

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

September 12, 2022, 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 8, 2022  
(Motion, second, public comments, all in favor)
- Budget Workshop and Setting of Tentative Millage Rate for Fiscal Year 2022/2023 Meeting,  
Wednesday, July 20, 2022  
(Motion, second, public comments, all in favor)

**3. Proclamation Declaring “Hunger Action Month” in Ocean Breeze, Florida – Ruby Aguirre, Treasure Coast Food Bank**

**4. Proclamation Proclaiming September as Suicide Awareness and Prevention Month – Chad Adcock, Community Outreach Representative, 211 Helpline**

**5. Budget to Actual Report: Third Quarter of Fiscal Year 2022**

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

**6. Quasi-Judicial Hearing. Consideration of proposed Ordinance No. 322-2022 on second reading.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE *SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER RECHARGE ELEMENT* OF THE TOWN’S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS “PARCEL A”, TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE *TRANSPORTATION ELEMENT* OF THE TOWN’S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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 – **Maria Camporeale, Forestar (USA) Real Estate Group, Inc., Applicant Representative. Item continued from August 8, 2022.**

(Motion, second, public comments, all in favor)

**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

- Proposed Budget and Tentative Millage Hearing, Wednesday, September 14, 2022 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 21, 2022 at 5:01 pm
- Regular Town Council Meeting, Monday, October 10, 2022 at 10:30 am
- Canvassing Board Meeting, Wednesday, November 9, 2022 at 10:00 am
- Regular Town Council Meeting, Monday, November 14, 2022 at 10:30 am

**12. Adjourn**

(Motion, second, all in favor)

TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, August 8, 2022, 10:30 a.m.  
Ocean Breeze Resort Clubhouse, Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

1. **Call to Order** – President De Angeles called the meeting to order at 10:30 a.m.
  - Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
  - Roll Call – Present: Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members Kevin Docherty, Terry Locatis and David Wagner  
Absent – Bill Arnold
  - Staff Present –Town Management Consultant, Terry O’Neil; Town Clerk, Pam Orr;  
Town Office Consultant, Kim Stanton and Administrative Assistant Candidate, Shannon Roger
2. **Approval of Minutes** – Council Member Wagner, seconded by Council Member Gerold, made a motion to approve the minutes of the July 11, 2022 regular meeting.

President De Angeles asked for comments from the Council.

There were none.

President De Angeles asked for public comments.

There were none.

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

**3. Quasi-Judicial Hearing. Consideration of proposed Ordinance No. 322-2022 on second reading.**  
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE *SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER RECHARGE ELEMENT* OF THE TOWN’S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS “PARCEL A”, TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE *TRANSPORTATION ELEMENT* OF THE TOWN’S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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.

Mr. O’Neil explained that the review by the Florida Department of Economic Opportunity did arrive, but not in time to add it to this agenda; and, there were no matters of concern.

Council Member Wagner, seconded by Council Member Docherty, made a Motion to continue this item to the September 12, 2022 meeting.

President De Angeles asked for public comments.

There were none.

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

**4. Town Office Reorganization** – Mayor Ostrand recommended Kim Stanton for the position of Town Clerk/Bookkeeper, Shannon Roger for the position of Administrative Assistant and recommended approval to execute the contract for permit processing services to be performed by Pam Orr.

Council Member Wagner, seconded by Council Member Docherty, made a Motion to approve hiring Kim Stanton to perform the duties of the Town Clerk/Bookkeeper, subject to a successful background check.

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

Council Member Wagner, seconded by Council Member Locatis, made a Motion to approve hiring Shannon Roger to perform the duties of the Town Administrative Assistant, subject to a successful background check.

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

President De Angeles asked for public comment.

There was none.

Council Member Wagner, seconded by Council Member Gerold, made a Motion for the Mayor to execute the contract for Pam Orr to perform the permit processing services.

President De Angeles asked for public comment.

There was none.

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

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

Roger Vincent, resident of Ocean Breeze Resort, presented the Council with a petition (copy attached) to change the existing bocce ball court to a third pickle ball court. He remarked that, with very few exceptions, the bocce ball court was not being utilized. He discussed the efforts that were made to request that Sun Communities make this change. He added that Sun Communities would invest \$60,000 to convert the area to a pickle ball court, provided there were no additional costs.

President De Angeles stated that Town attorney, Rick Crary, investigated the matter and his email was included in the meeting documents, and it stated that the matter would require a minor amendment to OB East PUD. He added that Sun Communities would need to apply for that amendment.

Mr. Vincent asked that the matter be tabled until the November 14, 2022 meeting to allow interested residents to be present. He read a letter from Joe Lesco, a supporter of the petition.

President De Angeles stated that the Town would need a formal request from Sun Communities for a PUD Amendment which included a public hearing, notification to surrounding residents, etc.

Mr. Vincent stated that he would be in touch with Sun Communities.

Ann Kagdis, resident of Ocean Breeze, thanked the Town for their donation of a basket which was auctioned off to raise money for the art and music programs in Jensen Beach schools. She also thanked Vice-President Gerold and Council Member Arnold for their time and efforts. She announced that the Neighborhood Advisory Committee (NAC) meetings were held every other month and the next meeting would take place on September 7<sup>th</sup> at 5:00 pm at the Jensen Beach Community Center. She encouraged everyone to attend. She provided information about the Martin County Community Connect Program.

President De Angeles asked for further comments from the public.

There were none.

**6. Comments from the Council on topics not on the Agenda** – Council Member Locatis announced some of the 2022 election details.

Vice-President Gerold gave some background on the pickle ball court issue and stated that a census of the residents and long-term renters of the Resort should be taken into consideration. He encouraged others to run for Town Council in the 2022 election.

Council Member Wagner asked about Council Member's Arnold's absence.

President De Angeles answered that he was vacationing in Ohio and that he would be back for the September Town Council and Budget hearings. He commented that he was allowed to miss three consecutive meetings.

President De Angeles asked for further comments from the Council.

There were none.

**7. Comments from Town Management Consultant, Terry O'Neil** – Mr. O'Neil stated that at the last meeting Sonji Hawkins, Martin County Deputy Emergency Management Director, gave a presentation on hurricane preparedness. He commented that a question came up during her visit about how an evacuation notice from the Sheriff's Department applied to recreation vehicles. She reported back that the notice did not apply to recreation vehicles. He added that the Resort may have rules regarding the evacuation of recreation vehicles, but that Martin County did not.

**8. Comments from Mayor Ostrand** – Mayor Ostrand thanked Vice-President Gerold and Council Member Locatis for transferring their allocated Conferences and Travel dollars into her account so that she could attend the upcoming EMOII training in September. She stated that she would be attending the legislative conference and would report back to the Council. She encouraged the Council Members to pick-up their Agenda packets from the Town office every Thursday before the Monday Town Council Meeting.

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

- Regular Town Council Meeting, Monday, October 10, 2022 at 10:30 am
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 14, 2022 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 21, 2022 at 5:01 pm

**11. Adjourn** – Vice-President Gerold, seconded by Council Member Locatis, made a motion to adjourn the meeting at 11:55 am.

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

Respectfully Submitted,

Pam Orr  
Town Clerk

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

**From:** vnbigbear@aol.com  
**Sent:** Tuesday, August 9, 2022 10:51 AM  
**To:** townclerk@townofoceanbreeze.org  
**Subject:** Fwd: New PB Court  
**Attachments:** PBC 1.pdf; PBC 2.pdf; PBC 3.pdf; PBC 4.pdf; PBC 5.pdf; PBC 6.pdf

Here is the lists of the petitions that were signed for the proposed 3rd pickleball court.

Respectfully,  
Roger Vincent

PRIVATE AND CONFIDENTIAL

-----Original Message-----

From: Ron Inners <innersjan@verizon.net>  
To: billdee5@verizon.net <billdee5@verizon.net>; darshum54@gmail.com <darshum54@gmail.com>; diannvincent@aol.com <diannvincent@aol.com>; fan4jeff@hotmail.com <fan4jeff@hotmail.com>; gailb901@outlook.com <gailb901@outlook.com>; heymsref@yahoo.com <heymsref@yahoo.com>; j94shore@gmail.com <j94shore@gmail.com>; jmleshko55@gmail.com <jmleshko55@gmail.com>; johnrugarber@gmail.com <johnrugarber@gmail.com>; krollpi@aol.com <krollpi@aol.com>; kshumway54@gmail.com <kshumway54@gmail.com>; m.rugarber@icloud.com <m.rugarber@icloud.com>; patsy@hotmail.com <patsy@hotmail.com>; sandyjdenty@gmail.com <sandyjdenty@gmail.com>; squan237@aol.com <squan237@aol.com>; steveperry278@yahoo.com <steveperry278@yahoo.com>; vnbigbear@aol.com <vnbigbear@aol.com>; wendy4wish@yahoo.com <wendy4wish@yahoo.com>  
Sent: Sat, Aug 6, 2022 1:16 pm  
Subject: New PB Court

Folks, attached is an email I sent to Roger to present at the meeting on Monday. I saw that some of the emails on his list were incorrect or out dated. Please except my apology on this matter. It consisted of the 41 original names on my request for the new court along with a drawing I prepared for Chris Walters to present to Sun Properties. Thanks Ron Inners 410-459-9706



TO: Ocean Breeze  
RV Resort Management  
FROM: Ocean Breeze Pickle Ball Group  
SUBJECT: Addition of third Pickle Ball court

Folks, As the residency of Ocean Breeze RV Resort continues to grow with permanent home owners and return RV residents, we find ourselves in need of a third court. We have already scheduled playing times for both beginners and advanced players due to the increase in the amount of interest. As the beginners advance, two courts will not suffice. The wait time to play would be too great for everyone's enjoyment. There appears to be sufficient room next to the existing courts with the relocation of the pavilion. A meeting with management would be greatly appreciated to discuss this matter. The following is a list of Residents and return RV guests requesting this addition.

Thanking you for any consideration  
Ron Inners 410-459-9706

PRINTED NAME

ADDRESS or SITE #

RON INNERS

640 PORTSIDE DR.

Darlene A Shumway

347 NE Starboard Way

Tim Brown

420 E INTRACOASTAL DR

Ken Shumway

347 NE Starboard Way

Wendy Perkins

621 NE Seabreeze way

Arthur Athas

21 NE Nautical Dr.

DIANN VINCENT

253 N E COASTAL

JOHN RuARREN

619 SEABREEZE

STEVEN PERRY

642 NE Portside Dr.

Susan PERRY

642 NE Portside Dr

Donna Brown

420 E. Intercoastal

Roger Vincent

253 NE COASTAL

DEAN COLLINS

247 NE EBBTIDE W.

DAVE MEYER

291 NE COASTAL DR.

JOE ~~KAR~~ LESHKO

147 NE BuoY



<u>Donna Golding</u>	<u>772 - 208-7145</u>
<u>Karen Leshko</u>	<u>147 NE Buoy</u>
<u>Keith Brient</u>	<u>80 VC riptide drive</u>
<u>ROGER HOPSON</u>	<u>9 NE NAUKA2</u>
<u>DONNA HOPSON</u>	<u>SAME</u>
<u>Bill DENTY</u>	<u>359 NE Starboard</u>
<u>Sandy DENTY</u>	<u>Same</u>
<u>GASTON POIRIER</u>	<u>94 SHOAL DRIVE</u>
<u><del>W. Zepher</del></u>	<u><del>158 NE GRABBER</del></u>
<u>Jeffrey Peimmo</u>	<u>306 NE Coastal DR</u>
<u>R. LETOURNEAU</u>	<u>600 NE BEACH WAY</u>
<u>Tammy Sketchley</u>	<u>357 NE Starboard 1</u>
<u>Mark Sketchley</u>	<u>357 NE Starboard 1</u>

<u>John Mann</u>	<u>630 Seabreeze</u>
<u>LIZ BURKHARDT</u>	<u>633 PORTSIDE WAY</u>
<u>GARY BURKHARDT</u>	<u>633 PORTSIDE WAY</u>
<u>Janet McIlhenny</u>	<u>41 NE Nautical</u>
<u>Wayne McIlhenny</u>	<u>41 NE Nautical</u>
<u>Judy Vigliotti</u>	<u>40 NE Nautical</u>
<u>Paul Vigliotti</u>	<u>40 NE Nautical</u>
<u>Tim Kelbel</u>	<u>144 NE BOOY</u>
<u>Bettie Kelbel</u>	<u>144 NE BOOY</u>
<u>ROGER HOPSON</u>	<u>9 NE NAUTICAL</u>
<u>DONNA HOPSON</u>	

