

ZONING AND LAND DEVELOPMENT CODE
TOWN OF OCEAN BREEZE
MARTIN COUNTY, FLORIDA

Ordinance No. 54
(Revises Ordinance Nos. 29 and 49)

AUGUST 3, 1990

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Stuart, Florida

for the
Town of Ocean Breeze

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AND AMENDED
SEPTEMBER 13, 2010
(Ordinance No. 169)

ZONING AND LAND DEVELOPMENT ORDINANCE NO.54
TOWN OF OCEAN BREEZE PARK, FLORIDA

AN ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA, TO PROMOTE THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF INHABITANTS OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA: TO REGULATE THE PERCENTAGE OF LOTS THAT MAY BE OCCUPIED; TO REGULATE THE SIZE OF YARDS AND OTHER OPEN SPACES OF BUILDINGS, STRUCTURES AND LAND AND WATER FOR RESIDENCE AND OTHER PURPOSES; TO LESSEN THE CONGESTION IN STREETS, SECURE SAFETY FROM FIRE, PANIC AND OTHER DANGERS; TO SECURE ADEQUATE LIGHT AND AIR; TO PREVENT THE OVERCROWDING OF LAND; TO AVOID UNDUE CONCENTRATION OF POPULATION; TO CONSERVE THE VALUE OF LAND AND BUILDINGS; TO FACILITATE ADEQUATE PUBLIC TRANSPORTATION, WATER, SEWAGE, SEPTIC TANKS, PARKS AND OTHER PUBLIC REQUIREMENTS; TO DIVIDE THE TOWN INTO DISTRICTS OR SUCH NUMBER AND SHAPE AND AREA AS MAY BE BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PROVIDE FOR LAND DEVELOPMENT REGULATIONS GOVERNING SUBDIVISIONS OF LAND, USE OF LAND AND WATER, PROTECTION OF POTABLE WATER WELLFIELDS, REGULATION OF FLOODPLAIN AREAS, DRAINAGE AND STORMWATER MANAGEMENT, PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS, SIGNS, AVAILABILITY OF FACILITIES AND SERVICES CONCURRENT WITH IMPACTS OF DEVELOPMENT, ON-SITE TRAFFIC FLOW AND PARKING AND PLANNED UNIT DEVELOPMENTS; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR PENALTIES FOR THE VIOLATION HEREOF, TO REPEAL ANY AND ALL ORDINANCES OF THE TOWN THAT ARE IN CONFLICT WITH THIS ORDINANCE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA.

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ARTICLE I

TITLE, PURPOSE AND METHODOLOGY

SECTION 1. SHORT TITLE

This Ordinance shall be known and be cited as "THE ZONING AND LAND DEVELOPMENT CODE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA."

(Ordinance # 169, Sept. 13, 2010)

SECTION 2. CONSISTENCY WITH COMPREHENSIVE PLAN

The Zoning and Land Development Code is intended to be consistent with and to implement the Comprehensive Plan for the Town of Ocean Breeze Park

SECTION 3. PURPOSE AND INTENT

The purpose of this Ordinance is to promote the public health, safety, morals, convenience, comfort, amenities, property and general welfare of the community and of a wholesome, serviceable and attractive Town, by having regulations and restrictions that increase the safety and security of home life; that preserve and create a more favorable environment; that stabilize and enhance property and civic values; that preserve the character, quality and historical nature of existing uses, while providing for the development of new and uniformly just land use patterns, that facilitate adequate provisions for increased safety in traffic and for transportation, vehicular parking, parks, parkways, recreation, public buildings, housing, light, air, water supply, sewerage, sanitation and other public requirements; that lessen congestion, disorder and danger; and that provide more reasonable and serviceable means and methods of protecting and safeguarding the economic structures upon which the general welfare depends.

SECTION 4. METHODOLOGY

In order to more effectively protect and promote the general welfare and to accomplish the aims and purposes of the Town's Comprehensive Plan, the Town is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed more suitable to provide for the best general civic use, protect the common rights and interests of all, and to promote improved, wholesome, sightly, harmonious and economic results in civic service, activities and operations, and by further regulations to limit the locations, uses and occupancy of buildings, structures and land to be used for trade, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings and other structures, including the percentage of plot occupancy and coverage, street setback lines, sizes of yards and other open spaces, to provide special exceptions in event of hardship, and to provide penalties for the violation hereof.

SECTION 5. ENACTMENT CLAUSE

This Ordinance is enacted under the authority of the Laws of Florida and the inherent constitutional powers vested in the Town of Ocean Breeze Park, Florida.

ARTICLE II
ZONING DEFINITIONS

SECTION 1. GENERAL

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted and defined as follows: Words used in the present tense include the future tense. The singular shall include the plural. The word "person" includes a corporation, partnership or other entity as well as an individual. The term "shall" is always mandatory. The term "may" is permissive. The word "building" shall include the word "structure". The word "land" shall include surface and land under water.

SECTION 2. DEFINITIONS

For the purpose of this Code, the following terms shall have the following meanings:

Abandon: To discontinue a use for more than twelve (12) consecutive months.

Accessory Building: A subordinate building or portion of the main building, the use of which is incidental to that of the main building.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities or an enlargement thereof, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Area, Lot: The term "lot area" shall mean the total area within the property lines, excluding external streets.

Building: A structure with or without a roof, intended for shelter, housing or enclosure

other than a boundary wall or fence.

Building, Accessory: An "accessory building" shall mean a subordinate building or a portion of the main building on a lot, the use of which is customarily incidental to that of the main or principal building.

Building Line: The line established by law, beyond which a building shall not extend, except as specifically provided herein. Also referred to herein as "setback line".

Building, Front Line of: The line of that face of the building nearest the front line of the lot. The front line of a waterfront or riverfront lot shall be the line abutting the street serving the lot, and the lot line bounded by water shall be considered the rear line.

Building, Height of: The vertical distance measured from the average elevation of the existing natural grade at the building to the highest point of the roof. Where fill is required by a governmental regulation (whether of the Town of Ocean Breeze Park, Florida or other governmental regulation), the vertical distance shall be measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

Court: An unoccupied open space, other than a yard, which is bounded on three or more sides by walls in excess of three (3) feet in height, at least one, but not more than three (3) of which are the walls of a building.

Coverage: The percentage of the plot or lot area covered by the building area.

Dwelling, Single Family: Any building used wholly for habitation and occupancy by one family.

Excavations: Removal of earth material for purposes other than that incidental to and used on the site of authorized construction.

Existing Use: Lots, structures, uses, characteristics of use, or a combination thereof where lawful as of the date of adoption of this Ordinance, which uses may continue unconditionally and are deemed to be consistent herewith.

Family: Any number of individuals related by blood, marriage or legal adoption, and not more than two (2) persons not so related living together as a single housekeeping unit.

Foster Home: A "Foster Home" is licensed and supervised by HRS. It provides a family living environment including supervision and care necessary to meet physical, emotional, and social life needs of clients. A Foster Home may serve only adults. Excluding the foster parents, there should not be more than two other residents in the home, including HRS clients.

Garage, Private: An enclosed space for the storage of one (1) or more motor vehicles, provided that no business occupation or service is conducted for profit therein.

Grade, Established: The elevation of the center line of the streets as officially established by the Town Authorities. Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto.

Greenhouse: A structure constructed, in part, with glass, plastic or other transparent or translucent material designed for and/or utilized for the growing of plants and flowers.

Hedge: A fence or boundary formed by a row of shrubs or low trees planted close together; a thicket when planted as a fence or boundary.

Home Occupations: Occupations carried on entirely within a dwelling and only by members of the family permanently living therein, where products are not offered for sale from the premises and no commercial vehicles are kept on the premises or parked overnight on the premises.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersections.

Lot, Interior: Any lot which is not a corner lot.

Lot, Through: Any lot having frontage on two (2) parallel or approximately parallel streets or highways.

Lot Lines: The lines abounding a lot as defined herein:

- a) Front Lot Line - The line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line; provided, where the length of a shorter street line is less than ninety (90) percent of the length of the longer street lot line, the shorter line shall be considered the front lot line.
- b) Rear Lot Line - The lot line opposite the front lot line. In case of an irregular, triangular or gore-shaped lot, it shall mean a line within the lot, ten (10) feet long, parallel to and at the maximum distance from the front lot line.
- c) Side Lot Line - Any lot line which is not a front lot line or a rear lot line.

Manufactured Housing Community: same as "Mobile Home Park".

Mobile Home Lot (Space): A parcel of land within a Mobile Home Park which is designed to accommodate one (1) Mobile Home, Trailer or Manufactured Housing Unit and accessory buildings or structures, including the open spaces required under this code.

Mobile Home - Manufactured Home: A structure transportable in one or more sections, built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein.

Mobile Home Park: A use of land in which lots or spaces are offered for rent or lease for

the placement of Mobile Homes (Manufactured Homes) and in which the primary use of the Park is residential. Same as Manufactured Housing Community.

Open Space - yard: An unoccupied space open to the sky on the same lot with a building.

Owner: A person, firm or corporation (including duly authorized agent, attorney, guardian, Conservator or trustee) who or which owns or controls property, or in case of a leased premises, the legal holder of the lease, contract or his legal representative, assignee or successor.

Off-Street Parking Commercial (B-1 District): The term "off-street parking" shall mean a minimum net area of 9 feet in width by 20 feet in depth, exclusive of access drives or aisle thereto, for the parking of one automobile. Off-street parking facilities, including access drives and aisles shall be paved according to specifications of A.A.S.H.T.O. and/or State Department of Transportation and as approved the Town Engineer, and shall be marked either by painted lines, precast curbs, or in a similar fashion to indicate the individual parking space.

Off-Street Parking, Residential (M.H.P.-1 & M.H.P.-2 district): Each off-street space available for motor vehicle parking shall be at least ten (10) feet wide and twenty (20) feet long (200 square feet). The off-street space(s) for motor vehicle parking may include the driveway, carport or garage.

Pool Structure: A structure, whether screened in whole or part, or enclosed in whole or in part by material other than insect screening, surrounding or enclosing (in whole or in part) a pool or wading pool.

Porch: A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood or other materials more than thirty (30)

inches above the floor thereof, except awnings or screening or the necessary columns to support the roof.

Public Utility: Any organization, either private or governmental, which owns and/or operates facilities for the rendering of services to the general public, such as electric, gas, communications, transportation, water supply, sewage disposal, water conservation and drainage and garbage or refuse disposal.

Restaurant: Every building or other structure and all outbuildings in connection therewith and any room or rooms within any building or other structure or any place of location kept, used, maintained and advertised as or held out to the public to be a place where food is prepared and served, either gratuitously or for consideration.

Setback: Setback shall be synonymous with the words "building line".

Sign or Signs: A "sign" is any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. However a sign shall not include a similar structure or device located within the buildings if said sign or structure is invisible from outside the building.

Signs - Electric: The terms "electric sign" and "illuminated sign" shall apply to any sign with electric wiring and lighting therein or thereon or used in conjunction with the sign, including the use of neon tubing.

Square Footage: The term "square footage" shall apply to the size of a lot or site and is determined by multiplication of the width of the lot or site by the depth of the lot or site. The "square footage" of a building, structure or mobile home shall be determined by the

multiplication of the exterior width of the building, structure or mobile home by the exterior depth of such unit.

Space: Same as "lot", a parcel of land within a Mobile Home Park designed to accommodate one (1) Mobile Home, trailer or Manufactured Housing Unit.

Story: That part of a building contained between any floor and the floor or roof next above.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, road and other thoroughfares, except an alley.

