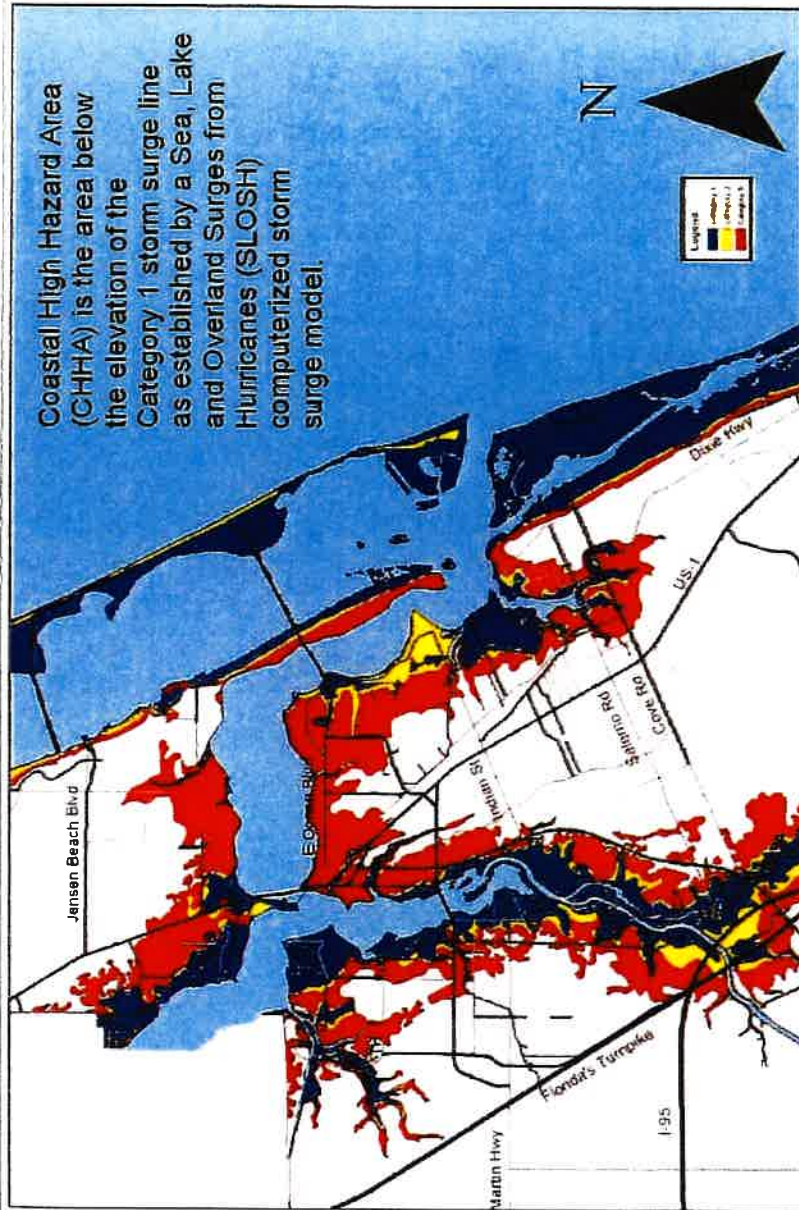
Staff Recommendation

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

Attached Documents:

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

TOWN OF OCEAN BREEZE COASTAL HIGH HAZARD AREA MAP



Martin County

File: G:\projects\martin\martinCPA\ICGMP_Figures
Created By: Jamie Parrie (ITS Dept)
Plot Date: July 9, 2013

TOWN OF OCEAN BREEZE COASTAL FLOOD EXPOSURE MAP

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



Generalized Inundation R1911 Resiliency Planning Grant Martin County, Florida

0 500 1,000 1,500 2,000 Feet

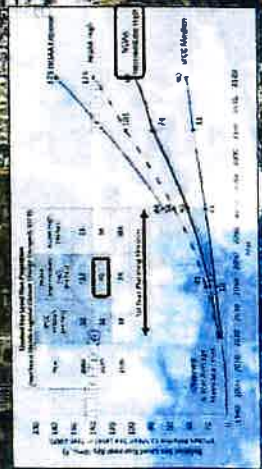
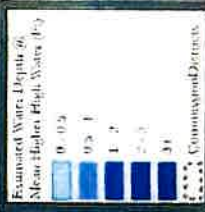


Projection: NAD83 Intermediate High
Year: 2070
Water Base (Inches): 0
Scenario: MGRW
Page: 5 of 24



Environmental & Technical Systems, Inc.
404 W. 1st St., Suite 100
Fort Lauderdale, FL 33301
Tel: 954.333.1111
www.etsinc.com

This map series shows the resulting new water depths for the 2070 intermediate high projection. This map is only intended to provide an estimate of the increase in water depth and show the overall scale of potential impacts of sea level rise.