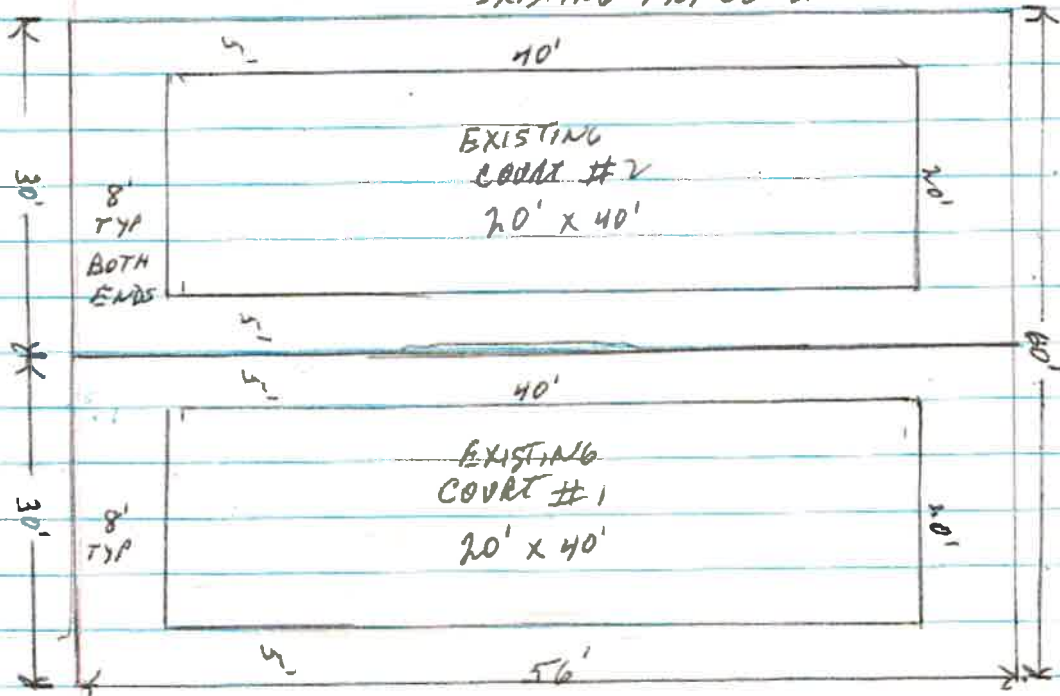
Dan Polihonki

lot 638

Dawn Polihonki

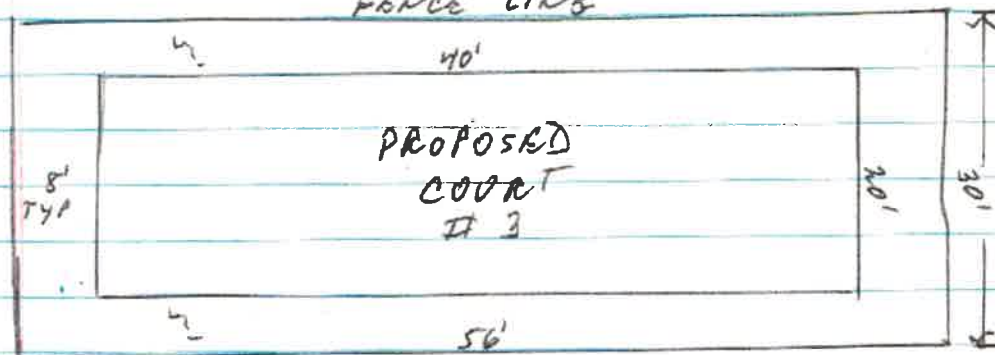
638

EXISTING FENCE LINE



OCEAN AREEZE RV RESORT  
PROPOSED NEW PICKLE BALL COURT

FENCE LINE



EXISTING LAUNDRY BUILDING

(DRAWING  
NOT TO SCALE)  
ROT INVERTS

TOWN OF OCEAN BREEZE  
MINUTES OF THE BUDGET WORKSHOP AND SETTING OF THE TENTATIVE MILLAGE RATE  
Wednesday, July 20, 2022, 5:01 pm  
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 5:01 pm

- Pledge of Allegiance – Mayor Ostrand led the Pledge of Allegiance
- Roll Call – Present: Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members Kevin Docherty, Terry Locatis and David Wagner  
Absent – Bill Arnold
- Staff Present –Town Management Consultant, Terry O’Neil; Town Financial Advisor, Holly Vath; Town Office Consultant, Kim Stanton

**2. Budget Workshop – Budget and Tentative Ad Valorem Millage Rate for Fiscal Year 2022/2023 – Holly Vath, Town Financial Advisor** – Ms. Vath explained the Truth in Millage (TRIM) process. She reviewed the 2023 Budget Summary.

Discussion ensued regarding the homestead exemption and assessed values of the three properties located within the Town.

Ms. Vath explained the 2023 Source of Funds pie-chart and the 2023 Use of Funds pie-chart. She explained the Historical Sources of Revenue chart (Page 11) and the Expenditure Line-Item Detail.

Discussion ensued regarding the line item for Meeting Security, Permit Processing Services, restructuring of the Town office, retirement of the Town Clerk, hiring of a new Town Clerk and an office assistant.

Council Member Wagner, seconded by Council Member Locatis, made a motion to leave the Meeting Security line item in the budget.

Discussion ensued regarding the Building Official line item.

Mr. O’Neil commented that the base cost of having a Building Official with the proper credentials was \$15,000; and, if a jurisdiction was going to engage in the oversight of building functions it was required by the State of Florida. He added that the remainder of the costs for the Building Official were covered by building permit fees.

Discussion ensued regarding the Building Official’s duties and why his fees were going up when the permitting should be going down.

Mr. O’Neil stated that staff would look at the Building Official projection again and return with details.

Discussion ensued regarding the building permit fees, the Town’s adoption of Martin County’s building permit fee schedule, payroll versus contracted positions, grading issues and the Permit Processing Services line item.

Mr. O’Neil explained that the residents of Seawalk were adding fences and pools; and, that the Resort residents were enclosing the ground floors of their homes for additional living space. He discussed the close-out of Seawalk, the outstanding bond, and the Town’s responsibility as the authority to make sure all the development requirements were met. He indicated that the close-out would take place within the next

three to four months. He spoke about the related tasks and how they were related to permitting; and, that the Resort still had hundreds of modular units to be installed. He commented that he believed the Council recognized that the residents attending the meeting would like to see everything reduced as much as possible.

Discussion ensued regarding details pertaining to the processing of permits.

Council Member Docherty pointed out that the Sheriff's Department would not only be there for security reasons, but to offer input and feedback about crimes in the Town and the surrounding area.

Mr. O'Neil asked if the security line item was to be kept in the budget.

Council Member Wagner, seconded by Council Member Locatis, made a motion to keep the security line item as a new expenditure for the purpose of this meeting.

President De Angeles asked for public comment regarding the security line item.

Discussion ensued regarding the security line item, community service, regular patrol by law enforcement, the number of meetings per year, meetings by zoom, televising the meetings and the additional expense, the Sunshine Law, the web-hosting line item, insurance line items, dissolving the Town, ad valorem taxes for the Seawalk residents, the use of the Town's reserves, attorney fees, costs of management of the Planned Unit Developments, lowering the Town's reserves, and questions about why Seawalk residents were paying the bulk of the advalorem taxes.

Mr. O'Neil explained that the Town was not placing a different millage rate on the residents of Seawalk. He added that the assessment was performed by the Martin County Property Appraiser's office... (his comments were cut-short by interruptions from the audience).

Discussion ensued regarding annexation, Martin County ad valorem taxes, double-taxation, services provided by Martin County, the election qualifying period, historical millage rates, Jensen Beach versus Ocean Breeze mailing address, preliminary TRIM notices which would be sent by the Property Appraiser, dates of future budget meetings, the annual audit line item, conferences and travel line item (interruptions; indecipherable).

Mr. O'Neil asked for a close out of the security line item by having a Motion, second and a vote.

President De Angeles asked for public comment.

The audience was polled, raising hands for those who were for and those who were against the line item.

Discussion ensued regarding security from the Sheriff's Department, additional information the Sheriff's Department provided and a neighborhood watch.

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

Council Member Wagner, seconded by Council Locatis, made a Motion to approve the Tentative Millage Rate of 1.40

President De Angeles asked for public comments.



Discussion ensued regarding the Street and Lights line item, the proposed 1.40 millage rate, Page 8 of the presentation documents, consideration of a lower millage rate, lowering the reserve and suggestions for the next budget meeting.

Ms. Vath further explained the details of Pages 8 and 9.

Discussion ensued regarding services provided by the Town of Ocean Breeze, Jensen Beach addresses, the millage rates of surrounding Towns, (indecipherable), benefits provided to the residents of Ocean Breeze and grading issues raised by a Seawalk resident.

**3. Resolution #324-2022 – A RESOLUTION OF THE TOWN OF OCEAN BREEZE, FLORIDA, DETERMINING A TENTATIVE MILLAGE RATE FOR FISCAL YEAR 2022/2023 AND PROVIDING NOTICE THEREOF TO THE APPROPRIATE AUTHORITIES**

Ms. Stanton read the Resolution into the record.

Council Member Locatis, seconded by Vice-President Gerold, made a motion to approve Resolution #324 – 2022.

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

An unidentified member of the audience asked about the storage unit and copier line items.

President De Angeles stated that the answers would be provided at the next budget hearing.

**4. Comments from the public on topics not on the Agenda** – There were none.

**5. Comments from the Council on topics not on the Agenda** – There were none.

**6. Comments from Town Management Consultant, Terry O’Neil** – There were none.

**7. Comments from Mayor Ostrand** – There were none.

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

- Regular Town Council Meeting, Monday, August 8, 2022 at 10:30 am
- Regular Town Council Meeting, Monday, September 12, 2022 at 10:30 am
- Proposed Budget and Tentative Millage Hearing, Wednesday, September 14, 2022 at 5:01 pm
- Final Budget and Millage Rate Hearing, Wednesday, September 21, 2022 at 5:01 pm

**9. Adjourn** – Council Member Docherty, seconded by (indecipherable) made a motion to adjourn the meeting at 6:30 pm.

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

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 52,460 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 22, 2022, 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 12th day of September, 2022.

Town of Ocean Breeze, Florida

---

Karen M. Ostrand, Mayor



## **211 Proclaims September as Suicide Awareness and Prevention Month**

**Whereas**, it is nationally recognized that suicide fatalities have been on the increase and our local medical examiner has stated a 33% increase for this region; and

**Whereas**, the CDC reported their survey findings that people had considerably elevated adverse mental health conditions associated with the pandemic and lockdown, with additional impacts on younger adults, racial/ethnic minorities, essential workers, and unpaid adult caregivers; and

**Whereas**, the ensuing health, economic, and housing crisis has more recently taken its toll on mental health with increases in suicidal ideation and deaths, substance use, household violence, food insecurity and more; and

**Whereas**, there is a call for a public health response to increase suicide intervention and prevention efforts with increased community-level efforts and strategies; and

**Whereas**, 2-1-1 is that central access point providing individuals and families with guidance and crisis support via telephone or text any time of day or night, and continues as the regional responder for the newly branded national 988 Suicide & Crisis Lifeline number; and

**Whereas**, 211's highly trained and caring staff work 24 hours a day saving lives- deescalating and stabilizing people in mental health or suicide crisis, and also guiding people struggling with substance use disorder to connect with the help they need

**Now, Therefore**, I, Karen M. Ostrand, Mayor of the Town of Ocean Breeze hereby extend recognition to 211 Palm Beach and Treasure Coast for being on the front-line of Suicide Prevention in the Town of Ocean Breeze in Martin County, Florida and in so doing, urge all citizens to be aware of the only telephone number they need to know to access information on over 1600 agency providers with wide-ranging programs and services throughout our area that include food assistance, mental health care, health clinics, growth & development screenings, special needs resources, elder in crisis assistance, daily calls to check on seniors, caregiver support & veterans services.

**In Witness Whereof**, I hereunto set my hand and cause the official seal of \_\_\_\_\_ Florida, to be affixed this \_\_\_\_ day of September, 2022.

---

Karen M. Ostrand  
Mayor

---

## Memorandum

---

TO: **TOWN COUNCIL AND MAYOR**

FROM: **HOLLY VATH, FINANCIAL CONSULTANT**

SUBJECT: **QUARTERLY FINANCIAL REPORT**

DATE: **AUGUST 12, 2022**

---

Attached is the quarterly financial report for the quarter ending June 30, 2022.

### Revenue

The total budgeted revenue was \$177,339, the Town received \$152,958 which is \$24,381 less than budgeted. Ad Valorem taxes are less than budgeted, the remaining outstanding will most likely be collected as delinquent taxes in a subsequent year. Building permit revenue is \$14,879 less than budgeted. With all building permit fees for Seawalk already collected, this revenue will remain under budget. State revenue is slightly exceeding expectations and we anticipate State Revenue continue to exceed budget projections.

### Expenditures

The total budgeted expenditures was \$251,266, the Town expended \$195,692 which is \$55,574 less than budgeted. The total fund balance has been reduced, as anticipated, by \$42,735. The 2022 budget anticipated utilizing \$112,531 of reserves. We project approximately \$81,000 of reserves will be utilized.