Structure: Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land. A driveway shall not be considered a "structure" for the purpose of this Ordinance; however, any concrete, asphalt or other permanent surfacing placed upon a lot such as, but not limited to, an open patio, air conditioning pad, or an apron adjacent to a swimming pool shall be considered a structure for the purpose of this ordinance and for the purpose of determining setback lines. A mobile home or manufactured housing affixed to a lot shall be considered a structure.

Temporary Structure: Anything constructed or erected, the design of which or intended use of which, is other than long term, indefinite life design or use.

Terrace: An unoccupied open space, which is contiguous to and bounded on at least one (1), but not more than two (2) sides by the walls of a building. It may be bounded on one (1) or more of the other sides by a wall or similar enclosure having a height of three (3) feet or less.

Trailer: Same as mobile home.

Trailer, Park: Same as mobile home park.

Trailer Site: A lot or space or plot of ground within a mobile home park or trailer park, designated for the accommodation of not more than one mobile home, trailer, or manufactured housing unit.

Use: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Yard, Front: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard, Rear: An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building.

Yard, Side: An open unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard and to the rear yard. Any line not a rear line or front line shall be deemed a side line.

ARTICLE III
DISTRICT BOUNDARIES AND
EXISTING USES

SECTION 1. ESTABLISHMENT OF USE DISTRICTS

For the purpose of promoting the public health, safety, morals and general welfare of the community, and to preserve the residential character of the community created in part by the unique geography of the Town, the Town of Ocean Breeze Park, Florida is hereby divided into the following designated zoning districts:

Mobile Home Park	M.H.P.-1
Mobile Home Park	M.H.P.-2
Mobile Home Park	M.H.P. -3
Business	B-1
Planned Unit Development	PUD

(Ordinance #169, Sept. 13, 2010)

SECTION 2. DESIGNATION OF DISTRICT BOUNDARIES

The boundaries of each district are designated and established as shown on the Zoning Map of the Town of Ocean Breeze Park, Florida. The boundaries of the districts shown upon the Zoning Map are hereby adopted and approved and the regulations of this Code governing the use of land and water, buildings, and structures, the height of buildings, lot areas, setbacks, floor areas, lot coverage, parking and loading requirements are hereby declared to be in effect upon all land and water included within the boundaries of each and every district shown upon Zoning Map.

Zoning districts are shown on the Zoning Map and the map is and shall be maintained as consistent with the Future Land Use Plan in the Ocean Breeze Park Comprehensive Plan. (Ordinance #169, Sept. 13, 2010)

SECTION 3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists as to boundaries of the districts on the Zoning Map, the following rules shall apply.

Location of District Boundary Lines:

3.01 Center Lines:

Boundaries indicated as approximately following the center lines of streets and highways shall be construed as following such lines.

3.02 Lot, Section and Tract Lines:

Boundaries indicated as approximately following platted lot lines, section or tract lines shall be construed as following such lines.

3.03 Political Boundaries:

Boundaries indicated as approximately following political boundaries shall be construed as following such political boundaries.

3.04 Railroad Lines:

Boundaries indicated as following railroad lines shall be construed to be following the centerline of the railroad right-of-way.

3.05 Shorelines:

Boundaries indicated as following shorelines shall be construed as following such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline

3.06 Uncertainties:

Where physical or other features on the ground are at variance with those on the Zoning Map, or in case of other uncertainty, the Town council shall interpret the intent of the Future Land Use Plan and Zoning Map in resolving such uncertainty. (Ordinance #169, Sept. 13, 2010)

3.07 Street Abandonments:

Where public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned road, street, or alley.

3.08 Excluded Areas:

Where parcels of land and water areas have been inadvertently excluded from a zoning district classification in any manner said parcels shall be classified as the most appropriate zoning district to implement the underlying Future Land Use designation as shown on the Future Land Use until changed, if at all, by public hearing. (Ordinance #169, Sept. 13, 2010)

SECTION 4. EXISTING USE

4.01 Purpose and Intent

It is the purpose and intent of the Section to permit the continuation of those lots, structures, uses, characteristics of use, or combinations thereof, which were lawful before the passage of this Code, but which would be prohibited, regulated, or restricted under the terms of this Code or future amendments thereto. For purposes of this Section, an existing use is

defined as a lot, structure or use or combination thereof that was legally established and in existence before the effective date of this Code. Any structure in an "Existing Use" area may from time to time be repaired, restored, replaced and/or improved, provided however, that any repair, restoration, replacement and/or improvement shall not reduce the amount of open space or the setback that existed prior to such repair, restoration, replacement and/or improvement. An existing use shall not be deemed to be a non-conforming use.

4.02 Intent

It is the further intent and purpose of this Ordinance to accept and approve the use, lots, structures and all characteristics of use of those mobile home units which exist prior to the enactment of this Ordinance and are located within the district designated as M.H.P.-1 as shown on the Zoning Map of the Town of Ocean Breeze Park. (Ordinance # 169, Sept. 13, 2010)

SECTION 5. APPLICATION OF REGULATIONS AND FUTURE LAND USE PLAN.

5.01 Application of Regulations Except as otherwise provided in this Ordinance:

- 1) No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
- 2) No building shall hereafter be erected or altered:

- a) To exceed the height,
 - b) To accommodate or house a greater number of families,
 - c) To occupy a greater percentage of lot area,
 - d) To have narrower or smaller rear yards, front yards, or side yards, than is specified herein for the district in which such building is located.
- 3) No part of a yard or other open space required adjacent to any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required for another building.

5.02 Map Adoption

The Town of Ocean Breeze Park, Florida shall adopt by reference a Zoning Map and all explanatory matter and attendant documents attached thereto. The composite group of all such Zoning Map and explanatory matter and attendant documents shall be labeled as consecutive exhibits which shall be made a part of, incorporated in and attached to the Official Town Council Ordinance adopting the Code. Originals of the Zoning Map may be retained in the administration offices of the Mayor, and a certified copy shall be maintained in the office of the Town Clerk. The Zoning Map shall be a part of the public records of the Town of Ocean Breeze Park and shall be made available for public inspection and shall be the final authority as to the current zoning status of land and water areas, buildings and other structures, in the incorporated area of the Town of

Ocean Breeze Park, Florida. (Ordinance #169, Sept. 13, 2010)

5.03 Map Amendment

No changes or amendments to the Zoning Map shall be made except in compliance and conformity with all procedures set forth in this Code. If, in accordance with these procedures, changes or amendments are made to district boundaries or other subject matter portrayed on the Zoning Map such changes or amendments shall be made promptly after official adoption of the change or amendment as provided for herein. The Mayor shall be responsible for the updating and amendment of the Zoning Map.

(Ordinance #169, Sept. 13, 2010)

5.04 Map Replacement

In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature and number of changes and additions, the Town council may adopt a new Zoning Map which shall supersede the prior Zoning Map.

The new Zoning Map may correct drafting and clerical errors or omissions in the prior Zoning Map, but no such corrections shall have the effect of amending the Code or any subsequent amendment thereto without a duly noticed public hearing as provided for herein.

Unless the prior Zoning Map has been lost or destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption and amendment. (Ordinance #169, Sept. 13, 2010)

ARTICLE IV
ZONING USE DISTRICTS

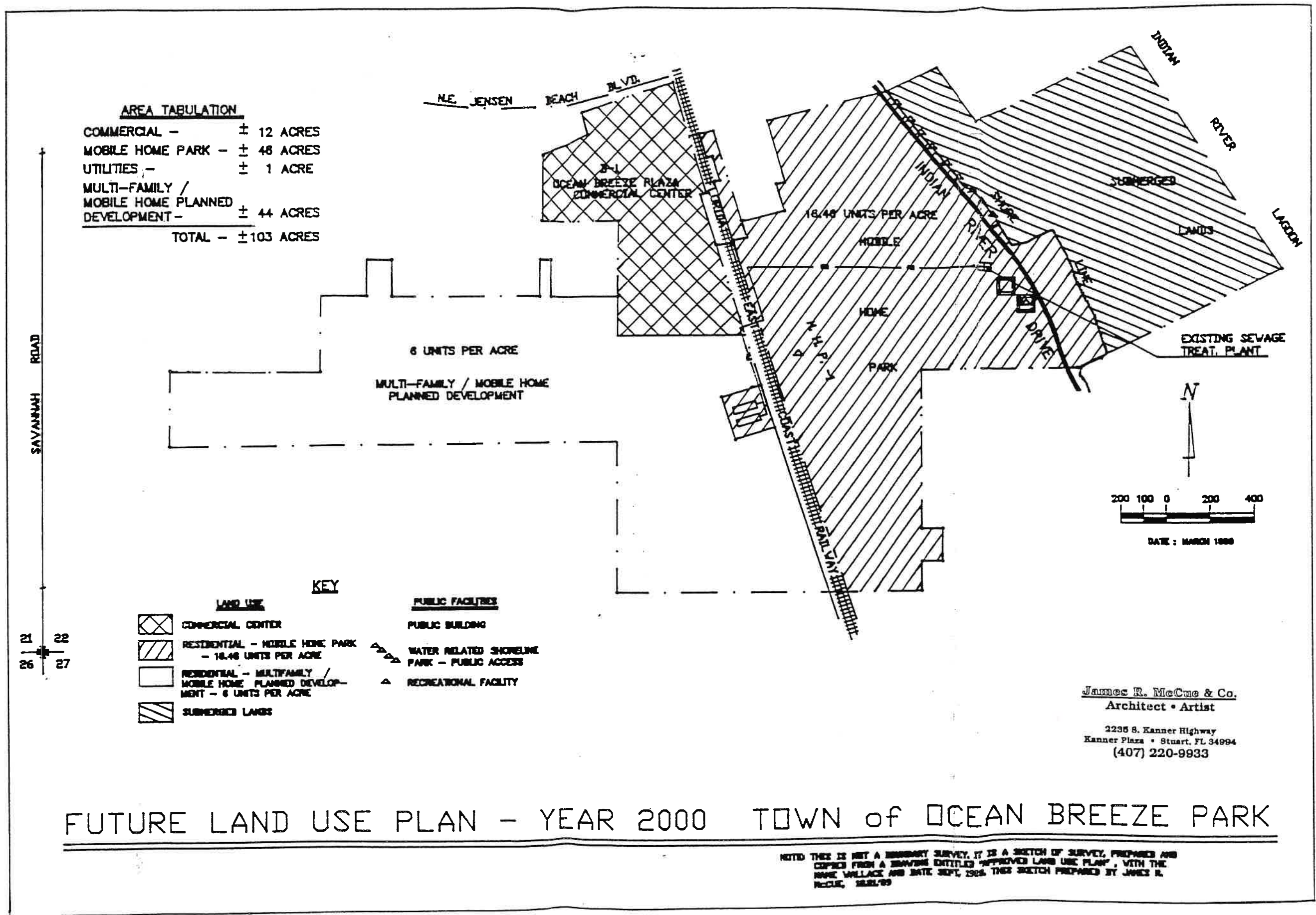
SECTION 1. M.H.P.-1 ZONING CLASSIFICATION/RESIDENTIAL DISTRICT

One family residential district consisting of Mobile Home Units established and in place prior to the enactment date of this ordinance,

1.01 It is the purpose and intent of this district to accommodate the housing and use as it lawfully existed in this district prior to the enactment of this Ordinance and to provide adequate shelter for those seeking an alternative to newer and more expensive housing and to preserve the character, quality and historical nature of the existing community, in accordance with the adopted Future Land Use Plan for the Town of Ocean Breeze Park.