This map series was developed for a 24" x 36" sheet. The map series was developed for a 24" x 36" sheet. The map series was developed for a 24" x 36" sheet.

(b)(7) - Exemption

late

100

100

Small quilt detail with a person in a boat illustration.



Martin County, Florida

Page 5 of 24



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

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

name: faces or name atoms with minimal elements of the legend may have gaps in available GIS data. Additional data collection and verification is recommended. GIS data and its associated representation is provided as it

Stormwater Infrastructure Vulnerability

RI911 Resiliency Planning Grant
Martin County, Florida



Projection:	NAD 83 Intermediate High
Year:	2010
Water Rise (Inches):	Approx. 40
Scenario:	ADPHW
Page:	3 of 24



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

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



How to read the results = Potential Impact (Flooding > 0''); Identify what is using the picture legend in the top right of the map.

Potable Water Vulnerability R1911 Resiliency Planning Grant Miami-Dade County, Florida

0 500 1,000 2,000 Feet



Projection: NAD83 Intermediate High
Year: 1970
Water Rise (Inches): Approx. 40
Scenario: AHHW
Page: 3 of 24



Environmental &
Technical Systems, Inc.
14000 SW 12th St., Suite 100
Miami, FL 33186
Tel: 305.444.1111
Fax: 305.444.1112
www.etsinc.com

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

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

- Beyond Study Area**
- Valves
 - Meters
 - Hydrometers
 - Backflows
 - Communication Devices



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

Potable Water Vulnerability **R1911 Resiliency Planning Grant** **Martin County, Florida**

0 500 1,000 2,000 Feet



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



PROJECT PARTNERS



Environmental & Technical Systems
 3445 Woodland Blvd.
 Deland, Florida 32733
 (386) 45-7114
 www.clearviewgeographic.com

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

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

- Sanitary Wells
- Wells
- Valves
- Meters
- Hydants
- Backflows
- Water Valves
- Alarms
- Commanded Hydrant



How to read the results = Potential Impact (Flooding A 0.7%)
 It tells you what it is using the primary legend in the top right of the map.

Sanitary Sewer Vulnerability R1911 Resiliency Planning Grant Martin County, Florida