10:45 AM

08/12/22

Accrual Basis

**Town of Ocean Breeze General Fund**  
**Profit & Loss Budget vs. Actual**  
**October 2021 through June 2022**

	Oct '21 - Jun 22	Budget	\$ Over Budget	% of Budget
<b>Ordinary Income/Expense</b>				
<b>Income</b>				
6001 · Taxes from other Governments				
312300 · State Fuel Tax	3,183.77	6,750.00	-3,566.23	47.2%
312410 · Local Option Gas Tax	2,729.53	0.00	2,729.53	100.0%
312420 · New Local Option Gas Tax	1,982.12	0.00	1,982.12	100.0%
314200 · Local Communications Svc Tax	2,584.07	2,505.00	79.07	103.2%
335120 · State Revenue Sharing	11,833.84	15,225.00	-3,391.16	77.7%
335140 · Mobile Home Tags	2,324.49	1,575.00	749.49	147.6%
335150 · Alcoholic Beverage Licenses	2,055.65	1,125.00	930.65	182.7%
335180 · 1/2 Cent Sales Tax	40,928.23	38,700.00	2,228.23	105.8%
<b>Total 6001 · Taxes from other Governments</b>	<b>67,621.70</b>	<b>65,880.00</b>	<b>1,741.70</b>	<b>102.6%</b>
6002 · Licenses & Permits				
322000 · Building Permits	18,870.57	33,750.00	-14,879.43	55.9%
338200 · Occupational Licenses	123.36	112.50	10.86	109.7%
<b>Total 6002 · Licenses &amp; Permits</b>	<b>18,993.93</b>	<b>33,862.50</b>	<b>-14,868.57</b>	<b>56.1%</b>
6003 · Other Fees for Services				
322001 · Fire Inspections	180.00	562.50	-382.50	32.0%
<b>Total 6003 · Other Fees for Services</b>	<b>180.00</b>	<b>562.50</b>	<b>-382.50</b>	<b>32.0%</b>
6004 · Investment & Other Earnings				
1000 · Interest Income	1,456.05	600.00	856.05	242.7%
<b>Total 6004 · Investment &amp; Other Earnings</b>	<b>1,456.05</b>	<b>600.00</b>	<b>856.05</b>	<b>242.7%</b>
6005 · Ad Valorem Revenue				
312100 · Ad Valorem	64,211.26	72,684.00	-8,472.74	88.3%
<b>Total 6005 · Ad Valorem Revenue</b>	<b>64,211.26</b>	<b>72,684.00</b>	<b>-8,472.74</b>	<b>88.3%</b>
6007 · Miscellaneous Income				
369000 · Misc Inc - MCSB Admin Fee, Etc.	494.70	3,750.00	-3,255.30	13.2%
<b>Total 6007 · Miscellaneous Income</b>	<b>494.70</b>	<b>3,750.00</b>	<b>-3,255.30</b>	<b>13.2%</b>
<b>Total Income</b>	<b>152,957.64</b>	<b>177,339.00</b>	<b>-24,381.36</b>	<b>86.3%</b>
<b>Expense</b>				
6101 · General Government				
513150 · Gross Payroll	53,244.80	70,470.00	-17,225.20	75.6%
513301 · Management Consultant	15,582.00	21,000.00	-5,418.00	74.2%
513302 · Rent	10,032.30	9,292.50	739.80	108.0%
513304 · Communications / Website	9,907.77	10,923.75	-1,015.98	90.7%
513305 · Engineering	1,850.00	1,875.00	-25.00	98.7%
513306 · Accountant	1,740.00	6,000.00	-4,260.00	29.0%
513308 · Insurance W/C	4,987.00	2,200.00	2,787.00	226.7%
513309 · Insurance Package	10,788.00	12,600.00	-1,812.00	85.6%
513311 · Public Advertising Notices	1,385.72	3,000.00	-1,614.28	46.2%
513312 · Office Equipment & Supplies	6,182.97	5,175.00	1,007.97	119.5%
513313 · Postage	521.42	525.00	-3.58	99.3%
513315 · Audit	15,750.00	16,000.00	-250.00	98.4%
513316 · Utilities	511.65	540.00	-28.35	94.8%
513317 · Dues	1,146.00	1,068.75	77.25	107.2%
513318 · Mileage Reimb. - Clerks	82.21	975.00	-892.79	8.4%
513319 · Conferences & Travel - Council	3,398.36	3,225.00	173.36	105.4%
513320 · Bank Fees	0.00	675.00	-675.00	0.0%
513323 · Special projects Code of Ord	0.00	9,750.00	-9,750.00	0.0%
513324 · Special Project-Digitizing	5,698.00	3,750.00	1,948.00	151.9%
513820 · Contributions	109.27			
514100 · Legal Counsel	8,230.00	18,000.00	-9,770.00	45.7%
514200 · Computer Services	1,822.16	2,925.00	-1,102.84	62.3%
531110 · Payroll Taxes - Fica	3,301.19	4,368.75	-1,067.56	75.6%
531111 · Payroll Taxes - Medicare	772.05	1,027.50	-255.45	75.1%
531112 · Benefits	0.00	0.00	0.00	0.0%
<b>Total 6101 · General Government</b>	<b>157,042.87</b>	<b>205,366.25</b>	<b>-48,323.38</b>	<b>76.5%</b>
6102 · Public Safety				

10:45 AM

08/12/22

Accrual Basis

**Town of Ocean Breeze General Fund**  
**Profit & Loss Budget vs. Actual**  
 October 2021 through June 2022

	Oct '21 - Jun 22	Budget	\$ Over Budget	% of Budget
524200 · Building Official Services	30,864.00	22,500.00	8,364.00	137.2%
524210 · Building Code Compliance Ser	3,803.00	11,250.00	-7,447.00	33.8%
524220 · Code Compliance Legal	0.00	7,500.00	-7,500.00	0.0%
524300 · Fire Safety Inspector	153.00	900.00	-747.00	17.0%
<b>Total 6102 · Public Safety</b>	<b>34,820.00</b>	<b>42,150.00</b>	<b>-7,330.00</b>	<b>82.6%</b>
6104 · Transportation				
541300 · Road and Street Maintenance	2,909.00			
541301 · Street Lights	920.28	3,750.00	-2,829.72	24.5%
<b>Total 6104 · Transportation</b>	<b>3,829.28</b>	<b>3,750.00</b>	<b>79.28</b>	<b>102.1%</b>
<b>Total Expense</b>	<b>195,692.15</b>	<b>251,266.25</b>	<b>-55,574.10</b>	<b>77.9%</b>
<b>Net Ordinary Income</b>	<b>-42,734.51</b>	<b>-73,927.25</b>	<b>31,192.74</b>	<b>57.8%</b>
<b>Net Income</b>	<b>-42,734.51</b>	<b>-73,927.25</b>	<b>31,192.74</b>	<b>57.8%</b>



**MEMORANDUM**

**To:** Town Council and Mayor

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

**CC:** Rick Crary, Town Attorney

Kim Stanton, Town Clerk

**Date:** September 5, 2022

**Re:** Final adoption of Ordinance No. 322-2022 -- Proposed amendments to the Town of Ocean Breeze Comprehensive Plan (hearing continued from August 8, 2022)

---

On June 13, 2022, following a recommendation of approval by the Town's Zoning Board, the Town Council approved Ordinance No. 322-2022 on first reading thereby transmitting two proposed comprehensive plan amendments to the Florida Department of Economic Opportunity (FDEO). The first amendment exempts Parcel A of the Ocean Breeze West PUD from a requirement that all residential lots be connected to Martin County's wastewater system. The second amendment adopts an up-to-date "traffic circulation map", requested by the FDEO as follow-up clarification to the Town's 2021 EAR-based plan amendments.

FDEO has completed its review of Ordinance No. 322-2020 and offers no objections to its final adoption. A copy of the agency's report is attached.

**Staff Recommendation**

- (1) Receive staff presentation
- (2) Receive public comments
- (3) Approve Ordinance No. 322-2022 on second reading.

**Attached documents**

- Ordinance No. 322-2022, including Exhibit A "Traffic Circulation Map"
- FDEO's August 5, 2022 Objections, Recommendations and Comments Report (ORC)
- Copy of Newspaper Advertisement
- Copy of June 13, 2022 agenda package
- Transmittal letter to FDEO

## 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  
TOWN OF OCEAN BREEZE, FLORIDA  
ORDINANCE NO. 322-2022**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE *SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER RECHARGE ELEMENT* OF THE TOWN'S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS "PARCEL A", TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE *TRANSPORTATION ELEMENT* OF THE TOWN'S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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**, the Owner of a single lot within the Ocean Breeze West Planned Unit Development known as "Parcel A" has applied for an amendment to the *Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element* of the Town's Comprehensive Plan, thereby allowing Parcel A to forego connection to the Martin County Waste Water System in favor of using a septic tank system; and

**WHEREAS**, as a follow up to recent EAR-based amendments to the Town's Comprehensive Plan, the Florida Department of Economic Opportunity (FDEO) has requested that the Town adopt an up-to-date Traffic Circulation map; and

**WHEREAS**, on June 13, 2022, the Town's Zoning Board, which also serves as the Town's Land Planning Agency, conducted a duly advertised public hearing to consider these proposed amendments and voted to recommend their approval to the Town Council; and

**WHEREAS**, on June 13, 2022, 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 proposed amendments set forth in this ordinance and approved their transmittal to the Florida Department of Economic Opportunity (DEO) and all other relevant agencies; and

**WHEREAS**, in light of comments made by the public, the FDEO and other relevant agencies, the Town Council conducted a duly advertised public hearing on September 12, 2022, 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:** Policy 1.2 "Sanitary Sewer" of the *Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element* of the Town's Comprehensive Plan is hereby amended as follows: All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. **Except for Parcel A of the Ocean Breeze West PUD, Aall** new residential development shall be required to connect to the Martin County regional wastewater systems.

**SECTION 2:** the *Transportation Element* of the Town's Comprehensive Plan is hereby amended to include an up-to-date *Traffic Circulation map* shown as Exhibit A attached.

**SECTION 3:** The Ocean Breeze Town Council does hereby approve transmittal of this Ordinance 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 13<sup>th</sup> day of June, 2022.

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 12<sup>th</sup> day of September, 2022.

ATTEST:

\_\_\_\_\_

PAM ORR  
TOWN CLERK

\_\_\_\_\_

KENNETH DE ANGELES  
PRESIDENT

\_\_\_\_\_

KAREN OSTRAND  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_

RICK CRARY, II  
TOWN ATTORNEY



## TOWN OF OCEAN BREEZE EXISTING CIRCULATION MAP



**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

August 5, 2022

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

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. 22-01ER), which was received on June 20, 2022 and determined complete on June 21, 2022. 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. The Department does not identify any objections to the proposed amendment. However, the Department is providing two 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.

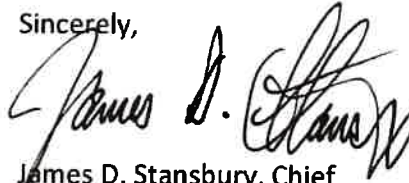
The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or 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](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://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 comments. If you have any questions related to this review, please contact Melissa Corbett, CFM, FCCM, Planning Analyst, by telephone at (850) 717-8505 or by email at [Melissa.Corbett@deo.myflorida.com](mailto:Melissa.Corbett@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury".

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 22-01ER**

The Department has identified two comments regarding the Town of Ocean Breeze's proposed comprehensive plan amendments. The comments are provided below, along with recommended actions the Town could take to resolve issues of concern. 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 Town staff and is available to assist the Town to address the comments.

**Comment 1: Transportation Element – Existing 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 transportation system features. The amendment proposes to include an Existing Circulation Map within the Transportation Element. However, the scale and size of the map 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. To ensure the Plan provides meaningful and predictable standards for the use and development of land, the transportation map should be revised to clearly illustrate the Town's boundaries and existing transportation system features 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 map should also provide a scale, date, and data source.

**Comment 2: Work with TCRPC on Central Sewer Related Issues:**

The Town of Ocean Breeze should strongly consider coordinating with the Treasure Coast Regional Planning Council to enhance the proposed revised policy language that creates a central sewer connection exemption for one residential lot.

## **SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**

### **FOR STATE COORDINATED REVIEW**

#### **Section 163.3184(4), Florida Statutes**

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department's electronic amendment submittal portal "[Comprehensive Plan and Amendment Upload](https://floridajobs.secure.force.com/cp/)" (<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format;

\_\_\_\_\_ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of executed ordinance adopting the comprehensive plan amendment(s);

**Suggested effective date language for the adoption ordinance for state coordinated review:**

"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 or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. "

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.



**From:** [Runion, Morgan](#)  
**To:** [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org); [DCPexternalagencycomments](#)  
**Subject:** [EXTERNAL] - Town of Ocean Breeze 22-01ESR  
**Date:** Thursday, June 23, 2022 11:56:59 AM

---

Dear Mr. O'Neil,

The Office of Educational Facilities within the Florida Department of Education has reviewed the Town of Ocean Breeze 22-01ESR proposed comprehensive plan amendment in accordance with sections 163.3180 and 163.3184, Florida Statutes. Based on review of the submitted materials, staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Sincerely,

Morgan Runion, AICP  
Office of Educational Facilities  
Florida Department of Education

**From:** [Stephanie Heidt](#)  
**To:** [DTPexam@agency.comments](#); [Pam Orr \(townclerk@townofoceانبreeze.org\)](#); [Terry ONeil \(twoneil@aol.com\)](#)  
**Cc:** [Eubanks, Ray](#); [Corvin, Kelly D.](#)  
**Subject:** [EXTERNAL] - Ocean Breeze Comprehensive Plan Amendment No. 22-01ESR  
**Date:** Friday, July 15, 2022 10:29:38 AM  
**Attachments:** [image001.png](#)  
[489 Ocean Breeze 22-01ESR.pdf](#)

---

Council has reviewed the above-referenced amendments in accordance with the requirements of Chapter 163, *Florida Statutes*. A copy of the report approved by Council at its regular meeting on July 15, 2022 is attached.

Please send one copy of all materials related to these amendments directly to our office once they are adopted by your governing body.

If you have any questions, please feel free to contact me.



**Stephanie Heidt, AICP**

*Economic Development and Intergovernmental Programs Director*

Cell 772.475.3863 ~ Office: 772.221.4060 ~ Email: [sheidt@tcrpc.org](mailto:sheidt@tcrpc.org)

421 SW Camden Avenue ~ Stuart, Florida 34994

*Disclaimer: Florida has a very broad public records law. As a result, any written communication created or received by the Treasure Coast Regional Planning Council will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, please do not send electronic mail to this office. Instead, contact our office by phone.*

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 4B9

From: Staff

Date: July 8, 2022

Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Town of Ocean Breeze Comprehensive Plan  
Amendment No. 22-01ESR

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 June 24, 2022 and contains text amendments to the Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element and Transportation Element of the comprehensive plan. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

**Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element**

The proposed amendment will remove property known as "Parcel A" from the requirement for all residential development to connect to the County's wastewater system and permit the use of a septic tank on the parcel. This parcel was previously set to be donated to the Town for right-of-way purposes. However, in 2021, the Town declined acceptance of the parcel. The proposed amendment will allow the parcel to be developed with a single-family home. Concurrent with the proposed amendment is a request to modify the Ocean Breeze West Planned Unit Development (PUD) development standards for Parcel A to reflect the changes to the sewer connection requirements. The staff report states this is necessary because the County has declined to provide connection to this parcel in favor of waiting until the entire South Street neighborhood is connected. Parcel A is the only property on South Street that is within the Town's boundaries, the remainder is unincorporated Martin County. Further, the County has advised the Town that

providing sewer service to the neighborhood is not within its 5 to 7-year capital planning horizon. The proposed amendment to Policy 1.2 is shown below in ~~strikeout~~ and underline format:

All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. Except for Parcel A of the Ocean Breeze West PUD, A all new residential development shall be required to connect to the Martin County regional wastewater systems.