1.02 Uses Permitted

- 1) Single family, one story mobile home (manufactured housing) units affixed to a foundation.
- 2) Customary accessory uses and building provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business.
- 3) Any accessory building shall be located on the same lot with the principal building and may



include private garages and storage structures, however, no greenhouse or slathouse shall be permitted.

- 4) Rental of spaces for mobile home occupancy.
- 5) Sale of mobile home units located on rental spaces, provided a certificate of occupancy had previously been issued.
- 6) Civic and/or community centers for the sole use of Ocean Breeze Park residents.
- 7) Single family Foster Home use.

1.03 Uses Permitted Conditionally

- 1) Public buildings and facilities, either publicly or privately owned, which accommodate the basic public service needs of the community. This is intended to provide for and include other major improvements and uses as may be approved by the Town Council to provide for the needs of Ocean Breeze Park. Such public buildings and uses shall be effectively screened from any adjacent residential use.
- 2) Recreation facilities for residents provided that any structures or uses are effectively screened.
- 3) Utility substations and transmission lines and pipes proved such uses are effectively screened.
- 4) Self service laundry and drying area for the residents of a mobile home park.

1.04 Site Development Standards

- 1) Minimum Lot Area - 2,500 square feet.
- 2) Minimum Lot Width - 40 feet.
- 3) Minimum Yard Setbacks -

Front	5 feet
Rear	5 feet
Side	5 feet

- 4) height - 1 story - 25 feet
- 5) Maximum Lot Coverage - 60 percent
- 6) Maximum Wall limitations:
 - a) No garden or court wall, when attached to a building shall be erected to a height in excess of six (6) feet.
 - b) All other decorative walls, fences or hedges shall not exceed three (3) feet in height.

1.05 Supplemental Regulations, Permitting

The M.H.P.-1 zoning classification is subject to the Supplemental Regulations and all other articles in this Code.

SECTION 2. M.H.P.-2 ZONING CLASSIFICATION

2.01 Purpose and Intent

The purpose and intent of this district is to provide standards for development of new Mobile Home Parks (Manufactured Housing) to accommodate single family units manufactured to comply with Federal and State requirements and to comply with the objectives of the Comprehensive Land Use Plan of the Town of Ocean Breeze Park. This district is intended to provide residents of the Town with a more modern alternative to the existing historic quality of life in the Town as preserved in the M.H.P.-1 district. Development of a new Mobile Home Parks in the M.H.P.-2 district shall be in accordance with the provisions hereof.

2.02 Uses Permitted

- 1) Single family, one story mobile home (Manufactured Housing) units affixed to a foundation and complying with all requirements of State, Martin county and Town of Ocean Breeze Park.
- 2) All uses permitted for M.H.P.-1.

2.03 Uses Permitted Conditionally

- 1) All uses permitted conditionally for M.H.P.- 1 district.

2.04 Mobile Home Lot Standards

- 1) Minimum Lot Area - 4,500 square feet
- 2) Minimum Lot Width - 40 feet measured at setback line.
- 3) Minimum Yard Setback:
 - a) On the front line, the mobile home unit, including accessory structures, shall be set back a minimum of twenty (20) feet from the pavement edge of any street or roadway.
 - b) There shall be a ten (10) feet minimum side separation between each mobile home unit, including all accessory structures from each adjacent mobile home and accessory structures.
 - c) There shall be an open space at the rear of each mobile home, including any accessory structure, of not less than ten (10) feet in depth for the width of the lot.
 - d) No mobile home unit or accessory structure shall be placed closer than twenty-five (25) feet to any perimeter

boundary, recreation building or utility site.

- 4) Maximum height: 1 story - 25 feet
- 5) Maximum Lot Coverage - 44 percent
- 6) Wall Limitations:
 - a) No garden or court wall when attached to a building shall be erected to a height in excess of six (6) feet.
 - b) All other decorative walls, fences or hedges shall not exceed three (3) feet in height.

2.05 Supplemental Regulations, Permitting

The M.H.P.-2 Zoning Classifications is subject to the Supplemental Regulations and all other Articles in this Code.

SECTION 3. M.H.P.-2 SITE DEVELOPMENT STANDARDS

- 3.01 Minimum Mobile Home Park Site Area: 35 contiguous acres with unity of title which may not be subsequently subdivided. The site shall be a unit and divided or separated only by a road or public right-of-way.
- 3.02 Maximum density in M.H.P.-2 district shall be 6 single family mobile home units per acre.
- 3.03 Any single family residential units installed subsequent to the enactment of this Ordinance (except the replacement or reconstruction of units in the M.H.P.-1 district) shall, by exterior measure, contain a minimum of 600 square feet, excluding carports, garages, breezeways, utility room or patio.
- 3.04 The Mobile Home Park site shall be served by a central water supply and central sewage treatment system. Such systems shall be installed and

operated in accordance with the applicable Town, County and State requirements.

- 3.05 Fire hydrants shall be provided in sufficient numbers and situated within the park so that no mobile home or other structure shall be located more than 500 feet from a fire hydrant.
- 3.06 Electrical service provided shall be a minimum of 150 amps for each mobile home.
- 3.07 Street lighting shall be installed to insure a light for each 300 feet of road length and at the end of each cul-de-sac and where dangerous traffic conditions may require. This requirement for street lighting may be met by individual yard lights adjacent to the street at every mobile home unit site. All electrical service shall be underground.
- 3.08 All streets within M.H.P.-2 district shall be paved in accordance with standards set forth herein. The streets are to be owned and maintained by the Developer, his successor or assigns or a Homeowners Association created pursuant to Florida Statutes 723.075.
- 3.09 Elements of street design including, but not limited to horizontal and vertical alignment, grades and elevations, shall be consistent with accepted practice and standards. The design should conform to the Martin County standards and requirements for streets and roadways, latest codes and ordinances.
- 3.10 Materials, construction methods and densities for subgrade, base and surface course of all roads shall conform to Department of Transportation

specifications, or American Association of State Highway and Transportation Officials.

- 3.11 The Mobile Home Park site shall be fenced along the entire perimeter where the Mobile Home Park site is adjacent to and abuts unincorporated property with a fence no less than six (6) feet in height and landscaped. The fence and landscaping shall be approved by the Town Engineer or Mayor prior to construction.
- 3.12 A Mobile Home Park constructed after the effective date of this ordinance shall comply with the standards of the National Fire Protection Association (NFPA). Standards for Fire Safety Criteria for Mobile Home Installations, Site and Communities, latest edition.
- 3.13 A minimum of three (3) percent of the gross land area of a Mobile Home Park shall be required for recreation area.

SECTION 4. M.H.P.-3 ZONING CLASSIFICATION

4.01 Purpose and Intent

The purpose and intent of this district is to provide an area or areas within the corporate limits of the Town to provide for rental space for storage of vehicles of all types for the convenience of residents of the Town of Ocean Breeze Park.

4.02 Uses Permitted

- 1) Rental space for parking and storage of vans, automobiles, trucks, recreational vehicles, trailers, boats and campers.

- 2) Vehicles in storage may not be occupied or used for living quarters.

SECTION 4.1 MULTI-FAMILY/MOBILE HOME PLANNED DEVELOPMENT

ZONING CLASSIFICATION

4.11 Purpose and Intent

The purpose and intent of this district is to provide standards for development of planned developments of either multi-family structures or mobile homes. This district is intended to provide residents of the Town with the benefits of a planned unit development through requiring a more rigorous site plan review process, higher development standards and a negotiated development agreement.

4.12 Uses Permitted Conditionally

- 1) Single-family, multi-family and mobile home (manufactured housing) structures sited based upon an approved overall development plan with a density of up to 6 units per acre.
- 2) Residential storage facilities sited within 300 feet to the west of the East Coast Railroad right-of-way, provided such facilities do not interfere with adjacent residential uses.
- 3) All uses permitted for M.H.P.-1 District.

4.13 Development Standards

- 1) All development will meet the requirements of the Comprehensive Plan, as adopted March 1, 1990, and amended from time to time.

- 2) Maximum height:
2 stories - 30 feet (for structures abutting the Town limits);
3 stories - 35 feet (for structures not abutting the Town limits).
- 3) Lot standards for any mobile home development within the district shall meet or exceed those set forth in Article IV, sections 2.04, 2.05 and 3 and Article VI. Supplemental Regulations.

4.14 Development Concepts to be Considered

- 1) In designing a planned unit development, the applicant shall consider unique, innovative or traditional design features that reflect the most current thinking in community design. These may include, but need not be limited to: (a) architectural compatibility programs to control development within the planned-unit development and in relation to the surrounding community, (b) contributions to the functioning of the surrounding community, (c) features that encourage positive human interaction and discourage negative human behaviors such as theft, violence and other anti-social behavior, (d) housing and income opportunities for a range of living situations and socio-economic characteristics and affordable or available to a range of household income levels, and (e) enhancement of the functioning and beauty of the natural environment.
- 2) The comprehensive plan contains objectives and policies useful for consideration in creating efficient and beneficial planned-unit developments and shall be utilized to provide direction in the matter of concepts to be considered in design of planned-unit developments.

SECTION 5. B-1 BUSINESS DISTRICT

5.01 Purpose and Intent

The purpose and intent of this district is to provide suitable sites for the development of commercial activities of a community-oriented general office, retail and service nature in a centralized location consistent with the Town's adopted Comprehensive Land Use Plan.

5.02 Uses Permitted:

- 1) Office uses, not limited to, but including:
 - a) Brokerage offices: stocks, commodities and real estate
 - b) Employment agencies
 - c) Financial establishments: banks, savings and loans and credit unions
 - d) Medical, dental and eye doctors, including other similar health related professions
 - e) Professional services: accountant, lawyers, architect, engineer and like professionals
 - f) Secretarial and stenographic services
 - g) Studio schools: art, sculpture, dance, pottery and like instruction
 - h) Travel agencies
 - i) Other uses which are similar in nature to the uses permitted above
- 2) Retail and Service establishments, limited to:

- a) Antique shops
- b) Appliance stores
- c) Art galleries
- d) Bakeries: Provided that any such use shall be limited to the preparation of products for on-premises sales and consumption only
- e) Barber, beauty, and skin care shops
- f) Bars and lounges
- g) Bath shops
- h) Bicycle sales, rental and repair
- i) Book and stationary shops
- j) Candy and ice cream shop
- k) Carpet stores
- l) Clothing stores, including specialty apparel item shops
- m) Copying services and printing shops
- n) Cosmetic stores
- o) Department stores
- p) Drapery stores
- q) Drug stores and pharmacies
- r) Dry goods stores
- s) Fabric stores
- t) Florists
- u) Food stores

- v) Furniture stores
- w) Garden supplies and plant nurseries
- x) Gift shops
- y) Hardware stores
- z) Health and exercise studio
- aa) Hobby and handicraft shops
- bb) Home furnishing store
- cc) Jewelry stores
- dd) Laundry and dry cleaning operations
- ee) Luggage and leather goods stores
- ff) Liquor package stores
- gg) Medical and dental laboratories
- hh) Motion picture theatre (indoors only)
- ii) Newspaper offices and stands
- jj) Novelty and curio shops
- kk) Office supply stores
- ll) Optical stores
- mm) Paint and wallpaper stores
- nn) Pet supply and pet shops
- oo) Photographic suppliers, processors, and studios
- pp) Post offices
- qq) Restaurants (fast foods)
- rr) Shoe repair shops

- ss) Sporting goods stores
- tt) Tailors or seamstresses
- uu) Tobacco shops
- vv) Veterinary clinics and animal hospitals
- ww) Any other use which is determined by the Town to be similar in nature to the above listed uses and to conform to the intent of this section.