0 250 500 1,000 2,500 Feet



Projections: 2010
Year: 2050
Water Rise (feet): 5.0
Scenario: MHHW
Page: 1 of 24

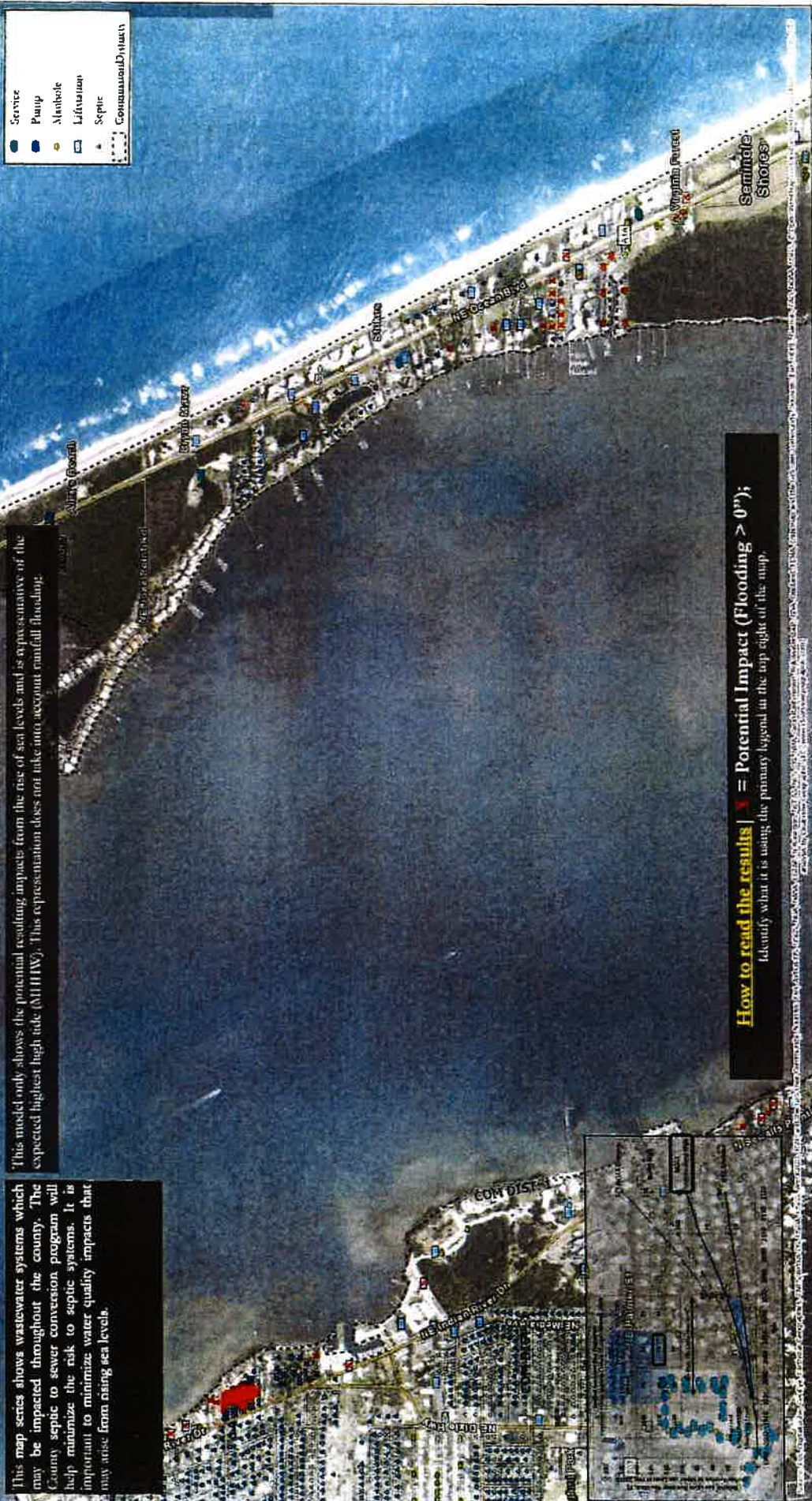


Environmental & Technical Services
CLEARVIEW GEOGRAPHIC
4400 Westchase Blvd., Suite 100
Ft. Lauderdale, FL 33309
Phone: 954.575.1011
Fax: 954.575.1012
www.clearviewgeographic.com

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

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

- Service
- Pump
- Mainline
- Liftstation
- Septic
- Conventional/Drystack



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

From: Corbett, Melissa
Sent: Monday, July 26, 2021 9:34 AM
To: Terry O'Neil
Cc: townclerk@townofoceanbreeze.org; Terry O'Neil
Subject: RE: [EXTERNAL] - FW: Maps

Good morning Terry,

Thank you for running this past us. We have looked at the latest versions of the maps you created and agree that these address DEO's concerns that were raised on them.

In regard to your second question, yes, the ORC was issued on April 16, 2021. The Town will have 180 days from your receipt of the ORC report. So, that 180 days may fall on October 13, 2021 or in the few days after that, depending on when you all received our letter.

If you have any other questions on this please let me know. Thanks.

Melissa Coleman Corbett, CFM
Community Resilience Planner



Florida Department of Economic Opportunity
Bureau of Community Planning and Growth
107 E. Madison Street
Caldwell Building, MSC 160
Tallahassee, FL 32399
Office: 850.717.8505
Melissa.Corbett@deo.myflorida.com
www.floridajobs.com

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From: Terry O'Neil <terrancewoneil@gmail.com>
Sent: Wednesday, July 21, 2021 1:47 PM
To: Corbett, Melissa <Melissa.Corbett@deo.myflorida.com>
Cc: townclerk@townofoceanbreeze.org; Terry O'Neil <twoneil@aol.com>
Subject: [EXTERNAL] - FW: Maps

Hello Melisa,

Two quick questions:

- (1) Are you okay with the attached maps?

- (2) Our ORC was issued on April 16, 2021. Am I right that we have 180 days (or until October 13, 2021) to adopt the amendments on second reading?

Regards,

Terry

Sent from Mail for Windows 10e

From: bookkeeper@townofoceanbreeze.org

Sent: Wednesday, July 21, 2021 1:21 PM

To: [Terry O'Neil](#); [Terry O'Neil](#)

Cc: townclerk@townofoceanbreeze.org

Subject: Maps

Here ya go!



Town of Ocean Breeze

Post Office Box 1025

Jensen Beach, FL 34958

Telephone: [\(772\) 334-6826](tel:(772)334-6826)

Fax: [\(772\) 334-6823](tel:(772)334-6823)

www.townofoceanbreeze.org

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