### **Transportation Element**

The proposed amendment will update the Town's Existing Circulation Map. The staff report indicates that this amendment is housekeeping in nature and is being done at the request of the Florida Department of Economic Opportunity as part of the 2021 Evaluation and Appraisal Review process. The map is shown in Exhibit 2.

### **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 June 29, 2022. No extrajurisdictional impacts have been identified.

### **Conclusion**

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. However, Council offers the following comment for further consideration by the Town prior to adoption.

New development using septic systems for sewage disposal should be restricted to the maximum extent possible, so that the Region can achieve the ecologically important goal of having all sewage processed by central systems, especially when near important regional resources such as the Indian River Lagoon. Policy 1.2 should be enhanced to require that connection to the central sewer system be made at the time service is extended and becomes available or within some established timeframe from availability (such as 5 years for example) in order to provide more certainty in the transition to central sewer.

### **Recommendation**

Council should approve this report and authorize its transmittal to the Town of Ocean Breeze and the Florida Department of Economic Opportunity.

### **Council Action – July 15, 2022**

Commissioner Smith from Martin County moved approval of the staff report. Commissioner Adams from Indian River County seconded the motion, which carried unanimously.

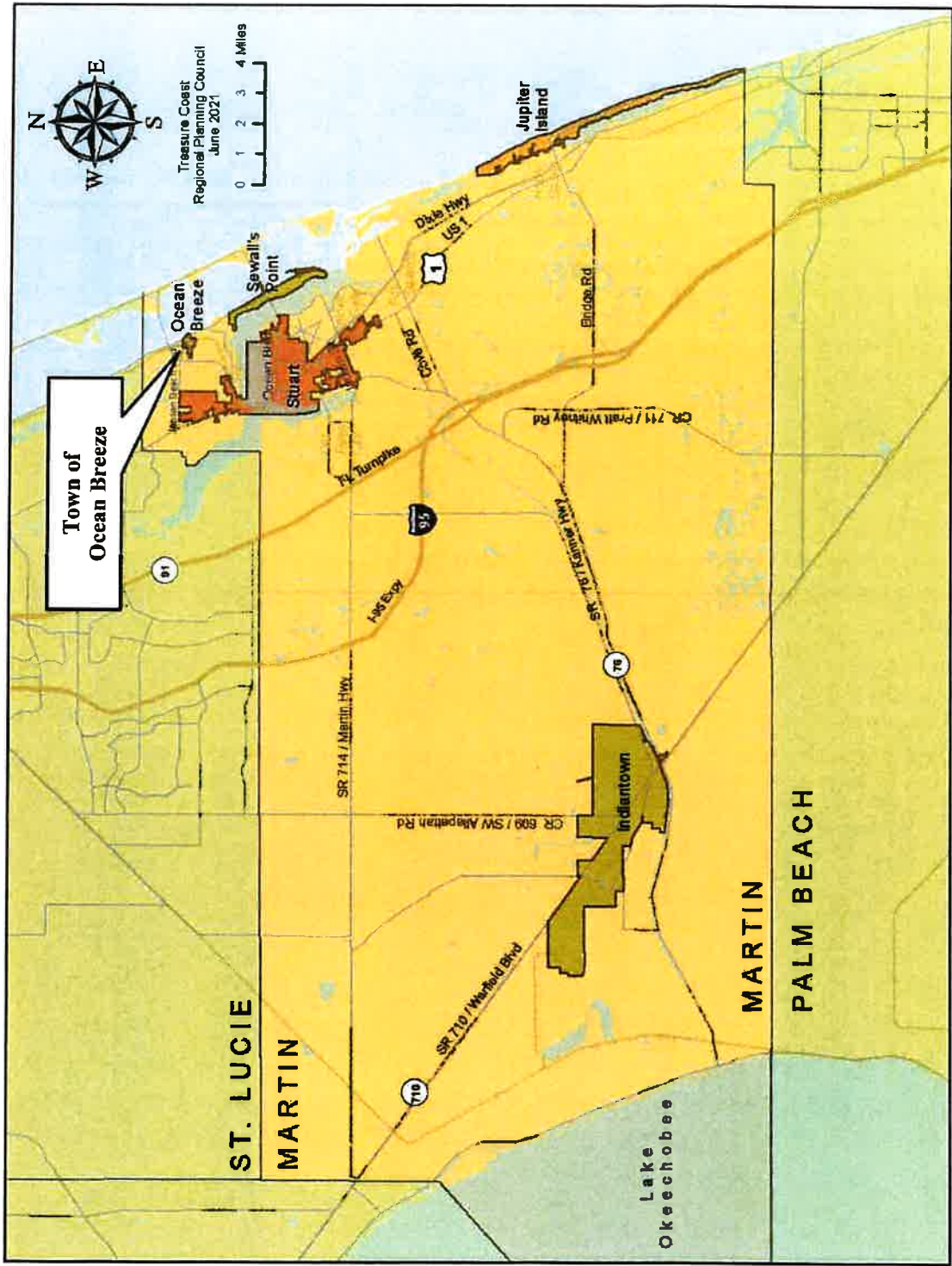
### **Attachments**

## **List of Exhibits**

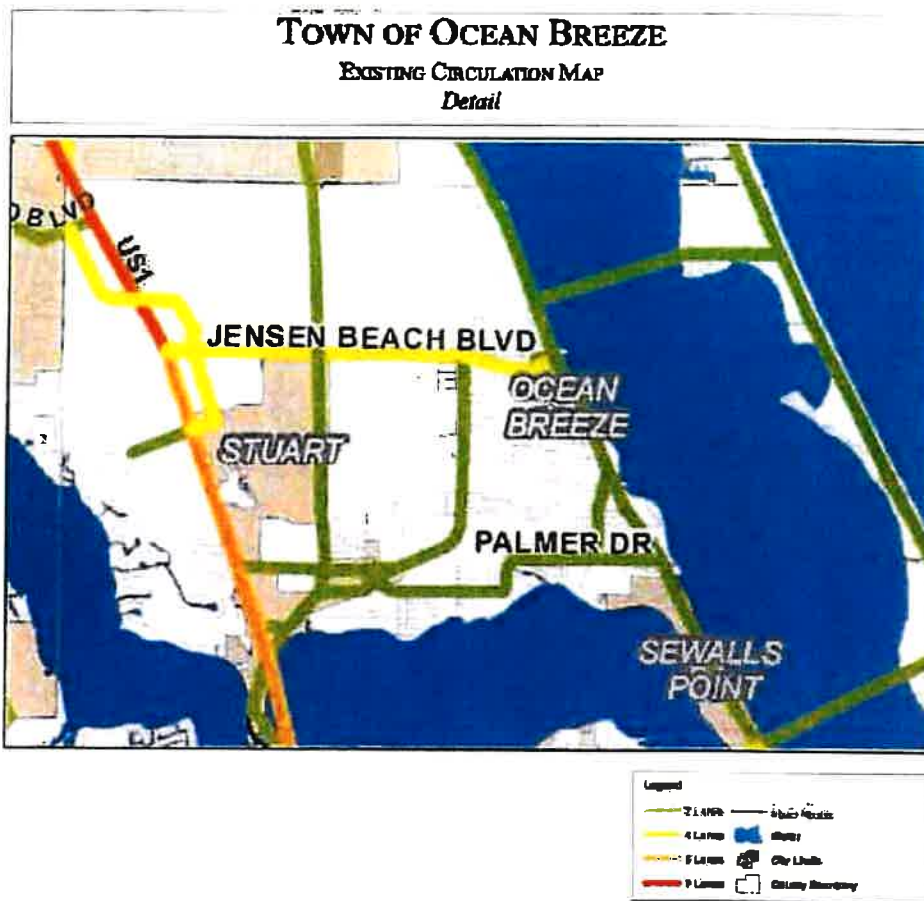
### **Exhibit**

- |   |                          |
|---|--------------------------|
| 1 | General Location Map     |
| 2 | Existing Circulation Map |

**Exhibit 1**  
**General Location Map**



## Exhibit 2





**From:** [Plan Review](#)  
**To:** [Eubanks, Ray](#); [DCPexternalagencycomments](#)  
**Cc:** [Plan Review](#)  
**Subject:** [EXTERNAL] - Ocean Breeze 22-01ER Proposed  
**Date:** Tuesday, July 19, 2022 5:07:32 PM  
**Attachments:** [image002.png](#)

---

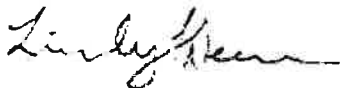
To: Ray Eubanks, DEO Plan Review Administrator

Re: Ocean Breeze 22-01ER – 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](mailto: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.



To: Town Zoning Board, Town Council and Mayor  
From: Terry O'Neil, Town Management Consultant  
Date: June 7, 2022  
Re: Public hearings to be held on June 13, 2022 (agenda items 13, 16 and 17)

---

Materials attached to this memorandum are provided in support of agenda items 13, 16 and 17 of the Town Zoning Board and Town Council meetings of June 13, 2022.

**Agenda Item 13. Meeting as the Town Zoning Board/Local Planning Agency<sup>1</sup>:** Consideration and recommendation regarding proposed Ordinance No. 322-2022, amending the *Sanitary Sewer, Potable Water & Natural Groundwater Recharge* element of the Town's Comprehensive Plan thereby allowing "Parcel A" of the Ocean Breeze East PUD to forego connection to Martin County's waste-water system in favor of using a septic tank system, and further, as a DEO-requested housekeeping matter, amending the Transportation Element of the Town's Comprehensive Plan to include an up-to-date "Vehicle Circulation" map, and

**Agenda Item 16. Meeting as the Town Council:** Consideration of proposed Ordinance No. 322-2002 on first reading amending the *Sanitary Sewer, Potable Water & Natural Groundwater Recharge* element of the Town's Comprehensive Plan thereby allowing "Parcel A" of the Ocean Breeze East PUD to forego connection to Martin County's waste-water system in favor of using a septic tank system, and amending the Transportation Element of the Town's Comprehensive Plan to include an up-to-date "Vehicle Circulation" map, and

**Agenda Item 17. Meeting as the Town Council:** Consideration of proposed Resolution No. 321-2022 approving a minor amendment to the Ocean Breeze West PUD establishing development standards for Parcel A, allowing Parcel A the use a septic tank and adopting water use standards for the entire Ocean Breeze West PUD. Note: Proposed Resolution No. 321-2022 is virtually the same as Resolution No. 314-2021, approved by the Council in September 2021, which became void when the applicant did not execute the resolution within 60 days of Council adoption. Except for permitting a septic tank on Parcel A, the proposed minor amendment is a "do over" of the Council's September 2021 approval.

**Background:**

In September 2021, upon declining to accept the voluntary donation of Parcel A and agreeing to development standards for a single-family home on the site, the Town Council approved Resolution No. 314-2021, as follows:

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.

---

<sup>1</sup> Per Town Ordinance, members of the Town Council also serve as members of the Town Zoning Board/Local Planning Agency, which by Florida statute is required to consider and provide recommendations to the Town Council regarding Comprehensive Plan amendments and certain amendments to the Town's development regulations.

**Why is this matter coming back before the Zoning Board and Town Council in the form of a proposed Comprehensive Plan amendment and Minor PUD amendment?**

As mentioned above, Resolution No. 314-2021 became void when Section 9 of the document, which states, *"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,"* was not met.

Presumed to be a factor in the applicant not executing the earlier resolution, Martin County Utilities continues to decline Parcel A's connection to its waste-water system in favor of waiting until the entire South Street neighborhood is hooked up. Further, the County advises that providing sewer service to the neighborhood is not within its 5 to 7-year capital planning horizon.

Still intent on marketing Parcel A for development as a single-family home, the applicant has been left with two courses of action:

(1) Seek an amendment to the Town's Comprehensive Plan allowing Parcel A to use a septic tank system. Please note the plan currently states that "all new residential development shall be required to connect to the Martin County regional wastewater systems"), and

(2) Apply to reinstate the Council-approved, now-void August 2021 minor PUD amendment, including removal of the mandatory hook-up provisions.

**Staff recommendation:**

Addressing both the Town Zoning Board and the Town Council, following (1) staff's presentations, (2) testimony by the applicant (if any) and (3) comments from the Public, **staff recommends approval of proposed Ordinance No. 322-2022 and Resolution No. 321-2022.** It should be noted that removal of the sewer hook-up provisions in the PUD agreement will not take effect unless the corresponding comprehensive plan amendment is successful. Second reading of the ordinance amending the comprehensive plan is expected to occur at the August 8, 2022 Town Council meeting.

**Attached Documents:**

- Zoning Board & Town Council Quasi-Judicial Hearing Procedures (yellow sheet)
- Draft Ordinance No. 322-2022
- Draft Resolution No. 321-2022
- Confirmation that the Martin County Health Department will allow a septic system on Parcel A
- Application and hearing(s) notification materials
- Draft transmittal letter to the FDEO
- Excerpted materials from the September 13, 2021 Agenda item

## TOWN OF OCEAN BREEZE

### ZONING BOARD & TOWN COUNCIL QUASI-JUDICIAL HEARING PROCEDURES

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



BEFORE THE TOWN COUNCIL  
TOWN OF OCEAN BREEZE, FLORIDA  
ORDINANCE NO. 322-2022

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE *SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER RECHARGE ELEMENT* OF THE TOWN'S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS "PARCEL A", TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE *TRANSPORTATION ELEMENT* OF THE TOWN'S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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**, the Owner of a single lot within the Ocean Breeze West Planned Unit Development known as "Parcel A" has applied for an amendment to the *Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element* of the Town's Comprehensive Plan, thereby allowing Parcel A to forego connection to the Martin County Waste Water System in favor of using a septic tank system; and

**WHEREAS**, as a follow up to recent EAR-based amendments to the Town's Comprehensive Plan, the Florida Department of Economic Opportunity (FDEO) has requested that the Town adopt an up-to-date Traffic Circulation map; and

**WHEREAS**, on June 13, 2022, the Town's Zoning Board, which also serves as the Town's Land Planning Agency, conducted a duly advertised public hearing to consider these proposed amendments and voted to recommend their approval to the Town Council; and

**WHEREAS**, on June 13, 2022, 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 proposed amendments set forth in this ordinance and approved their transmittal to the Florida Department of Economic Opportunity (DEO) and all other relevant agencies; and

**WHEREAS**, in light of comments made by the public, the FDEO and other relevant agencies, the Town Council conducted a duly advertised public hearing on August 8, 2022, 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:** Policy 1.2 "Sanitary Sewer" of the *Sanitary Sewer, Solid Waste, Drainage, Potable Water & Natural Groundwater Recharge Element* of the Town's Comprehensive Plan is hereby amended as follows: All existing septic tanks shall be maintained at a level of service as specified by the conditions of the Health Department permit. **Except for Parcel A of the Ocean Breeze West PUD, Aa**ll new residential development shall be required to connect to the Martin County regional wastewater systems.