5.03 Site Development Standards, B-1 District

(Section amended to remove standard for minimum lot area - Ordinance # 110, May 12, 2003)

1) Minimum Setback:

- a) No structure shall be built within 50 feet of the center line of any public platted right-of-way that is not designated a through traffic highway.
- b) No structure shall be built within 65 feet of the center line of a designated through traffic highway.

2) Maximum height of building: four (4) stories or 50 feet above grade level.

3) Required Utilities: a central water supply and a central sewage treatment system shall be required.

4) Parking Requirements:

- a) Five (5) off-street parking spaces for each 1,000 square feet of gross commercial floor area. (Ordinance #110, May 12, 2003)
- b) Off-street parking space in the B-1 District shall require a

minimum of 180 square feet, 9 x 20, for each automobile parked, exclusive of access drives or aisles thereto. Off-street parking areas, including access drives and aisles shall be paved according to Martin County specifications, and shall be marked by painted lines to indicate individual parking spaces. No certificates of occupancy shall be issued until the required parking facilities have been provided, inspected and approved.

c) Plans Required:

A plan shall be submitted with every application for a building permit for any building or use that is required to provide off-street parking. The plan shall, in addition to showing the detailed construction, accurately designate the required parking spaces, access aisles and driveways, and the relation of the off-street parking facilities to the uses or structure such facilities are designated to serve. When parking facilities are required, the plans therefor shall be approved the Town Engineer prior to the issuance of a building permit.

SECTION 6. STRUCTURAL CHANGES, REMODELING OR

RECONSTRUCTION OF BUILDING EXTERIOR - B-1

6.01 Any building in the B-1 zone to which structural changes are proposed or the exterior is to be remodeled, modified or reconstructed shall require a building permit prior to commencement of any work,

- 6.02 Request for such permit shall be submitted to the Town clerk along with detailed plans of the work proposed which shall issue the building permit after approval of the plans by the Town Engineer .

SECTION 7. OCCUPATIONAL LICENSES - B-1.

- 7.01 No commercial building shall be used or occupied until an Occupational license has been applied for and issued. In most cases the Occupational License and Certificate of Occupancy may be applied for and issued concurrently.
- 7.02 The Occupational License shall be applied for, approved, and issued by the Town Clerk after approval by the Town Engineer.
- 7.03 The Town clerk shall maintain a record of all Certificates of occupancy and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the structure affected.
- 7.04 No building permit or Certificate of Occupancy shall be issued for any structure where said construction addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

SECTION 8. SUPPLEMENTAL REGULATIONS - B-1

The B-1 zoning classification is subject to the supplemental regulations and all other articles in this Code.

ARTICLE V
SUBDIVISION REGULATIONS

SECTION 1. APPLICABILITY

Any division or platting of land into three (3) or more lots, tracts, or parcels for the purpose of sale or lease, including planned unit developments, any establishment of new streets and alleys, whether public or private, any changes in an existing platted street or alley, whether public or private, or any additions and re-subdivisions of any parcel divided or platted after the effective date of this article shall comply with the standards, procedures and requirements of this article and all other applicable ordinances.

SECTION 2. COMPLIANCE WITH STATE STATUTE

In addition to the requirements contained herein, all laws and regulations of the State of Florida pertaining to the platting and replatting of lands shall be complied with, and no waiver or modification of any such law or regulation is to be implied by any requirement contained herein. Specific reference in this regard should be made to the requirements of Chapter 177, Part I, Florida Statutes.

SECTION 3. REVIEW PROCEDURES

As a means of organizing the subdivision review and approval procedure, applicants and Town officials shall utilize the subdivision plat approval procedures set out by the relevant ordinance of Martin County. These procedures generally include a pre-application conference, preliminary plan approval and final record plat approval.

Alternatives to these review procedures, agreed to in writing by the Town Council and applicant, shall be allowed if consistent with all applicable laws and ordinances.

SECTION 4. MINIMUM STANDARDS

Subdivision design and construction design for required improvements shall conform to applicable state statutes. As a guide, applicants shall use the minimum subdivision standards set out by the relevant ordinance(s) of Martin County. Deviation from these standards shall be allowed by the Town Council upon a finding that improved community design and the public interest can be realized as a result of such deviation and that no violation of law will so result. Convenience or reduced cost to the Town or developer shall not be construed as, by themselves, constituting improved community design or serving the public interest.

All subdivisions shall meet the requirements of the applicable zoning district regulations, the adopted comprehensive plan and all other applicable ordinances of the Town of Ocean Breeze Park.

SECTION 5. IMPROVEMENTS

5.01 Improvements Required

Any proposed subdivision plat shall be required to meet all subdivision platting requirements and receive tentative approval prior to installation of improvements. In lieu of completing all required improvements prior to recordation of the approved final plat, the developer shall have the option of providing a bond or pledge in lieu of completion of improvements.

Required improvements may include but not be limited to: (1) improvements to roadways and other paths, (2) stormwater management improvements, (3) water, sewer and other utility mains, piping and connections, and (4) landscaping improvements for public areas, etc.

- 5.02 Performance Security and Maintenance of Improvements where security is posted to insure completion of required improvements, such security shall be acceptable to the Town Council. Security shall be posted in the amount of one hundred (100) per cent of the estimated costs of improvements, which estimate shall be prepared by an engineer registered in the State of Florida to practice professional engineering. Upon completion and approval of the Town Engineer of all required improvements, ninety (90) per cent of the posted security will be released by the Town. At the time of acceptance by the Town Council of the improvements for maintenance a ten (10) per cent warranty security will be held for an additional twelve (12) months, following which time, if all improvements are free of defects due to faulty field engineering, workmanship or materials, this ten (10) per cent of the security will be released by the Town Council.

SECTION 6. RECORDATION OF PLAT

Upon approval of the final plat by the Town Council, the Town Clerk shall record the plat on the appropriate maps and documents, and shall, at the developer's expense, record the plat in the official county records.

ARTICLE VI
SUPPLEMENTAL REGULATIONS

SECTION I. FENCES, WALLS AND HEDGES

1.01 General Requirements:

- 1) Chain-link fences, wooden fences, masonry walls or plant matter may be used to provide visual screening between all residential use areas and adjacent non-residential use areas.
- 2) The Town may require the screening of any use or condition considered detrimental, to the use and enjoyment of adjacent properties.
- 3) All plans for visual screening using plant or vegetation materials shall first be approved by the Mayor of the Town or such Town representative as the Mayor may designate.
- 4) Where Town property abuts non-incorporated property with a use classification different from the use classification of the Town property, the Town may require a buffer zone of 25 feet or more.

1.02 Prohibitions:

- 1) No fence, hedge or wall shall be erected, constructed, installed or maintained within six (6) feet of a fire hydrant or other emergency apparatus.
- 2) No fence, hedge or wall shall be erected, constructed, installed or maintained that creates in any manner a visual obstruction to

vehicular traffic.

1.03 Permits

All fences, hedges or walls shall comply with building permit procedures.

1.04 Construction and Maintenance;

1) All fences and walls shall be constructed to comply with the Standard Building Code, latest edition.

2) No fence or wall shall be constructed of materials which will be hazardous to the health, safety or welfare of persons or animals.

3) All fences, walls and hedges shall be maintained in safe, non-hazardous condition and good appearance.

SECTION 2. SETBACKS

Every part of every required front, side and rear yard setback shall be open and unobstructed.

2.01 Allowable Encroachments:

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

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

3) Window air conditioning units may project up to eighteen (18) inches into a required side yard.

- 4) In residential districts, cantilevered awnings may extend up to three (3) feet into required front yards and up to three (3) feet into required side or rear yards, but not closer than three (3) feet to any lot line.
- 5) Required yard setbacks shall apply to all structures, except fences and walls which do not exceed six (6) feet in height.

SECTION 3. WATERFRONT AND DOCKS

No bulkhead, dock, or retaining wall shall be erected, constructed or built in any waters or land abutting thereon unless plans and specifications have been submitted to and approved by the Town Council.

SECTION 4. OFF-STREET PARKING REQUIREMENTS

4.01 General Regulations:

- 1) Residential - For each dwelling constructed or erected after the effective date of this Ordinance there shall be not less than two (2) off-street parking spaces.
- 2) Office Building - There shall be a minimum of one (1) off-street parking space for each two hundred (200) square feet of gross floor area, excluding elevator shafts, stairways and hallways.
- 3) Shopping Centers - There shall be a minimum of five (5) off-street parking spaces for each one thousand (1,000) square feet of gross leasable area.
- 4) A plan of parking facilities shall accompany each application for a building permit or certificate of compliance. The completion of the

improvements for parking according to such a plan shall be a requisite for issuing of the permit or certificate of occupancy.

- 5) No overnight parking shall be permitted on street, roads or right-of-ways in any residential area of the Town, except as may be accommodated in the overall design scheme of a planned unit development.

SECTION 5. PARKING LOT DESIGN AND CONSTRUCTION STANDARDS

(Ord. 29)

- 5.01 This Article is enacted for the purpose of establishing minimum sound design and construction criteria, so as to achieve improvements that will be compatible with public need and at minimum long range cost to the taxpayers of the city. These specifications do not relieve the engineer or contractor of the responsibility of correcting local deficiencies resulting from conditions not covered herein, which come to light before the city gives final approval of the construction. Criteria not covered herein shall conform to good engineering and construction practice.
- 5.02 Prior to commencing the installation of construction of a parking lot, the owner of the property or the person desiring to install or construct it shall submit plans thereof to the city engineer and obtain his approval. Such plans shall show proposed finished grades, adjacent floor slab elevations, pavement cross-section, drainage, elevations of adjacent streets, et. Stall and aisle dimensions must be shown. Plans that do not show the previous mentioned items will not be accepted for approval. Minimum plan size

shall be eight and one-half (8-1/2) inches by fourteen (14) inches.

Parking lot plans shall be submitted to the city engineer for approval with sufficient time for study.

- 5.03 A parking lot space shall not be less than ten (10) by twenty (20) feet, exclusive of maneuvering area and driveways. It shall be connected with a street or alley which affords satisfactory ingress and egress.

The minimum width in feet of stalls and aisles shall be:

	Para.	30°	45°	60°	90°
One-way traffic stalls, one side	20	30	32	38	46
One-way traffic stalls, both sides	32	44	50	56	64
Two-way traffic stalls, one side	28	40	42	44	48
Two-way traffic stalls, both sides	38	54	60	62	66

**The minimum curb length for stalls
shall be:**

Para.:	Number of cars	X	23'	+0'	= Curb length
30*	Number of cars	X	20'	+2'	= Curb length
45°	Number of cars	X	14'	+8'	= Curb length
60°	Number of cars	X	12'	+7'	= Curb length
90°	Number of cars	X	10'	+0'	= Curb length

Paving width may be reduced two (2) feet per side when cars will overhang landscaped areas or sidewalks located on the property. This shall not be construed to permit

overhangs on adjacent or public property.

5.04 The numbered parking spaces shall conform to section of this Code.

5.05 Parking lots, regardless of size, shall provide for proper drainage which should conform to the following:

- (a) The longitudinal gradient shall be three-tenths (0.3) percent.
- (b) All runoff must be collected within the limits of the proposed parking lot area and carried to the nearest drainage structure by a reinforced concrete pipe. In cases where a drainage structure does not exist, other methods must be used: i.e., soaking pits.
- (c) The minimum size of reinforced pipe shall be twelve (12) inches.
- (d) Parking lots with less than five thousand (5,000) square feet in area are not required to provide drainage as specified in subsection (b) above, provided the runoff is taken care of by a method approved by the city engineer. Overland water shall not be allowed to run into adjacent lots.
- (e) Where parking areas of less than five thousand (5,000) square feet are proposed for the expansion of an existing parking lot, subsection (d) shall not apply and regulations set forth in subsection (b) must be followed for approval.