**SECTION 2:** the *Transportation Element* of the Town's Comprehensive Plan is hereby amended to include an up-to-date *Traffic Circulation map* shown as Exhibit A attached.



**SECTION 3:** The Ocean Breeze Town Council does hereby approve transmittal of this Ordinance 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 13<sup>th</sup> day of June, 2022.

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:



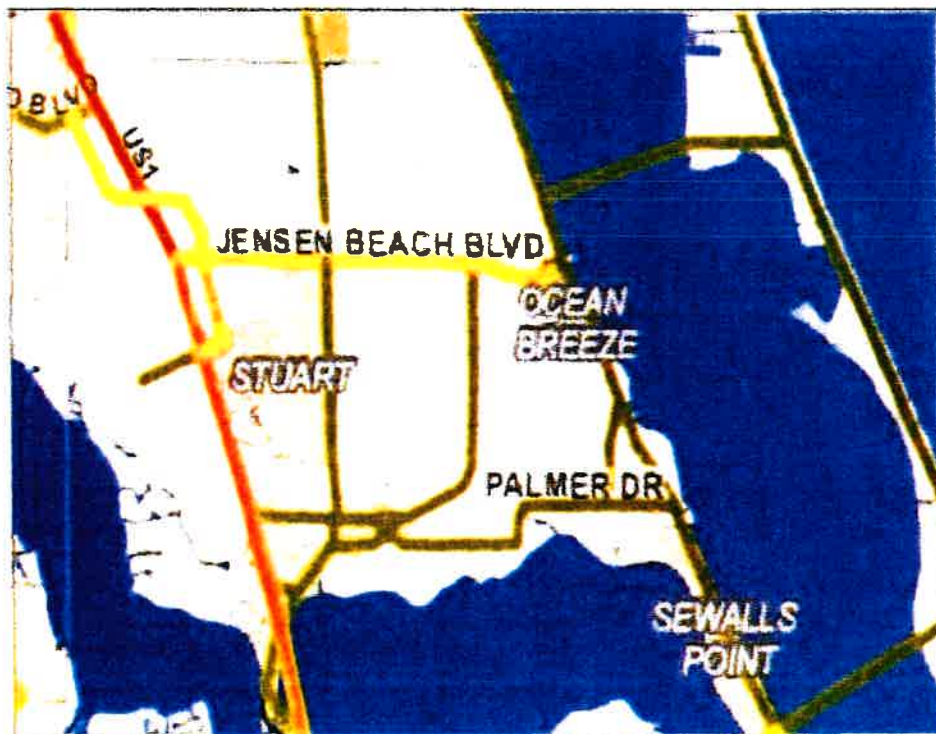
[illegible]

## Exhibit A

### TOWN OF OCEAN BREEZE

EXISTING CIRCULATION MAP

Detail



- Legend
- Existing Routes (Yellow line)
  - New Routes (Blue line)
  - Proposed Routes (Red line)
  - Water (Blue area)
  - Land (White area)
  - City Limits (Black outline)
  - County Boundary (Dashed line)



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

RESOLUTION NUMBER 321-2022

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, AS WELL AS LANGUAGE REQUIRING A "STUB OUT" FOR WATER AND SEWER CONNECTIONS TO THE SITE; 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

**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 as language requiring a "Stub Out" for water and sewer connections to Parcel A, 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, as well as an obligation for the applicant to provide a water and sewer "stub-out" to Parcel "A."

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

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

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

**SECTION 5.** Town ordinances and Town resolutions or parts thereof, and other parts of the Zoning and Land Development Code of the Town of Ocean Breeze in conflict with this ordinance are hereby superseded to the extent of such conflict.

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

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

**SECTION 8.** Section 2. of this resolution striking the OWNER'S obligation to provide "stub out" of water and sewer connections to the site shall become effective only upon an amendment to the

Town's Comprehensive Plan exempting Parcel A from the provision that *"All new residential development shall be required to connect to the Martin County regional waste water system."*

**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 120 days from the date of this approval, failing which this resolution shall become void.

**APPROVED AND ADOPTED** this 13<sup>TH</sup> day of June, 2022.

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. 321-2022, 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: \_\_\_\_\_

President-Florida Region

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

OWNER'S ACKNOWLEDGMENT

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

The above Resolution, Acceptance and Agreement was acknowledged before me by means of [ ☐ ] physical presence or [ ☐ ] online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, 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**

Future La  
Existing 2  
Existing 6

106.44'

75'

75'

75'

1

2

3

4

5

10' Wide Utility Easement

110'

50'

1.29'

133

1.38'

134

135

136

137

Scale: 1" = 50'



Date: 7.29.2021

**Ocean Breeze West PU**

Town of Ocean Breeze, Martin County, Flor

Parcel A Exhil

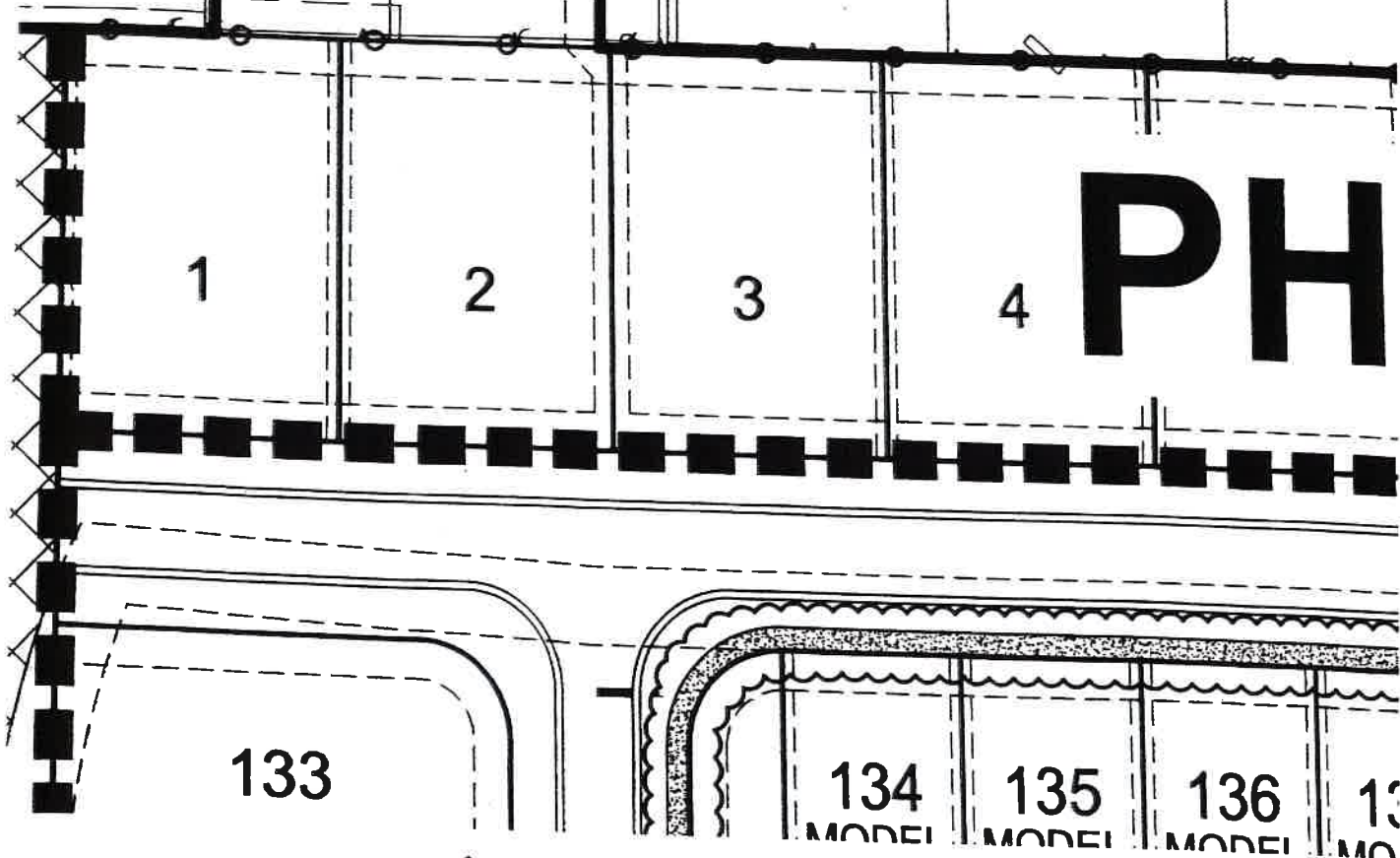
(a portion of the Revised Master / Final Site Pla

EXISTING  
0' WIDE  
UTILITY  
EASEMENT

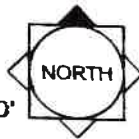
EXISTING 5' WIDE  
BELL SOUTH EASEMENT

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

Future L  
Existing  
Existing



Scale: 1" = 50'



Date: 7.29.2021

**Ocean Breeze West P**

Town of Ocean Breeze, Martin County, F

**Parcel A Ex**  
(a portion of the Revised C.O. Phasing Plan and Development Timet

10897  
x 23.85  
BENCHMARK

NE South Street

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

EXISTING 5' WIDE  
BELL SOUTH EASEMENT

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

JS  
93

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

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

5' BELL SOUTH EASEMENT  
(O.U.B. 338, PAGE 1788)  
EXCEPTION 13

S89°58'28"E - 648.94'(M)  
S89°36'36"E - 647.87'(D)

6' OPAQUE  
FENCE

10.0' Wide Utility Easement

3' Drainage Easement  
Side of Lot Line (M)

1

2

3

4

4

5

10.0' UTILITY

NE SKYLINE TERRACE

Sheet LA-3

Sheet LA-2

NE SKYLINE TERRACE

133

135

Scale: 1" = 50'



Date: 7.29.2021

**Ocean Breeze West PL**

Town of Ocean Breeze, Martin County, FL

**Parcel A Exh**

(a portion of sheet LA3 of the Revised Landscape Pla

EXHIBIT "B"  
DEVELOPMENT CONDITIONS FOR PARCEL "A"

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

a. Minimum lot area:	7500 ft <sup>2</sup>
b. Minimum lot width:	60 feet. Lot width shall be measured along the straight line which connects the two points located on the side lot lines at a distance equal to the minimum front setback required for the proposed use from the street.
c. Maximum density:	One single-family residential dwelling unit. Ancillary dwelling units are not permitted.
d. Maximum impervious surface coverage:	65%
e. Minimum open space:	30%
f. Maximum number of stories and building height:	Two stories, 35 feet. Building height means the vertical distance between (1) the lowest permissible elevation above the existing grade which complies with finished floor elevation requirements as established by flood maps, the Health Department, or building code, along the front of a building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
g. Front building setback:	25 feet
h. Side building setbacks:	One story – 8 feet Two story – 10 feet
i. Rear building setbacks:	One story – 10 feet Two story – 15 feet
j. Parking:	The single-family residence allowed on Parcel "A" shall be served by a paved driveway connected to the street which shall be sufficient in size to accommodate at least two parked vehicles and shall be no less than 10' x 20' each in size.
k. Storage of vehicles:	<p>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.</p> <p>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.</p>
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,



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

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

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

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

a.	Ancillary dwelling units are prohibited.
b.	Except for a home-based business that meets Martin County's requirements for the issuance of a home-based business tax receipt in its R-2 zoning district, or as otherwise provided in Florida Statute having preemption <sup>7</sup> , the operation of a business on Parcel "A" is prohibited.
c.	Except during the declaration of a federal, state, or local emergency, recreational vehicles located on Parcel "A" may not be used for living, sleeping or other occupancy.
d.	Vehicle and boat parking shall be on a paved surface, unless screened from view at the street by a fence, wall or landscaping.
e.	Except as otherwise prescribed by the Ocean Breeze East PUD, all development on Parcel "A" and the use thereof shall comply with <i>Chapter 21, Building and Housing Regulations, Article 3. Local Amendments, Part 2. Property Maintenance Code, Articles 1 through 23</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 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>

**From:** Maria Camporeale  
**Sent:** Monday, April 25, 2022 4:50 PM  
**To:** Terrance O'Neil; townclerk@townofoceanbreeze.org  
**Cc:** Terry O'Neil; Rick Crary  
**Subject:** RE: Parcel A

Good afternoon, we are seeking to amend both the PUD Agreement and the Town's comprehensive plan. I will be the point person and please send the fee schedule, thank you.



**Maria Camporeale**  
**Land Acquisition Director**  
**West/SE Florida**

6123 Lyons Road, Suite 103  
Coconut Creek, FL 33073  
c: 917.847.1065  
o: 561.724.8620

[Forestar.com](http://Forestar.com)

**From:** Terrance O'Neil <terrancewoneil@gmail.com>  
**Sent:** Saturday, April 23, 2022 11:47 AM  
**To:** townclerk@townofoceanbreeze.org  
**Cc:** Maria Camporeale <MariaCamporeale@forestar.com>; Terry O'Neil <Twoneil@aol.com>; Rick Crary <RCII@crarybuchanan.com>  
**Subject:** Re: Parcel A

[External]

Maria, please send another email naming the specific entity that's applying and stating that that entity is seeking to amend both the PUD agreement and the Town's comprehensive plan. Also the email should identify the applicant's point person throughout the process.

I will begin mapping out the schedule, etc. and will be in touch soon.

Regards

Terry

Sent from my iPhone



Nick Clifton  
Environmental Health Manager  
Florida Department of Health in Martin County  
3441 SE Willoughby Blvd  
Stuart, FL 34994  
772-221-4090

How are we doing? Please take our survey!

For the submission of documents or materials related to **Permitting, Applications, Inspections Scheduling,**  
**or a Requests for Additional Information** please send to our centralized email address:  
[DOHMartinCounty@FLHealth.gov](mailto:DOHMartinCounty@FLHealth.gov)

**Mission: "To protect, promote & improve the health of all people in Florida through integrated state, county, & community efforts".**

**Note:** Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon their request. Your e-mails may therefore be subject to public disclosure.

**From:** Terrance O'Neil  
**Sent:** Tuesday, May 24, 2022 4:29 PM  
**To:** Maria Camporeale  
**Cc:** Terrance O'Neil  
**Subject:** Re: 1562 NE South St, (Parcel A), Ocean Breeze

Got it thanks, let's compare notes on the letters and posting on Thursday.  
Thanks.

Sent from my iPhone

On May 24, 2022, at 9:32 AM, Maria Camporeale <[MariaCamporeale@forestar.com](mailto:MariaCamporeale@forestar.com)> wrote:

See below, thank you.



**Maria Camporeale**  
**Land Acquisition Director**  
**West/SE Florida**

6123 Lyons Road, Suite 103  
Coconut Creek, FL 33073  
c: [917.847.1065](tel:917.847.1065)  
o: [561.724.8620](tel:561.724.8620)

[Forestar.com](http://Forestar.com)

**From:** Clifton, Nicholas L <[Nicholas.Clifton@flhealth.gov](mailto:Nicholas.Clifton@flhealth.gov)>  
**Sent:** Tuesday, May 24, 2022 9:26 AM  
**To:** Maria Camporeale <[MariaCamporeale@forestar.com](mailto:MariaCamporeale@forestar.com)>; David Duncan <[dduncan@martin.fl.us](mailto:dduncan@martin.fl.us)>  
**Subject:** RE: 1562 NE South St, (Parcel A), Ocean Breeze

[External]

Good Morning,

This parcel will need to be served by an Onsite Sewage Treatment and Disposal System (septic). A permit can be applied for from our office as sewer is not available.

Thank you,

## AFFIDAVIT ATTESTING TO NOTIFICATION

I, Maria Camporeale, being first duly sworn, depose and say:

1. That Maria Camporeale 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 June 13<sup>th</sup>, 2022 at 10:30 a.m. was sent by U.S. Mail on May 26<sup>th</sup>, 2022 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 May 26<sup>th</sup>, 2022;
5. That on June 2<sup>nd</sup>, 2022 the notification sign was re-posted on the property, which photograph of the sign is attached hereto and made a part hereof.

STATE OF FLORIDA

COUNTY OF Palm Beach

SWORN TO AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this 2<sup>nd</sup> day of June 2022 by Maria Camporeale, who ☒ is personally known to me or ☐ has produced FL DL as identification.

(Notary Seal)



  
NOTARY PUBLIC

My Commission Expires:

## NOTICE TO SURROUNDING PROPERTY OWNERS

Subject: Public Hearings before:  
Town of Ocean Breeze Zoning Board and 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 Requests: Request to consider amendments to the Town's Comprehensive Plan allowing Parcel "A" to use a septic system, adopt and up-to-date transportation circulation map, as well as amendments to the Ocean Breeze West Planned Unit Development to amend Development Order Condition K (5) to delete the requirement to voluntarily donate Parcel "A" to the Town; allow Parcel "A" to use a septic system and establishing development conditions to allow for the construction of a single-family home on Parcel "A," require adherence to Martin County water use standards and for other purposes.

Dear Property Owner:

On Monday, June 13, 2022, beginning at 10:30 AM, the Ocean Breeze Zoning Board and Town Council will conduct public hearings to consider the above requests.

The hearings will be held at the 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 the Town at (772) 334-6826 Monday through Friday between 9:30 AM and 12:00 Noon.







ARTERS-GALLAGHER FAMILY TRUST  
1562 NE SOUTH STREET  
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

BISSET CRAIG  
3044 NE SKYVIEW LN  
OCEAN BREEZE FL 34957

FORT ROBERT G KAY CHER  
1482 NE SOUTH ST  
JENSEN BEACH FL 34957

MCDONALD ALEXA  
3024 NE SKYVIEW LN  
OCEAN BREEZE FL 34957

BROWN JENNIFER TAYLOR  
1502 NE SOUTH ST  
JENSEN BEACH FL 34957

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

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

BROWN STEFANIE LEIGH BROWN DALE A  
300 FINSBURY PARK CT  
SUWANEE GA 30024

HARRIS ANDREW ANTHONY HARRIS  
PATRICIA ALICE  
341 LOWELL RD  
SAYVILLE NY 11782

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

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

HUGHES ANDREW  
1526 NE HILLTOP ST  
JENSEN BEACH FL 34957

PAGE OWNBY TAMERA  
1604 NE HILLTOP ST  
JENSEN BEACH FL 34957

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

JONES COURTNEY LEE  
1624 NE HILLTOP ST  
JENSEN BEACH FL 34957

RAVER SHELIA MARIE  
1519 NE SKYHIGH TERR  
JENSEN BEACH FL 34957

CARREON CHRISTIAN CARREON LISA  
16830 SUTTLES DR  
RIVERSIDE CA 92504

KELLY-RAYNER COLLEEN A GILLIS GLENN  
T  
1529 NE SKYHIGH TER  
JENSEN BEACH FL 34957

RICHARDS JENNIFER LEE  
1550 NE SKYHIGH TER  
OCEAN BREEZE FL 34957

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

KOVIACK JONATHAN GENE LIU YING  
1540 NE SKYHIGH TER  
JENSEN BEACH FL 34957

RICHMOND ANTHONY D  
1592 NE SOUTH ST  
JENSEN BEACH FL 34957

D R HORTON INC  
6123 LYONS RD #100  
COCONUT CREEK FL 33073

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

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

DUOBA JOSEPH RUGGIERO AMANDA  
1560 NE SKYHIGH TERR  
OCEAN BREEZE FL 34957

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

SCHAMBACK BONNIE  
1549 NE SKYHIGH TER  
JENSEN BEACH FL 34957

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

WOLSKE KRISTY M  
3065 NE HIGHLAND AVE  
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 (L/E)  
1496 NE HILLTOP ST  
JENSEN BEACH FL 34957

SLAWEK AMY  
1425 MIAMI LN  
DES PLAINES IL 60018

SQUIRES BRITTNEY ELENA SQUIRES  
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

WELLS TODD P WELLS JOANNA M  
1612 NE SOUTH ST  
JENSEN BEACH FL 34957



6/2/22

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

Notice is hereby given that on Monday, June 13, 2022, beginning at 10:30 AM, at the Ocean Breeze Resort Clubhouse, Pineapple Bay Room, 700 NE Seabreeze Way, Ocean Breeze, Florida, 34957, the Ocean Breeze Zoning Board/Local Planning Agency and Ocean Breeze Town Council will conduct public hearings to review and consider proposed amendments to the Town's Comprehensive Plan. The Town Council's public hearing will begin immediately upon conclusion of the 10:30 public hearing held by the Zoning Board/Local Planning Agency. All interested parties are invited to attend and be heard.

The proposed comprehensive plan amendments are contained in draft **Ordinance No. 322-2022**, the title of which is shown below:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUND WATER RECHARGE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS "PARCEL A", TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE TRANSPORTATION ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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 Sun-

June 17, 2022

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. 322-2022, PROPOSED  
COMPREHENSIVE PLAN AMENDMENTS

Town of Ocean Breeze comprehensive plan amendments contained in Ordinance No. 322-2022 were approved on first reading on June 13, 2022 and are hereby transmitted to the Florida Department of Economic Opportunity (DEO) for review pursuant to the requirements of Section 163.3184 F.S. The ordinance was approved by a 6-0 vote.

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

1. Memo to Reviewing Agencies
2. Ordinance No. 322-2022, including "Exhibit A" updated traffic circulation map
3. Staff Memo/Analysis
4. Minutes from the Town Zoning Board and Town Council meetings of June 13, 2022
5. Advertising Notice/ public comment sheet

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@townofocceanbreeze.org](mailto:townclerk@townofocceanbreeze.org)

Sincerely,

Terry O'Neil  
Town Management Consultant

Enclosures:

Cc: (full packet on disc):

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

Cc: (letter only):

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



TOWN OF OCEAN BREEZE  
MINUTES REGULAR TOWN COUNCIL MEETING  
Monday, September 13, 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
  - President De Angeles asked for a moment of silence in remembrance of 9/11
  - Roll Call – Present: Mayor Karen M. Ostrand, President Kenneth De Angeles, Vice-President Richard Gerold, Council Members, Bill Arnold, Kevin Docherty, Terry Locatis and David Wagner
  - Staff Present – Town Management Consultant, Terry O’Neil; Town Attorney, Rick Crary; Town Clerk, Pam Orr; and Bookkeeper/Clerical Assistant, Maria Pierce
2. **Approval of Minutes** – Vice-President Gerold, seconded by Council Member Arnold, made a motion to approve the Minutes of the August 9, 2021 regular Town Council meeting.

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, and Wagner; No: None; Motion Passed - 6 - 0

3. **Proclamation Declaring “Hunger Action Month” in Ocean Breeze, Florida** – Mayor Ostrand read the proclamation into the record. President De Angeles introduced Ron Wise, Director of Program Services and Alexandra Lord, Community Outreach Coordinator from the Treasure Coast Food Bank. Mr. Wise gave a presentation regarding the food bank.

4. **Budget to Actual Report: Third Quarter of Fiscal Year 2021** – Town Clerk, Pam Orr, asked if Council had a chance to look at the report and if there were any questions.

Council Member Wagner asked if it was a true statement that all the single family home building permits for Seawalk had been issued.

Town Clerk, Pam Orr, confirmed this statement to be true.

Council Member Arnold, seconded by Council Member Docherty, made a motion to accept the budget to actual report.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, and Wagner; No: None; Motion Passed - 6 - 0

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

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

There were none.

President De Angeles asked that all those giving testimony please stand and raise their right hand. Town Attorney Crary swore in the individuals standing.

President De Angeles asked staff to present the testimony and any evidence supporting the Resolution.

Town Management Consultant, Terry O'Neil, stated that this was a minor amendment to the Ocean Breeze West PUD agreement which removed the donation requirement of Parcel A from the PUD, deleted the donation requirement from the master site plan, the phasing plan, and the landscaping plan, and established development standards for Parcel A. Mr. O'Neil stated that language was added to require the developer to comply with Martin County's water use standards. He also commented on the requirement for Parcel A to be connected to the Martin County waste water system per the Town's current Comprehensive Plan. After discussion ensued, Mr. O'Neil recommended that Resolution #314-2021 be adopted as presented.

President De Angeles asked the petitioner to give testimony and call any witnesses.

Morris Crady, Planner for Lucido & Associates, provided a brief background of Parcel A. He stated that originally, Parcel A was intended to be an access road into the Seawalk development, however, the County did not approve of the use. He explained that if Martin County did not approve the connection to a waste water system, then a temporary septic tank allowance from the Town of Ocean Breeze would be needed, until such a time sewer was installed on South Street. He remarked that the Developer was in agreement with staff regarding the proposed developmental rights.

Mayor Ostrand stated she would be willing to attend meetings with Lucido & Associates and the County regarding a waste water connection for Parcel A within the County.

Vice-President Gerold asked who owned the 20 foot easement along the backside of Seawalk that adjoined the Publix side and what the easement was for, and could it be adjusted.

Mr. Crady stated that Martin County required the fence to be placed on the inside of the utility easement to allow Martin County Utilities access via the Publix parking lot versus having to access it through private property. Mr. Crady also stated that all the lots in Seawalk were the same depth of 120 feet and that the easement was not located on the usable portion of the lot. He commented that the fence line was located where it is shown on the landscape plans.



Mr. O'Neil clarified that all the lots were as platted and the fence in question was not on the owner's lots.

Council member Locatis asked if all adjacent homes on South Street were on septic and what would be the timetable for sewer.

Mr. O'Neil responded that all homes on South Street were on septic systems and that Martin County had indicated that it is not within their 5-year plan.

President De Angeles asked if the use of a septic tank would be a temporary solution to allow a single-family home to be built on Parcel A.

Mr. Crady stated the Developer would agree to an interim use of a septic tank until the County brought in sewer.

President De Angeles asked if any other Council Members had any questions.

There were none.

President De Angeles asked if staff had any further questions for the petitioner.

There were none.

President De Angeles asked for public comments.

Scott Stulb, resident of Seawalk, owner of lot 11, stated that he objected to the removal of Parcel A from the Ocean Breeze West PUD until the fence line behind the Publix shopping center matched the original Ocean Breeze West PUD. He provided a map for the record. Mr. Stulb shared his concern about the visibility behind Publix as well as his concern that other lots appear to be deeper. He asked that the fence line be moved back.

Mr. Crady replied that the other lots have a landscape buffer, which is a common area and is not part of the property. He explained that the County required the fence to be placed on the property line. He continued that the lots that adjoin South Street are similar.

Discussion ensued about the fence line.

Mr. Crady restated that the County would have to agree to the placement of the fence, and then either D. R. Horton or the Homeowner's Association would have to move it.

Council Member Arnold asked if the fence was installed when the property was purchased.

Mr. Stulb stated the fence was in place when he purchased the property.

Janet Galante, resident of Ocean Breeze Resort, asked why the Town did not accept Parcel A and what the Town received in return.

Mr. O'Neil explained the original agreement regarding the voluntary donation of Parcel A.