5.06 Pavement shall be required for all off-street parking areas with the exception of those areas provided for single family residences and duplexes. Special establishments will be allowed to provide grassed areas for parking for a portion of the required parking as follows: Recreational facilities, churches and other establishments which are subject to occasional or periodic use shall only be required to provide paved parking for spaces that are used on a regular daily basis.

5.07 Asphalt paved parking lots must comply with the following minimum requirements:

- (a) Non-truck traffic. Parking lots subject to no or very light truck shall consist of:

- (1) Surface: One inch of type II asphaltic concrete surface with a Hubbard field stability of not less than one thousand two hundred (1,200) pounds.
- (2) Base course: Four (4) inches of compacted limerock with average density of not less than ninety-eight (98) percent as determined by AASHO-T-180 Proctor; or six (6) inches of shell which shall be mollusk shell (oyster, mussel, clam, etc.). Steamer shell shall not be the total shell material shall be retained on a No. 4 sieve. Not more than seven and one-half (7.5) percent (by weight) of the total shell materials shall pass the No. 200 mesh sieve when determined by Elutriations (washing).
- (3) Subface: Six (6) inches of stabilizing subface with a minimum Florida bearing Value of fifty (50) p.s.i.

- (b) Truck traffic. Parking lots subject to truck traffic shall comply with the requirements for city maintained streets as specified in sections

5.08 Concrete pavement construction shall consist of six (6) inches of three thousand (3,000) p.s.i. concrete with six (6) by six (6) No. 10 wire mesh reinforcement over subgrade with a Florida Bearing Value of fifty (50) p.s.i. minimum. The subgrade preparation setting forms, placing concrete and reinforcement shall comply with Sections 350-4 through 350-7 of the D.O.T. Standard Specifications.

5.09 Tests shall be run by a certified testing laboratory. All testing costs shall be borne by the contractor. The following tests shall be made:

- (a) Florida bearing value and density tests shall be taken for every five thousand (5,000) square feet for lots up to and including ten thousand (10,000) square feet in size. For lots over ten thousand (10,000) square feet but less than fifty thousand (50,000) square feet in size, tests shall be taken every ten thousand (10,000) square feet. Lots in excess of fifty thousand (50,000) square feet in size shall have tests taken as required by the city engineer. Representative AASHO-T-180 shall be taken in all lot sizes as required.
- (b) Limerock base: Field density tests shall be taken at the same rate as specified in subsection (a) above.
- (c) Shell base: Field density tests shall be taken at the same rate as specified

in subsection (a) above.

- 5.10 Testing results shall be submitted to the city engineer prior to final approval of completion. The city engineer shall reserve the right to require testing of the asphaltic concrete surface (type II).

As prerequisite for the city engineer's final inspection for all parking lots with an excess of ten thousand (10,000) square feet in area, the engineer shall submit a certification that all of the required improvements are complete; that he has inspected these improvements during their construction in accordance with the current city specifications; that improvements conform to approved plans, except for any deviations noted on the "as-built" drawings and enumerated hereafter and that such deviations will not result in functional, structural, maintenance or nuisance problems. The engineer shall submit signed "as-built" drawings and a complete set of test reports. In cases where parking lots are less than ten thousand (10,000) square feet in area, the paragraph above will apply at the discretion of the city engineer depending upon the complexities due to drainage or related matters.

SECTION 6. ELECTRIC SIGNS

- 6.01 No exterior electric signs shall be permitted except upon written approval of the Mayor.
- 6.02 All applications for approval of exterior electric signs shall be in writing and include a drawing of the proposed sign with complete dimensions and requested location. All such applications shall be directed to the Town Clerk for processing.

SECTION 7. SITE AND UTILITY CONSTRUCTION STANDARDS ADOPTED

- 7.01 All site and utility construction standards shall be in conformance with the provisions pertaining thereto, as set forth in Martin County Code which provisions are hereby incorporated by reference with the exception of the Storm Water retention and discharge requirements which shall be in conformance with the South Florida Water Management District Standards which standards are incorporated by reference.
- 7.02 All building construction standards shall be in conformance with Standard Building Code, latest edition, which code is hereby incorporated by reference.
- 7.03 Nothing herein shall be construed as requiring the Town to implement fees or fee schedules set forth in the codes incorporated herein by reference. The Town may, however, establish a fee schedule for certain activities and such fee schedules shall be available at the office of the Town Clerk.

SECTION 8. COMPATIBILITY WITH ADJACENT USES

Regulations throughout this Zoning and Land Development Code and the Comprehensive Plan are based upon maintaining and creating compatibility between adjacent uses. Implementation of the policies and objectives contained in the Future Land Use Element of the Comprehensive Plan through application to new development and re-development plans will assure that this goal is realized. Any change in zoning or future land use plan designation shall occur only pursuant to a finding by the Town Council that such change will not result in incompatibility with adjacent uses.

SECTION 9. OPEN SPACE REQUIREMENTS

Various regulations throughout this Zoning and Land Development Code and the Comprehensive Plan result in the organization and preservation of open space. Specific open space requirements established in the Comprehensive Plan include, but are not limited to, those contained Policy 1.8 of the Future Land Use Element.

SECTION 10. PROTECTION OF POTABLE WATER WELLFIELDS

No identified cones of influence for potable water wells and wellfields exist within the Town's boundaries. As stated in section F.2. of the Sanitary Sewer, Solid Waste, Drainage and Potable Water and Natural Ground Water Aquifer Recharge Element of the Comprehensive Plan, the Town is expecting to cooperate with Martin County should it be demonstrated in the future that cones of influence exist or will, exist within the Town's boundaries. Land uses which present potential danger to the quality and protection of ground water may be prohibited or regulated at that time.

SECTION 11. FLOOD PROTECTION, DRAINAGE & STORMWATER MANAGEMENT LEVEL OF SERVICE STANDARD

The stormwater management level of service (LOS) standards adopted in the Ocean Breeze Park Comprehensive Plan are met by the permitting requirements already established by the Florida Department of Environmental Regulation (DER) and the water management district. All development required by State law to acquire permits from the DER and/or the regional water management district, must acquire said permits before a development order can be issued by the Town of Ocean Breeze Park. In addition, the

policies and objectives of the Coastal Management and Sanitary Sewer, Solid Waste, Drainage and Potable Water and Natural Ground Water Aquifer Recharge Elements of the Comprehensive Plan which address flood protection, drainage and stormwater management and Ordinance #52, as it may be amended from time to time, shall be applicable to all new development.

SECTION 12. ENVIRONMENTALLY SENSITIVE LANDS

In addition to meeting the protection of environmentally sensitive lands requirements of the Comprehensive Plan, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply. In addition, the policies and objectives of the Conservation and Coastal Management Elements of the Comprehensive Plan shall be applicable to all new development.

ARTICLE VII

BUILDING CODE AND PERMITS (Ordinance 29)

SECTION 1. APPLICABILITY OF STATE STANDARDS

The Building Construction standards set forth in Parts I, II, III, V, and VI of Chapter 553 of Fla. Statutes, 1981, are hereby declared to be applicable to all construction undertaken within the Corporate limits of the Town.

SECTION 2. ADOPTION OF STANDARD BUILDING CODE

The Standard Building Code, as promulgated by the southern Building Code Congress, International, Inc., is hereby adopted as the Building Code for the Town.

SECTION 3. CREATION OF BUILDING DEPARTMENT

The Town Commission shall from time to time designate one of the Town Commissioners as the Director of the Town Building Department, and said Director shall have the power to appoint, oversee and discharge a minimum of one, and maximum of three, Building Inspectors. The Building Director shall supervise the Building Department which shall enforce and administer the Building Code of the town pursuant to the direction of the Town Commission.

SECTION 4. BUILDING PERMITS

No construction of any type shall be undertaken in the Town without prior issuance of a Building Permit therefor by the Building Director. Permits shall be issued only to contractors qualified to obtain Building Permits from the Martin County Building Department or bona fide owners of property who in good faith intend to construct a building and have demonstrated to the Building Director the requisite ability to carry out such work.

SECTION 5. BUILDING PERMIT FEES

No permit required for construction within the corporate limits of the Town shall be issued until all fees for such permit have been paid in accordance with the following schedule of permit fees, viz.:

<u>Total Valuation</u>	<u>Fee</u>	<u>Plus Surcharge</u>
\$0 to \$100.00	None (but if inspection is necessary, an inspection fee of \$10.00 will be charged)	None
\$101.00 to \$ 2000.00	\$ 10.00	\$ 3.00
\$ 2001.00 to \$15,000.00	\$10.00 for the first \$2,000.00, plus \$3,00 for each additional thousand or fraction thereof, to and including \$15,000.00	\$1.00 per \$1,000.00 or any fraction thereof
\$15,001.00 to \$50,000.00	\$49.00 for the first \$15,000.00, plus \$2.50 each additional thousand or fraction thereof, to and including \$50,000.00	\$1.00 per \$1,000.00 or any fraction thereof
\$50,001.00 to \$100,000.00	\$136.50 for the first \$50,000.00, plus \$2.00 for each additional thousand or fraction thereof, to and including \$100,000.00	\$1.00 per \$1,000.00 or any fraction thereof
\$100,001.00 to \$500,000.00	\$236.50 for the first \$100,000.00, plus \$1.25 for each additional thousand or fraction thereof, to and including \$500,000.00	\$1.00 per \$1,000.00 or any fraction thereof

\$500,001.00 and up

\$736.50 for the first \$500,000.00,
plus \$0.75 for each additional thousand
or fraction thereof

\$1.00
per
\$1000.00
or any
fraction
thereof

SECTION 6. SUBSTITUTION OF PERMITTEE

Should a property owner or general contractor become dissatisfied with a contractor in whose name a permit required by this Chapter has been issued and shall dismiss said Permittee, the property owner or general contractor must submit a letter to the Building Director stating the following:

6.01 (1) _____ has

been dismissed and has been relieved of all liability on the
(nature of work) already completed.

(2) It is desired to employ another in good standing
within the Town to complete such work.

(3) The Town will be held harmless from any claim in this
matter.

6.02 The proposed new Permittee shall submit a letter to the
Building Director stating the following :

(1) That he requests that his name be substituted as Permittee
on the applicable Permit.

(2) That he has examined the job and will accept
responsibility for the entire job.

(3) That he will complete said job in a workmanlike manner.

(End of Ordinance 29 insert)

ARTICLE VIII
CONCURRENCY

SECTION 1. CONCURRENCY REQUIREMENT

Development orders shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development. Unless public facilities and services which meet or exceed such standards are available at the time the development permit is issued, development orders shall be specifically conditioned upon availability of the public facilities and services necessary to serve the proposed development. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that development are available and meet the adopted level of service standards concurrent with the impacts of the development. Phased facilities and services to be provided by the local government shall be included in and consistent with the Capital Improvements Element of the Comprehensive Plan.

SECTION 2. COMPREHENSIVE PLAN CAPITAL IMPROVEMENTS
ELEMENT

All new development must comply with the policies, objectives and level of service standards established in the Capital Improvements Element of the Comprehensive Plan.

SECTION 3. REQUIRED ANALYSIS AND DEVELOPMENT AGREEMENT

Prior to granting any development approval, the Town Council shall cause to be conducted a technical analysis relating to the proposed development and the concurrency requirement regarding required public facilities and services. Said analysis shall be in written form and be made a part of the record for any considered development approval. Assurances that the concurrency requirement is being met shall be based upon the completed technical analysis and, when public facilities and services are to be provided by the developer, shall be guaranteed in an enforceable development agreement.