Council Member Arnold discussed the cost of \$50,000 to \$60,000 to prepare the property to build significantly outweighed the benefit of accepting the property.

Vice-President Gerold stated that the Town would have incurred the cost of insurance, landscaping, and other expenses if used for a park and that the size of the lot was not feasible for a Town office.

Mr. O'Neil stated the Town approached Martin County regarding utilizing the parcel for a neighborhood passive use park, however, Martin County did not have the ability to maintain it.

President De Angeles closed the hearing and asked the Council Members to deliberate in public, to state their position and to consider a motion.

Vice-President Gerold, seconded by Council Member Locatis made a motion to approve Resolution 314-2021.

All in Favor: Yes: De Angeles, Gerold, Arnold, Docherty, Locatis, and Wagner; No: None; Motion Passed - 6 - 0

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

Town Management Consultant, Terry O'Neil, provided background information on the amendment and reviewed the mandatory changes that were required. He recommended Council approve the ordinance as presented.

President De Angeles asked for public comment. There was none.

President De Angeles asked for Council comment.

Council Member Locatis questioned if the coastal impact area and the coastal high hazard area would affect insurance ratings on personal properties. Mr. O'Neil explained that they did not have that information. He confirmed that the maps were in the format that is acceptable to the State and had little or no latitude in interpreting the data.

President De Angeles asked about the feasibility study. Mr. O'Neil explained the process and stated that the Town had two years to complete the feasibility study after the adoption of the ordinance. Discussion ensued.

Council Member Arnold, seconded by Council Member Locatis, made a motion to adjourn the meeting. No. A1002021

President De Angeles asked for public comments.

There were none.

All in Favor: Yes: De Angeles, Wagner, Locatis, Docherty, Arnold, Gerold; No: None; Motion Passed - 6 - 0

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

**8. Comments from the Council on topics not on the Agenda** – Vice-President Gerold asked if Martin County could come and provide information on railroad safety, what they transport, as well as the County's emergency plan.

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

Cathy Berry, resident of Ocean Breeze Resort stated there would be a meeting with the Sheriff's office and residents of Ocean Breeze Resort on Monday September 20, 2021 at 10 am in the Pineapple Bay Room to discuss the possibility of starting a neighborhood watch program.

**10. Comments from Mayor Ostrand** – Mayor Ostrand stated that she attended the Florida League of Cities conference and shared some highlights. She informed residents that on September 15, 2021 from 9 am – 12 pm there would be a Martin County Legislative Delegation meeting at the Chastain Center at Indian River State College. Mayor Ostrand informed the residents that there would be a workshop in October regarding the Town.

**11. 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.

- Proposed Budget and Tentative Millage Hearing, Wednesday, September 15, 2021 at 5:01pm
- Final Budget and Millage Rate Hearing, Wednesday, September 22, 2021 at 5:01pm
- Regular Town Council Meeting October 11, 2021 at 10:30 am

**12. Adjourn** – Council Member Docherty, seconded by Council Member Locatis, made a motion to adjourn the meeting at 11:57.

Respectfully Submitted,

Erin Orr  
Town Clerk

Minutes approved: October 11, 2021

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

Screen neighborhood as a whole is connected. The County's timeline to do so is outside its five-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.

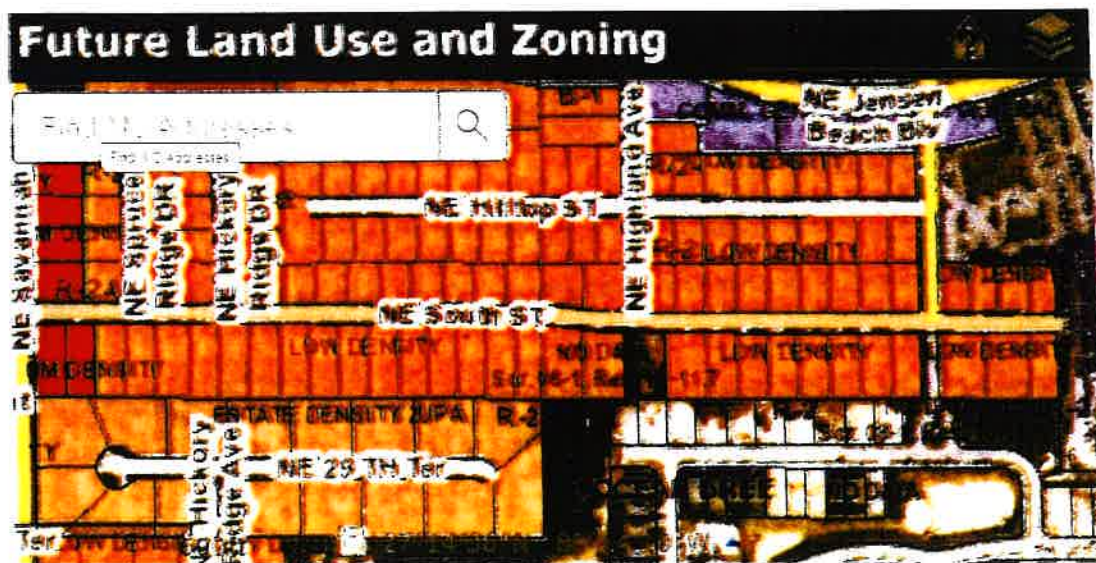
#### USE OF WATER FOR IRRIGATION AND OTHER PURPOSES

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





**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, HERELY DELETING LANGUAGE IN DEVELOPMENT CONDITION K (5) REQUIRING THE VOLUNTARILY DONATION OF PARCEL "A" TO THE TOWN; APPROVING MINOR CHANGES TO THE PROJECT'S MASTER SITE PLAN, PHASING PLAN AND LANDSCAPE PLAN, AS WELL AS NEW DEVELOPMENT CONDITIONS ALLOWING FOR THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON PARCEL "A"; REQUIRING THAT DEVELOPMENT WITHIN THE OCEAN BREEZE WEST PUD ADHERE TO MARTIN COUNTY WATER USE STANDARDS; DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT PROVISIONS AND A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE, THE OCEAN BREEZE TOWN COUNCIL HEREBY RESOLVES THAT:**

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

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

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

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

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

**SECTION 5.** Town ordinances and Town resolutions or parts thereof, and other parts of the Zoning and Land Development Code of the Town of Ocean Breeze in conflict with this ordinance are hereby superseded to the extent of such conflict.

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

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

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

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

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

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

YES	NO	ABSENT

ATTEST:

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

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

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

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

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THIS RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THE PLANNED UNIT DEVELOPMENT ACCORDING TO THE ORDINANCES AND RESOLUTIONS REFERENCED IN SECTION 7 OF THIS RESOLUTION NO. 314-2021, THEIR CONDITIONS AND THE DEVELOPMENT PLANS AND DOCUMENTS, AS THE SAME HAVE BEEN AMENDED IN THIS RESOLUTION, THE UNDERSIGNED UNDERSTANDS AND AGREES ON BEHALF OF ITSELF AND ITS SUCCESSORS AND ASSIGNS THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE TOWN COUNCIL, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE TOWN, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

OWNER:

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

Witnesses

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

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

Nicholas Aparicio  
President-Florida Region

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

OWNER'S ACKNOWLEDGMENT

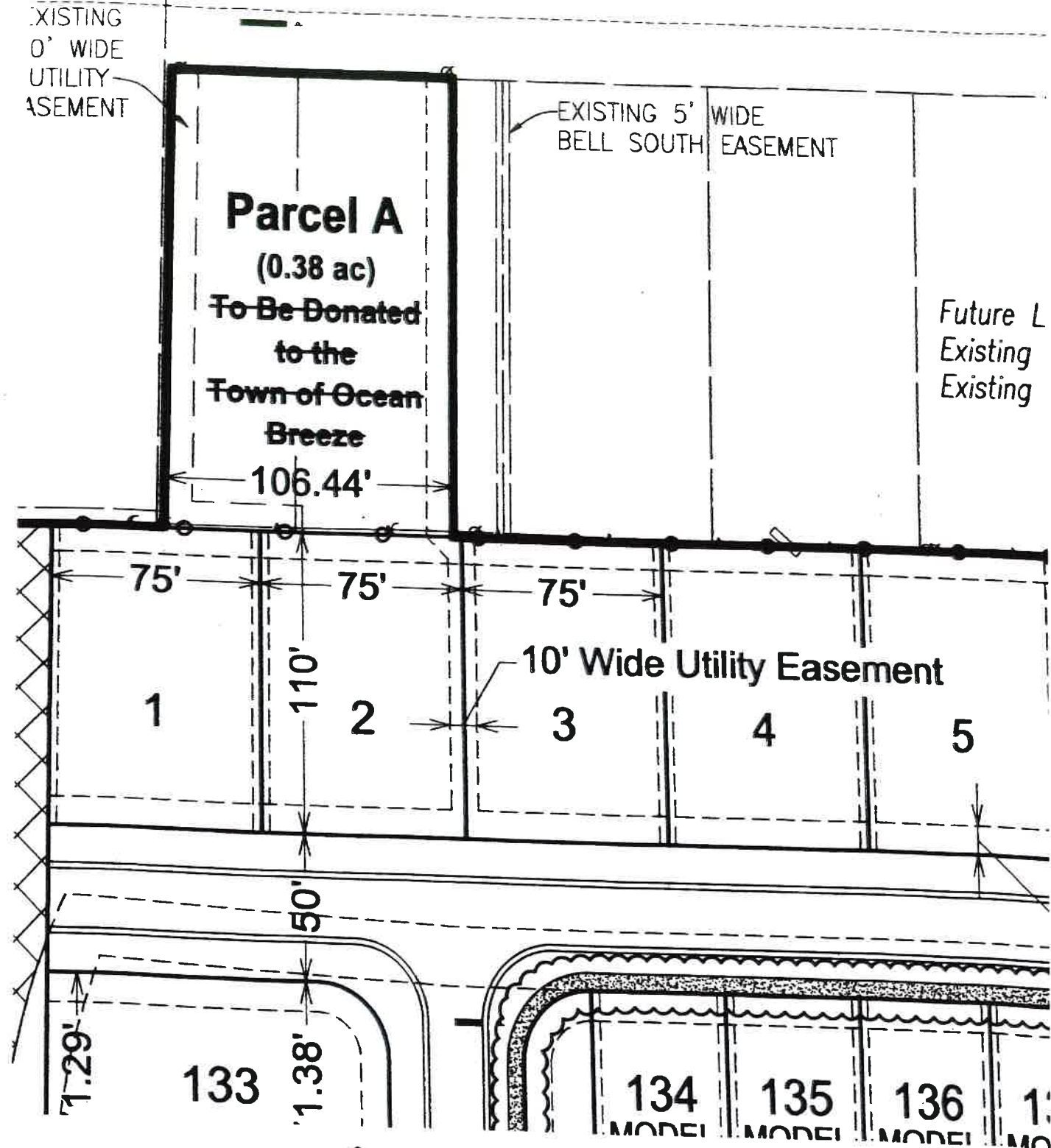
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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:





Scale: 1" = 50'



Date: 7.29.2021

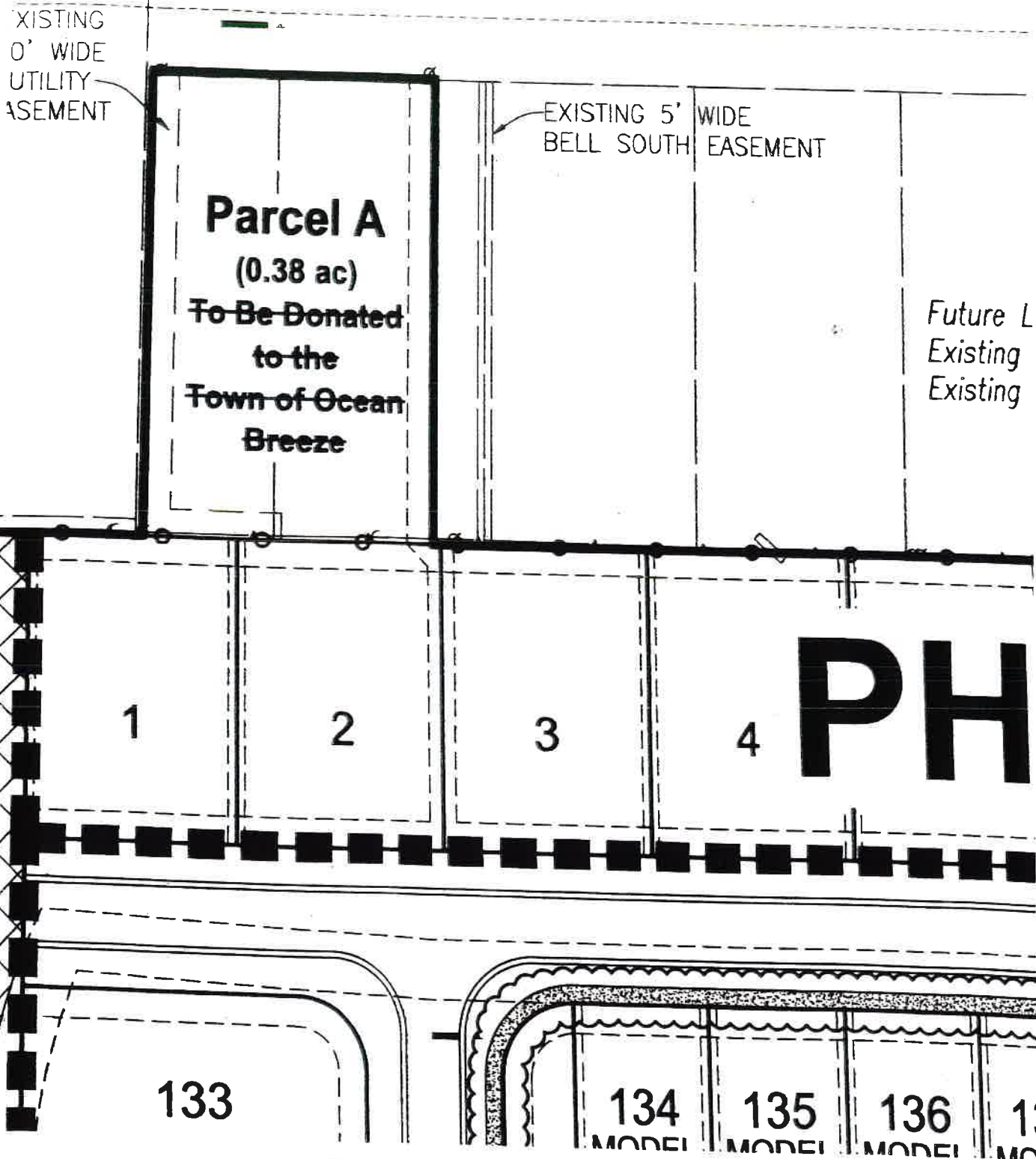
**Ocean Breeze West P**

Town of Ocean Breeze, Martin County,

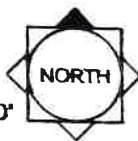
Parcel A E

(a portion of the Revised Master / Final Site





Scale: 1" = 50'



Date: 7.29.2021

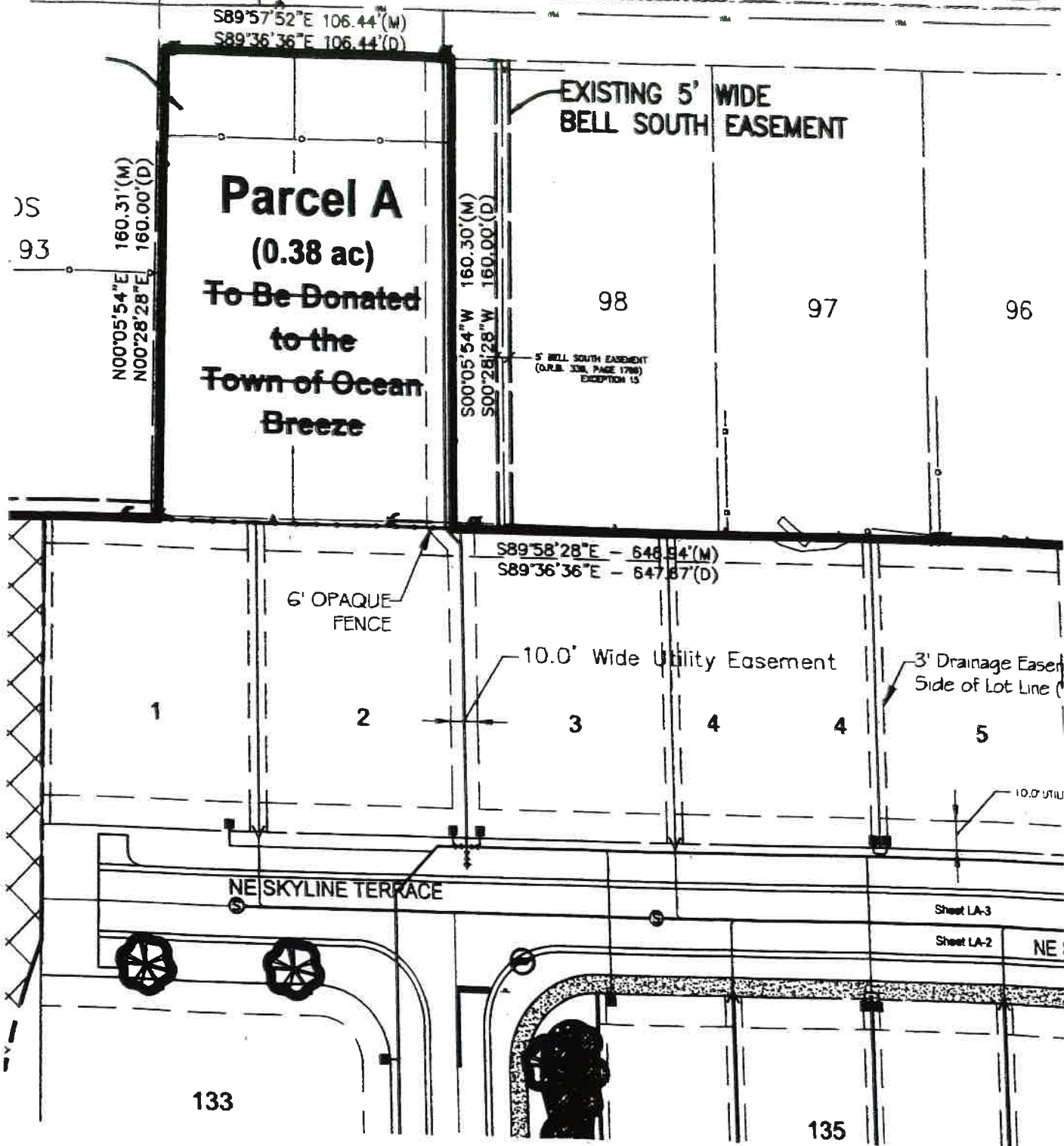
## Ocean Breeze West P

Town of Ocean Breeze, Martin County.

**Parcel A E**

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

NE South Street



Ocean Breeze West P

Town of Ocean Breeze, Martin County,

Parcel A E

(a portion of sheet LA3 of the Revised Landscape P

EXHIBIT "B"  
DEVELOPMENT CONDITIONS FOR PARCEL "A"

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

a. Minimum lot area:	7500 ft <sup>2</sup>
b. Minimum lot width:	60 feet. Lot width shall be measured along the straight line which connects the two points located on the side lot lines at a distance equal to the minimum front setback required for the proposed use from the street.
c. Maximum density:	One single-family residential dwelling unit. Ancillary dwelling units are not permitted.
d. Maximum impervious surface coverage:	65%
e. Minimum open space:	30%
f. Maximum number of stories and building height:	Two stories, 35 feet. Building height means the vertical distance between (1) the lowest permissible elevation above the existing grade which complies with finished floor elevation requirements as established by flood maps, the Health Department, or building code, along the front of a building and (2) either the highest point of the coping of a flat roof, the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
g. Front building setback:	25 feet
h. Side building setbacks:	One story – 8 feet Two story – 10 feet
i. Rear building setbacks:	One story – 10 feet Two story – 15 feet
j. Parking:	The single-family residence allowed on Parcel "A" shall be served by a paved driveway connected to the street which shall be sufficient in size to accommodate at least two parked vehicles and shall be no less than 10' x 20' each in size.
k. Storage of vehicles:	<p>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.</p> <p>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.</p>
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,

and other equipment, such as air conditioning units, refrigerators, freezers, and other mechanical equipment, shall be screened from view of adjoining 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 principal 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 exceed six feet in height, except such fences or walls shall not exceed three feet six inches when located in a required front yard. Except for fences and walls, accessory structures shall be allowed in the rear yard only and shall meet the minimum side and rear setbacks established by the height of the primary residence.

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

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

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

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



Table # 3 Additional Conditions Pertaining to Parcel "A"

a.	The street address of Parcel "A" shall be approved by the Town Clerk.
b.	Trash, garbage and refuse collection, occurring at least as frequently as the collection schedule maintained by the Martin County Utilities & Solid Waste Department, shall be the responsibility of the owner of Parcel "A" through a private contract for services. Proof of the service contract shall be provided to the Town before the issuance of any building permits. All trash and garbage shall be regularly removed and shall not be allowed to accumulate. Trash, garbage or other waste shall be kept in a sanitary, covered container(s). All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.
c.	The owner of Parcel "A," shall have the right to apply for an amendment to this Resolution without the necessity of obtaining permission, written or otherwise, from any other party to the Ocean Breeze West PUD Agreement, provided the the scope and application of such amendment is limited to matters affecting Parcel "A." Similarly, the owner(s) of the Seawalk portion of the Ocean Breeze West PUD, authorized to seek amendments thereto, may do so without the permission, written or otherwise, of the owner of Parcel "A", provided the scope and application of such amendment is limited to matters affecting the Seawalk portion of the PUD. This provision shall in no way constrain the rights of any party to the Ocean Breeze West PUD Agreement to object or to legally challenge any proposed amendments to this Resolution.
d.	For the purpose of preserving the public's health safety and welfare, the Town shall have the right, at its own discretion, to initiate a public hearing to amend this resolution. This provision shall in no way constrain the rights of the Owner(s) of Parcel "A" to object or to legally challenge any amendments proposed by the Town.
e.	No construction on Parcel "A" shall be permitted until such time as all necessary utility easements servicing 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>



# Town of Ocean Breeze

September 15, 2022

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. 322-2022, PROPOSED  
COMPREHENSIVE PLAN AMENDMENTS (22-01ER)

Town of Ocean Breeze comprehensive plan amendments contained in Ordinance No. 322-2022 were approved on second and final reading on September 12, 2022 and are hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184 F.S. The ordinance was approved by a 6-0 vote and encompasses two minor amendments. They are: (1) exempting a vacant single-family lot, known as Parcel A, from connecting to the Martin County wastewater system and (2) adopting an up-to-date traffic circulation map as requested by FDEO.

The transmittal package includes the following items:

1. Ordinance No. 322-2022, including "Exhibit A" updated traffic circulation map
2. Staff Memo/Analysis (includes discussion of Resolution No. 321-2022, a related zoning action)
3. Minutes from the Town Council meeting of September 12, 2022
4. 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](mailto:townclerk@townofoceanbreeze.org)

Sincerely,

Terry O'Neil  
Town Management Consultant

Enclosures:

Cc: 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

*P. O. Box 1025 • Jensen Beach, FL 34958  
Office: 772-334-6826 • Fax: 772-334-6823  
email: [townclerk@townofoceanbreeze.org](mailto:townclerk@townofoceanbreeze.org) • website: [townofoceanbreeze.org](http://townofoceanbreeze.org)*



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

August 8, 2022, 10:30 am  
Ocean Breeze Resort Clubhouse Pineapple Bay Room  
700 NE Seabreeze Way, Ocean Breeze, FL

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

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

- Pledge of Allegiance
- Roll Call

**2. Approval of Minutes – Regular Meeting, Monday, July 11, 2022**

(Motion, second, public comments, all in favor)

**3. Quasi-Judicial Hearing. Consideration of proposed Ordinance No. 322-2022 on second reading.**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE *SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER RECHARGE ELEMENT* OF THE TOWN'S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS "PARCEL A", TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE *TRANSPORTATION ELEMENT* OF THE TOWN'S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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. Maria Camporeale, Forestar (USA) Real Estate Group, Inc., Applicant Representative

Note: As of this agenda's publication, the Florida Department of Economic Opportunity has not yet issued its final review of the proposed amendments. Therefore, it is requested that **second reading of this ordinance be continued to September 12, 2022.** *Approved 5-0.*

(Motion, second, public comments, all in favor)

**4. Town Office Reorganization:** Request Council approval to hire a Town Clerk and Office Assistant, as well as approval of a contract for permit processing services. Mayor Karen Ostrand.

(Motion to approve each action separately, second, public comment, roll call)

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

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

# Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

Stuart News

1801 U.S. 1, Vero Beach, FL 32960

## 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/she 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, and that said newspaper has heretofore been continuously published in said Martin County, Florida, daily and distributed in Martin County, 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.

Issue(s) dated before where the dates are noted or by publication on the newspaper's website, if authorized, on :

07/28/2022



Subscribed and sworn to before on July 28, 2022:



Notary, State of WI, County of Brown

  
My commission expires

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

Publication Cost: \$164.16  
Ad No: 0005352691  
Customer No: 1313882  
PO #: 8/8

NOTICE OF PUBLIC HEARING  
BEFORE THE OCEAN BREEZE,  
FLORIDA  
TOWN COUNCIL TO REVIEW  
AND CONSIDER FINAL APPRO-  
VAL OF PROPOSED AMEND-  
MENTS TO THE TOWN'S COM-  
PREHENSIVE PLAN

Notice is hereby given that on Monday, August 8, 2022, 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 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. 322-2022, the title of which is shown below:

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF OCEAN BREEZE, FLORIDA AMENDING THE SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER & NATURAL GROUNDWATER RECHARGE ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN THEREBY ALLOWING A SINGLE RESIDENTIAL LOT, KNOWN AS "PARCEL A", TO FOREGO CONNECTION TO THE MARTIN COUNTY WASTE WATER SYSTEM IN FAVOR OF USING A SEPTIC TANK SYSTEM; AND FURTHER AMENDING THE TRANSPORTATION ELEMENT OF THE TOWN'S COMPREHENSIVE PLAN TO ADOPT AN UP-TO-DATE TRAFFIC CIRCULATION MAP; PROVIDING FOR TRANSMITTAL OF THE 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

Pub July 28th 2022  
TCN5352691

# **GENERAL INFORMATION ITEMS**

**The attached items (i.e.: correspondence, e-mails, reports, etc.) are provided as general information and are not necessarily subject to discussion during this meeting unless Council Members or the Mayor wish to do so.**

---

## Memorandum

---

TO: TOWN COUNCIL AND MAYOR

FROM: KIM STANTON, TOWN CLERK

SUBJECT: ELECTION 2022 - UPDATE

DATE: SEPTEMBER 5, 2022

---

After the Town's annual election qualifying period, which ended at 2:00 pm on August 23, 2022, the following residents qualify for election to the Town Council:

1. Sandra L. Keblbeck
2. Gina Kent
3. Dustin E. Lerew
4. Terry Locatis (incumbent)
5. Elizabeth Reese

Current Town Council Members, Richard Gerold and David Wagner, have chosen not to seek re-election. There are three seats for Town Council to be filled.

Mayor Karen M. Ostrand will be re-elected because she had no opposition.

The election will take place on Tuesday, November 8<sup>th</sup> and the polls are open from 7 am to 7 pm at:

**Langford Park  
2369 NE Dixie Highway  
Jensen Beach, FL 34957**

ks