ARTICLE IX
ADMINISTRATION AND ENFORCEMENT

SECTION 1. ADMINISTRATION

1.01 There is hereby created a Zoning Board which shall comprise all the members of the Town Council, including the Mayor of the Town of Ocean Breeze Park.

1.02 This Ordinance shall be enforced by the Mayor of Ocean Breeze Park.

1.03 Duties of Zoning Board:

- 1) To review all proposals to amend, supplement or replace the Zoning and Land Development Ordinance or any part thereof and take appropriate action and to provide special exceptions in event of hardship.
- 2) To promptly and diligently conduct investigations on all matters pursuant to the provisions of this Ordinance.
- 3) The Mayor shall report to the Town Council, from time to time at the regular meetings on all matters pursuant to the provisions of the Ordinance.

SECTION 2. BUILDING PERMITS

2.01 No building or structure, whether of a permanent or temporary character shall be erected, added to or structurally altered until a required building permit therefor has been issued by the Town. The Town Engineer or Building Inspector, if any, shall make the necessary review of the project

and recommend issuance of the required permit by the Town Clerk who shall maintain a file and record on all such permits issued. No Building Permit or Certificate of Occupancy shall be issued for any structure where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this Ordinance.

2.02 All applications for Building Permits shall include three (3) copies of a layout or building plan drawn to scale showing the exact size and location on the lot of the structure and accessory building to be erected or alterations to a building already erected, as well as the elevations of such buildings, proposed finished grade of lot, and such other information as may be necessary to determine and provide for the enforcement of this Ordinance.

2.03 One (1) copy of such layout or building plan shall be returned when approved by the Mayor and/or designated Town Engineer.

SECTION 3. CERTIFICATE OF OCCUPANCY

3.01 No building constructed, erected, altered or repaired, after the effective date of this Ordinance shall be used or occupied until a Certificate of occupancy has been issued by the Town Clerk after verification by the Town Engineer or Building Inspector, if any, that the structure or proposed use thereof complies with all provisions of this Ordinance.

3.02 All Certificates of Occupancy shall be applied for after the final building inspection and said Certificate of Occupancy shall be issued within ten (10) days after the date of application, provided, the final inspection

certifies that the structure has been completed and complies with the provisions of this Ordinance.

- 3.03 The Town Clerk shall maintain a record of all certificates and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the structure affected.

ARTICLE X
AMENDMENTS

SECTION 1

- 1.01 The Town Council may from time to time on its own motion, or on petition of property owners, amend, supplement or repeal the regulations and provisions of this Ordinance. No such amendment, supplement, or repeal of the ordinance shall be made until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten (10) days notice of the time and place of such hearing shall be given by publishing a Notice of such public hearing in a newspaper of general circulation printed in Martin County and posting a Notice thereof upon the Town Bulletin Board.
- 1.02 A petition by any property owner to amend, supplement or repeal this Ordinance or any part thereof, shall be submitted to the Town Council and to the Planning and Zoning Board, if there is such a Board. After review of the petition, and the recommendation of the Planning and Zoning Board, if any, the Town Council shall proceed to hold a public hearing in regard thereto after publishing a Notice of such public hearing in a newspaper of general circulation printed in Martin County giving at least ten (10) days notice of the time and place of such hearing and posting a copy of the notice on the Town Bulletin Board.
- 1.03 In lieu of publishing a Notice of such public meeting in a newspaper of

general circulation printed in Martin County, as provided in Section 1.01 and Section 1.02 of Article X, the Town may mail a notice of hearing to each person owning real property within the area covered by the petition to amend, supplement or repeal this Ordinance or any part thereof. Said written notice shall provide at least ten (10) days notice of the meeting date and the time and place of the meeting.

ARTICLE XI

LEGAL PROVISIONS

SECTION 1. VALIDITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 2. INTERPRETATION

Where this ordinance is internally inconsistent or in conflict with the comprehensive Plan, the most restrictive provision will apply. Where this Ordinance is in conflict with, or is inconsistent with, the provisions of any other Ordinance of the Town of Ocean Breeze Park, the provisions of this Ordinance shall control.

SECTION 3. VIOLATIONS AND PENALTIES

- 3.01 Any person, firm, partnership or corporation violating any of the Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.
- 3.02 Each day that a violation of this Chapter is continued or permitted to exist without compliance shall constitute a separate offense punishable upon conviction in the manner prescribed in this Section.

3.03 As an alternative to prosecution for violations of the Ordinance as a misdemeanor, the Town of Ocean Breeze Park may obtain an injunction in any court having jurisdiction over violations of the Town Zoning Ordinance to prevent, abate or terminate any violation of this zoning ordinance.

3.04 This Ordinance is hereby declared necessary for the preservation of the peace, health, safety and welfare of the residents of the Town of Ocean Breeze Park and this Ordinance shall become effective immediately upon its final passage and adoption.

SECTION 4. EFFECTIVE DATE

Passed and adopted by the Town Council of Ocean Breeze Park, Florida, this 3rd day of August, 1990.

ATTEST

TOWN COUNCIL
TOWN OF OCEAN BREEZE PARK

BY

Sharon D. Chickey
TOWN CLERK

Dorothy Geeben
PRESIDENT

APPROVED AS TO FORM

APPROVED:

Wm. F. (Rick) Crary, II
TOWN ATTORNEY

Ruth L. Hoke
MAYOR

A R T I C L E X I I
PLANNED UNIT DEVELOPMENT ZONING DISTRICT
(O r d i n a n c e # 1 6 9)

SECTION 1 PLANNED UNIT DEVELOPMENT ZONING DISTRICT. It is the intent of this Article to permit development consisting of residential and commercial uses, as permitted herein, within a single development under a unified master development Plan. The objective of this planned unit development is to allow greater flexibility in design and development standards relative to specific dimensional regulations, encourage ingenuity and originality in subdivision and site design while preserving open space to serve recreational, scenic, habitat preservation and other public service purposes, and provide commercial and a mix of housing types and housing cost levels within the same project.

1.01 It is the purpose of this Article to provide the submittal, review and approval process for the development of property under a planned unit development agreement and to establish the minimum development standards for the future development of the West Parcel, in an effort to accommodate market based housing, senior housing units, affordable housing units, an assisted living facility and commercial uses consistent with this Article and the Town's Comprehensive Plan.

1.02 In addition to the master site plan ("OBP West Master Plan") and planned unit development agreement ("OBP West PUD") to be approved for the entire forty-five (45) acres, more or less, located west of the railroad tracts excluding the existing commercial development ("West Parcel"), each development tract existing, or to be created at a later date, shall submit for review and approval by the Town a final site plan consistent with this Article, the OBP West Master Plan, OBP West PUD and the Town's Comprehensive Plan, as the same may be amended from time to time.

1.03 In the event of a conflict between the terms and conditions of this Article and other articles within these land development codes, the terms and conditions of this Article shall control.

SECTION 2 DEVELOPMENT APPLICATIONS AND APPROVALS

2.01 Applications for development approval shall be obtained from, and filed with, the Town Mayor, or his/her designee. Any application for development approval shall contain the requirements set forth in this Article, as applicable, and shall include the following:

- 1) a statement of unity of ownership of the property subject to the application, or a copy of the contract to purchase agreement, or a notarized form authorizing an agent to represent an owner or contract purchaser for the subject property, whichever is applicable;
- 2) a project narrative requested development approvals;
- 3) a legal description of the property subject to the application;
- 4) a survey of the property subject to the application prepared within six months of the application date and signed by a land surveyor registered in the State of Florida;
- 5) applications for final site plan approval shall include a traffic impact analysis, in compliance with existing Town and Martin County regulations and requirements;
- 6) if common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, a statement as to how such common facilities are to be provided and permanently maintained;
- 7) if development is to occur in phases, such phases should be clearly delineated on the proposed final site plan and identified in the plans and requirements appurtenant to that site plan, and each development phase shall be subject to site plan review by the Town;
- 8) such additional data, maps, plans or statements as may be required by the Town for the particular use or activity involved, including impacts on affected community facilities and services created by the development;
- 9) such additional data as the applicant may believe is pertinent to the site plan; and
- 10) assurances to the Town that the Applicant shall be responsible for all review fees incurred by the Town in the review of the application and any necessary inspections, including threshold inspections, as necessary.

2.02 Review Process

- 1) A development application, in a form provided by the Town shall be filed with the Town Mayor, or his/her designee, including all supporting information, documentation and fees as may be required by the Town.

2) Within ten (10) days of receipt of an application for development approval filed pursuant to this Article, the Town Mayor, or his/her designee, shall transmit the application to all applicable Town employees, consultants and state and local entities, as appropriate, for review and comment on the application's compliance with the Town's Comprehensive Plan, Land Development Code and, as applicable, the OBP West Master Plan and planned unit development agreement.

3) The Town, and all reviewing individuals, consultants and agencies, shall have sixty (60) days to review the application and provide comments to the Town Mayor, or his/her designee ("Review Period"). If, due to unique circumstances, additional review time is deemed necessary, the applicant shall be notified by the Town of such additional time requirements.

4) Within ten (10) days of the end of the Review Period, the Town shall provide the applicant with a staff report which shall specifically detail any noncompliance issues or other issues related to the application.

5) If there are non-compliance issues set forth in the staff report, the Applicant shall have ninety (90) days to resubmit the application, or such longer time as may be necessary to allow the applicant to adequately respond to any issue raised by the Town or other comments or issues from any state or local agency. The Town may grant extensions to this deadline upon request of the applicant.

6) If no issues are raised in the staff report, or with any resubmittal thereafter, or at the request of the applicant, the application shall be set for consideration by the Zoning Board within 30 days of the staff report or the request by the applicant, or at such later time as may be agreed to by the applicant.

7) Zoning Board

a) The Zoning Board shall consider the application within thirty (30) days of the Town's staff report or request by the applicant, unless additional time is required due to the lack of a quorum, information is required, for other reasons beyond the reasonable control of the Zoning Board and/or staff, or as otherwise agreed to by the applicant.

b) Notice of the hearing on the application shall be provided to all property owner associations within Town of Ocean Breeze Park, to all owners of property within

300 feet of the property subject to the application, whether within the Town of Ocean Breeze Park or not, and to such other individuals or entities and in such manner as may be required by Florida law. Such notice shall be sent by the applicant at least ten (10) days prior to the Zoning Board hearing on the application, and include, at a minimum, the date and time of the meeting, the legal description of the subject property and a note that information on the application is available from the Town Clerk. Using the latest ad valorem tax records the applicant shall provide the Town a list of all property owners within a distance of three hundred (300) feet, including roads or streets, in all directions from the subject property. In addition, the Applicant shall post such notice at the Town Office and the Town Hall at least ten (10) days prior to the Zoning Board hearing on the application.

c) The Zoning Board shall hold a public hearing and consider the application, the staff report, any applicant response and any public comment. After the conclusion of the public hearing, the Zoning Board shall recommend the application to the Town Council for approval, for approval with modifications or for denial. The Zoning Board may continue an application for a reasonable period of time, however, the applicant shall have the right to request that the Zoning Board act on the application at any time.

8) Town Council

a) The Town Council shall consider an application within thirty (30) days of the Zoning Board's action on the application, unless additional time is required due to the lack of a quorum, if additional information is required, for other reasons beyond the reasonable control of the Town Council and/or staff, or as otherwise agreed to by the applicant.

b) Notice of the hearing on the application shall be provided to all property owner associations within the Town of Ocean Breeze Park, to all property owners within 300 feet of the property subject to the application, whether within the Town of Ocean Breeze Park or not, and to such other individuals or entities and in such manner as may be required by Florida law. Notices shall be sent out by the applicant at least ten (10) days prior to the Town Council hearing on the application, and include, at a minimum, the date and time of the meeting, the legal description of the subject property and a note that information on the application is available from the Town Clerk. In the event new ad valorem tax records have

been certified by the local government since the date of the Zoning Board hearing, the Applicant shall provide the Town an updated list of all property owners within a distance of three hundred (300) feet, including roads or streets, in all directions from the subject property. In addition, the Applicant shall post such notice at the Town Office and the Town Hall at least ten (10) days prior to the Town Council hearing on the application.

c) The Town Council shall hold a public hearing and consider the application, the staff report, any applicant response and any public comment. At the conclusion of the public hearing, the Town Council shall approve, approve with modifications or deny the application, which shall constitute the final action of the Town. The Town may continue an application for a reasonable period of time, however the applicant shall have the right to request that the Town Council act on the application at any time. Required notices may be combined so long as all applicable time frames are met.

SECTION 3 PERMITTED USES

3.01 The following uses may be permitted within the OBP West PUD Low Density and Medium Density Future Land Use Categories:

- 1) Single family
- 2) Multifamily
- 3) Senior Housing
- 4) Assisted Living Facility
- 5) Nursing Home
- 6) Adult Care
- 7) Affordable Housing
- 8) Foster Homes
- 9) Group Homes
- 10) Mobile Homes
- 11) Community Garden and Garden House
- 12) Customary accessory uses and buildings provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot as the principal building and accessory uses may include, but are not necessarily limited to, private garages, carports, sheds, workshops, guest quarters, granny flats, pavilions, pools, patios, screen enclosures, barbecue pits, carports, awnings, gazebos, green houses, kids play equipment, and storage structures.
- 13) Clubhouse developed in conjunction with a residential, assisted living, nursing home, or adult care facility project for the intended use and enjoyment of the residents and guests of the project. Clubhouses may contain customary uses, including but not necessarily limited to, fitness center, kitchen facilities, meeting/social room, movie room, and entertainment facilities for the use and enjoyment of the residents and guests.
- 14) Administrative Sales and Operation Offices developed in conjunction with a project for the primary use of the management of the

sales efforts and association affairs of the residents or owners of the project.

15) Dining Facilities developed in conjunction with an assisted living nursing home, or adult care facility for the use and enjoyment of the residents and guests of the project.

16) Model Homes and/or Sales Centers

3.02 The following uses may be permitted in the Commercial Land Use Category:

- 1) Business, Professional or Medical Offices
- 2) Financial establishments
- 3) Studio schools such as art, sculpture, dance, pottery and similar instruction
- 4) Travel agencies
- 5) Retail and Service establishments, excluding the following uses:
 - a) Adult Businesses
 - b) Automotive sales or service
 - c) Construction Industry Trades
 - d) Wholesale operations
- 6) Restaurants
- 7) Veterinary clinics and animal hospitals, and customary uses, but specifically excluding outdoor kennels
- 8) Mobile Homes, when and if permitted by the Town's Comprehensive Plan
- 9) Any other use which is determined by the Town Council to be similar in nature to the above listed uses and to conform to the intent of this section.

SECTION 4 DEVELOPMENT STANDARDS

4.01 All planned unit development projects shall comply with the minimum development standards and provisions set forth in this Section, in addition to the Comprehensive Plan and all terms and conditions established in the master site plan and planned unit development agreement for the subject property. The OBP West Master Plan and, as appropriate, the planned unit development agreement for the West Parcel, shall provide the specific development standards implementing the provisions set forth in this Section.

4.02 Density

- 1) The gross density for any project shall not exceed the density allocation set forth in the Town's Comprehensive Plan for the respective land use category, including density bonuses.
- 2) The maximum allowable density for a project shall be measured by the gross acreage of all parcels included in a development application.

4.03 Lot Dimensions

- 1) Unless otherwise approved by the Town, the minimum lot area for the following residential development types shall be as follows: (a) minimum 4,000 square feet for a single family lot, (b) minimum 2,500 square feet for a mobile home lot, minimum 5,000 square feet for a duplex, (d) minimum 1,500 square feet for townhomes. Minimum lot areas for all other types of permitted development types shall be as established by the OBP West Master Plan and/or the OBP West PUD. Proposed lot areas and demonstration of compliance with the lot coverage requirements shall be indicated within the final site application for all proposed lots.
- 2) The OBP West Master Plan and/or the OBP West PUD shall establish the minimum lot width, depth, building coverage and setbacks for all development types permitted within the West Parcel.

4.04 Building height

- 1) All buildings within the West Parcel shall be restricted in height in the following manner and based on the underlying land use of a parcel:

a) Low Density Residential Land Use. Maximum building height shall be two (2) stories except that parcels in excess of one hundred (100) feet deep as measured from the Town's municipal boundary shall have a maximum building height of three (3) stories provided that the parcel has a minimum setback of sixty (60) feet which shall include a minimum twenty-five (25) foot buffer. Notwithstanding, the Low Density Residential Land Use that is adjacent to the most northerly boundary of the West Parcel (development parcels adjacent to Highland and Skyline Drives) shall be limited to a maximum building height of two (2) stories.

b) Medium Density Residential Land Use. Maximum building height shall be three (3) stories. The Town Council may permit a maximum building height of four (4) stories provided that the parcel has a minimum setback of sixty (60) feet which shall include a minimum twenty-five (25) foot buffer.

c) Commercial Land Use. Maximum building height shall be four (4) stories.

2) Proposed building heights shall be provided with all final site plan applications. Where building height is further regulated by maximum height in feet, such regulation shall provide for a minimum ten (10) foot floor to floor spacing and adequate roof pitch to accommodate the architectural style selected for the building.

4.05 Open Space

A minimum of 35% of each development tract shall be comprised of open space. All pervious areas shall be credited toward open space, including any wet stormwater facilities. Impervious exterior common areas may be credited toward the open space requirements at the discretion of the Town Council. Open space shall be measured for each development tract at time of final site plan.

4.06 Fences, Walls and Hedges

1) No fence, hedge or wall shall be erected, constructed, installed or maintained within six (6) feet of a fire hydrant or other emergency apparatus.

- 2) No fence, hedge or wall shall be erected, constructed, installed or maintained that creates in any manner a visual obstruction to vehicular traffic.
- 3) All fences, hedges or walls shall comply with building permit procedures.
- 4) All fences and walls shall be constructed to comply with the Standard Building Code, latest edition.
- 5) No fence or wall shall be constructed of materials which will be hazardous to the health, safety or welfare of persons or animals.
- 6) All fences, walls and hedges shall be maintained in safe, non-hazardous condition and good appearance.
- 7) In consideration of reduced hedge requirements within the landscape buffer, the Town Council may require a fence or wall to be located along the project boundary that is adjacent to, and abutting, residential development in the unincorporated Martin County.

4.07 Stormwater

All new development shall provide a surface water management system in compliance with the most recent South Florida Water Management District standards. As required by South Florida Water Management District Environmental Resource Standard General Permit No. 43-02398-P, each individual parcel must obtain a Standard General Permit from the District demonstrating compliance with all District rules. Prior to commencement of any development, an applicant shall provide to the Town Mayor, or his/her designee, all required South Florida Water Management District permits for stormwater management, which shall be deemed sufficient to demonstrate compliance with the stormwater level of service standards of the Town's Comprehensive Plan and this Article.

4.08 Landscaping

- 1) A landscape plan shall be submitted and approved as part of the final site plan application for each development tract within the West Parcel. All landscape plans shall indicate the location of existing or proposed utilities within the development tract or that could be directly impacted by the vegetation being planted.

2) Prior to the issuance of a certificate of occupancy for any portion of a development tract containing required landscaping, an installation and maintenance guarantee in a form acceptable to the Town Mayor, or his/her designee, shall be provided to guarantee the ongoing maintenance of the required landscaping. This guarantee shall list all required landscape materials and their cost of installation. The Town shall refund 80% of the guarantee after one year upon evidence that the required landscaping is in a healthy state. The balance of the guarantee shall be reimbursed after the second year upon evidence that the required landscaping is in a healthy state.

3) Each development tract shall provide, at a minimum, the following:

a) Not less than twenty percent (20%) of the total gross area of a development site shall be landscaped.

b) At least fifty percent (50%) of the trees and shrubs used as landscaping and at least twenty-five percent (25%) of all ground cover and grass used as landscaping shall consist of native vegetation. Native vegetation shall be selected from A Gardner's Guide to Florida's Native Plants or the most recent list maintained by Florida Native Plant Society.

c) No one species of tree shall exceed twenty percent (25%) of the trees used for landscaping. Neither existing trees nor trees in excess of the minimum number required shall be subject to this limitation.

d) Not less than fifty percent (50%) of all trees used for landscaping shall be shade trees having a minimum height of fourteen (14) feet and a minimum spread of seven (7) feet at planting. Palm trees may be substituted for any number of the remaining trees provided that two (2) palm trees shall be counted as one (1) tree. Accent trees may be substituted for any number of the remaining trees provided that three (3) accent trees shall be counted as one (1) tree.

e) Plant materials shall conform to the Standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants" Part I and Part II, 1963, State of Florida, Department of Agriculture, Tallahassee. Grass sod shall be clean and reasonably free of weeds and noxious pests or

diseases. Grass seed shall be delivered to the job site in bags with Florida Department of Agriculture tags attached indicating quality control program.

f) No vines shall be planted within five feet of any existing or proposed utility pole, guy wire or pad-mounted transformer.

g) Ground cover used in lieu of grass shall be planted so as to present a finished appearance and reasonably complete coverage within six (6) months of installation. All landscaped areas shall be sodded or otherwise covered with ground cover.

h) Grass areas shall be planted in species locally grown as permanent lawns. Grass areas may be sodded, plugged, sprigged or seeded provided solid sod shall be used in swales or other areas subject to erosion. In areas where solid sod or grass seed is not used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

i) All required landscaping installed shall be installed according to accepted good planting practices.

j) No certificate of occupancy or similar authorization will be issued until a certification has been provided to the Town indicating that the required landscaping has been installed in accordance with the approved

k) The species contained within the Florida Exotic Pest Plant Council Invasive Plant List, most recent edition, shall be considered nuisance species and shall be removed prior to release of the initial certificate of occupancy for a development tract or applicable phase thereof.

l) The location of all dumpsters and other trash receptacles, lift stations and back flow preventers shall be totally screened with an opaque hedge, masonry wall, or decorative wood fence of appropriate height to conceal it from view from any public right-of-way. Where possible, dumpsters, lift stations and back flow preventers shall be sited so as to not be visible from public right-of-way. All enclosed equipment shall be

painted either black or dark green. Metal gates shall be used to screen trash receptacles from view from public right-of-way.

m) All landscaping within a visibility triangle shall provide unobstructed cross-visibility at a level between three feet and six feet and shall comply with the most current edition of the State of Florida DOT Roadway and Traffic Design Standards, Index 546 regarding visibility triangles. Trees or palms having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the cross-visibility area shall be allowed provided the location does not itself create a traffic hazard.

n) Irrigation systems, if used, shall be designed, installed and maintained in such a manner as not to be a nuisance to adjacent properties and uses and to the general public.

4) Landscape Maintenance

Landscaped areas shall be maintained in a neat and orderly appearance and kept free from refuse and debris. All walls and fences shall be maintained in good condition so as to present a neat and orderly appearance and shall be kept free from graffiti. Required trees shall be pruned only as necessary to promote healthy growth, for safety purposes or to avoid power lines.

5) Parking areas

Landscaping shall be provided within parking areas to reduce the impact of the expanse of impervious parking surfaces and enhance the aesthetic appeal of the development. Parking area landscaping shall take the form of perimeter landscaping, median landscaping, terminal landscaping and intermediate landscaping. General landscape requirements for the parking areas shall be contained within the OBP West Master Plan. Specific application of these general requirements shall be contained within the landscape plans required as part of the final site plan application for each development tract. The landscape plans shall be construction level detail and shall provide detailed specifications of material and installation requirements.

6) Building Foundations

Landscaping shall be provided along the foundation of multifamily and nonresidential buildings to reduce the impact of the expanse of impervious roof coverage and enhance the aesthetic appeal of the development. Building foundation landscaping shall exclude areas for building access and service areas otherwise screened from public rights-of-way. General landscape requirements for building foundation landscaping shall be contained within the OBP West Master Plan. Specific application of these general requirements shall be contained within the landscape plans required as part of the final site plan application for each development tract. The landscape plans shall be construction level detail and shall provide detailed specifications of material and installation requirements.

7) Stormwater Management Systems

Landscaping shall be provided within stormwater facilities to increase the pollutant absorption qualities of the system and to enhance the aesthetic appeal of the development. Stormwater landscaping shall provide for both perimeter landscaping along dry or wet detention or retention areas and internal landscaping such as littoral plantings in wet systems or bottom water-tolerant species in dry systems. Stormwater landscaping shall be contained within the landscape plans required as part of the final site plan application for each development tract, and shall be subject to the review and approval of the Town. The landscape plans shall be construction level detail and shall provide detailed specifications of material and installation requirements.

8) Streetscapes

Landscaping shall be provided along the primary easement within the OBP West PUD to mitigate the impacts of the expanse of impervious roadway surface, enhance pedestrian and bicycle travel, and enhance the aesthetic appeal of the development. Streetscape landscaping shall take the form of street trees spaced at regular intervals along the roadway. General landscape requirements for streetscape landscaping shall be contained within the OBP West Master Plan. Specific application of these general requirements shall be contained within the landscape plans required as part of the final site plan application for each development tract. The landscape plans shall be construction level detail and shall provide detailed specifications of material and installation requirements.

4.09 Off-Street Parking Standards

- 1) Adequate parking shall be provided for the proposed uses contained within a final site plan application. Parking may take the form of on-site, on-street, shared, valet, tandem or other parking arrangement subject to a demonstration that the proposed parking is adequate to serve the needs of the intended use without causing undue interference with travel on the rights-of-way or causing overflow parking onto other private property. Independent parking studies, parking surveys of similar uses, or parking ratios, including shared parking credits, as presented by the Institute of Transportation Engineers may be used to support proposed parking rates contained within a final site plan application. Alternatively, applicants may use the parking schedule contained within the Martin County Land Development Regulations at time of final site plan.
- 2) Loading spaces may be required for non-residential uses at the discretion of the Town Council.
- 3) Prior to commencing the installation of construction of a parking lot, the owner of the property or the person desiring to install or construct it shall submit plans thereof to the Town Building Official and obtain his approval. Such plans may be approved with, and included as part of, site construction plans filed concurrent with or subsequent to the final site plans. Such plans shall show proposed finished grades, adjacent floor slab elevations, pavement cross-section, drainage, elevations of adjacent streets, etc. Stall and aisle dimensions must be shown.
- 4) All parking lots shall be connected to a street or alley which affords satisfactory ingress and egress.
- 5) All parking areas shall be paved with a durable impervious surface except that pervious parking surfaces are permitted when the following conditions are met:
 - a) Pervious paving materials and other soil stabilization techniques are used in a manner as to assure that parking will remain functional in heavy rains or drought;
 - b) Pervious paving materials are installed according to manufacturer's specifications, including sub-surface preparation, composition, and density of compaction;

c) Such areas shall be provided with drainage facilities adequate to properly dispose of all surface water runoff. Special care shall be taken to prevent erosion and sedimentation; and

d) Regular maintenance of pervious parking areas is necessary to ensure long-term integrity of function. Sweeping or other recommended maintenance procedures as per manufacturer's specifications must be implemented. If such areas cease to function in providing adequate parking, drainage or cause sedimentation within the drainage system which reduces the effectiveness of the system or decreases water quality, then paving to normal design standards will be required.

4.10 Recreation

1) Minimum recreation requirements shall be as established by the Town's Comprehensive Plan. Prior to final site plan approval, the Applicant shall provide documentation to the Town Mayor, or his/her designee, identifying the responsible entity and funding mechanism for the perpetual maintenance of any proposed recreation and open space components. The cost of providing and maintaining these facilities shall be the obligation of the Applicant and/or their successors or assigns. The Town shall have no financial obligation or responsibility for the maintenance of any privately owned recreation facility or open space component.

2) Prior to release of any building permit, the Applicant shall demonstrate to the Town that all applicable impact fees, or any permitted donation of land and/or facilities, have been provided to Martin County, as the Town's Comprehensive Plan may require.

4.11 Lighting

Exterior lighting plans indicating light standard and height shall be submitted with each final site plan application for all development tracts within the OBP West PUD except for exterior lighting within single-family lots. Exterior site lighting shall comply with the general design guidelines as presented below.

1) All development shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a

consistent and coordinated manner for each development tract; however, a unified lighting scheme shall be employed for the primary easement street lighting. The lighting and lighting fixtures shall be integrated and designed so as to enhance the visual impact of the project on the community.

- 2) Lighting shall be designed so as to prevent direct glare, light spillage and hazardous interference with automotive and pedestrian traffic on adjacent streets and all adjacent properties, and shall be shield as necessary.
- 3) Lighting fixtures shall be a maximum of fifteen (15) feet in height, except that projects that demonstrate no light spillage over the Town boundaries shall be permitted to have lighting fixtures twenty (20) feet in height within parking lots.
- 4) Lighting shall be used to accent key architectural elements and to emphasize landscape features. Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color.
- 5) Interior roads within a single family development shall provide lighting fixtures consistent with the requirements of this Section.

4.12 Building Elevations

Building elevations with materials and colors shall be submitted with each final site plan application for all development tracts within the OBP West PUD except for single-family subdivisions. For single-family subdivisions, architectural criteria, including building style and materials, shall be submitted, and approved, with final site plan application and building elevations shall be submitted no later than at the time of building permit application. Buildings within each development tract shall be uniform in architectural design theme and building materials and shall have a compatible relationship with each other based on, but not limited to, the following sign elements:

- 1) Building scale, height, mass and setbacks;
- 2) Building materials and color;
- 3) Building architectural theme/style, forms and roof shape;
- 4) Transitions between buildings relative to height, facade details, and landscape buffers;
- 5) Architectural detailing that highlights entrances and introduces features

such as porches, arches, or bay windows, and roof detailing such as cornice lines, dormers, gables, or roof plane changes. Flat or mansard roofs are discouraged; and

- 6) Separations and/or changes in the building plane (facade and roof) and facade details.

All buildings shall be designed with a specific architectural style, and the architectural features and designs provided in response to subparts 1) through 6) above shall be true to the chosen architectural style. By way of example, if "Florida Vernacular" is chosen as the architectural style for a development tract project, roofs for such style are typically gabled with 1:2 to 1:1 slopes and roof overhangs are generally deep ranging between two (2) to four (4) feet. Building materials for Florida Vernacular are typically metal roofs, horizontal wood lap or plank siding with vertical corner boards. Further examples of architectural styles may be obtained from the Treasure Coast Regional Planning Council.

4.13 Signs

- 1) The location, elevation and design of all proposed permanent signs shall be shown on the final site plan application for each development tract or shall be submitted for review on a proposed sign program. Prior to construction of any sign, a permit shall be obtained from the Town. All signs shall adhere to the following minimum requirements:

<u>Sign Type</u>	<u>Sign Area</u>	<u>Sign Height</u> (measured in same manner as building height is)	<u>Number</u>
Construction	32 sf	6'	Three per development tract
Temporary	4 sf	4'	One per lot, home, or place of business
Monument / Free Standing	N/A	6'	One per development tract
Building	100 sf	25'	Up to 100sf for all building combined for each building

Sign types not specifically addressed herein shall be addressed at time of final site plan and may include temporary signs, pennants, grand opening signs, etc. Variations from an approved final site plan or approved sign program must be approved by the Town Mayor, or his/her designee, for sign issues not otherwise regulated herein.

2) It shall be unlawful for any person to post, display, change, or erect a sign or any sign structure that requires a permit, without first having obtained a permit therefore. Signs or sign structures erected without a valid permit shall be in violation, and it shall be mandatory to obtain a permit based on this chapter, or failing which the sign or sign structure shall be removed by the owner or occupant, or by the Town, as provided herein.

3) In addition, all signs shall be:

a) in harmony with the building and in keeping with the architectural style for the development tract;

b) of a professional quality and have a professional appearance that enhances the visual aesthetics of the area; and

c) properly maintained.

4) All ground signs shall contain the street address number.

5) Internally illuminated cabinet signs shall not be permitted.

4.14 Wellfield Protection

All development shall comply with the Martin County wellfield protection ordinance.

4.15 Closed Landfield

There currently exists within the West Parcel a closed land-fill area which was previously used for disposal of household solid waste. The Town makes no representation regarding the size or location of the land-fill. Development within the OBP West PUD shall not impact or encroach upon the closed land-fill area unless such encroachment is done in full compliance with all applicable regulatory requirements. Prior to final site plan approval for, or approval of infrastructure construction within, any tract of land within the West Parcel, the applicant shall provide to the Town Mayor, or his/her designee, evidence of compliance with the current requirements of the Florida Department of Environmental Protection ("DEP") and/or other applicable regulatory agency concerning

that portion of the closed landfill within that tract of land. The Town shall not be responsible for any remedial work, fees or costs associated with development, or resulting remediation, of land on or around the closed landfill, including but not limited to complying with the requirements of the DEP or any other applicable regulatory agency.

4.16 Solid Waste Services

As part of final site plan approval for any development tract within the OBP West PUD, a formal notice shall be provided from the appropriate solid waste service provider indicating that service is available to the subject tract. Prior to final site plan approval, a funding mechanism must be presented to the Town Mayor, or his/her designee, to ensure that the cost of solid waste collection services do not impose a cost on the Town or its residents east of the FEC railway.

4.17 Water and Sewer Utility Services

- 1) All development within the OBP West PUD shall connect to the Martin County regional water and sewer system prior to issuance of a certificate of occupancy. No potable water wells or septic tanks or package treatment plants shall be allowed. Water wells for purposes other than human consumption such as irrigation, may be permitted upon receipt of a SFWMD permit if such permit is required. The applicant shall submit to the Town Council prior to final site plan approval written confirmation from Martin County indicating that potable water and sanitary sewer service capacity is available concurrent with the impacts of the development. The applicant shall submit to the Town Mayor, or his/her designee, prior to commencement of site development all required permits from the Florida Department of Environmental Regulation. The applicant shall submit to the Town Mayor, or his/her designee, prior to the issuance of a building permit an executed potable water and sanitary sewer service agreement with Martin County.
- 2) A master utilities plan shall be submitted in satisfactory form to, and to the extent required by Martin County approved by, Martin County prior to plat approval.

- 3) All water and sewer utility construction standards shall in accordance with the most recent applicable requirements and regulations of the Martin County Utility Department.
- 4) All water and sewer utility improvements required as part of a development application shall be completed at the applicant's expense, and the Town shall incur no costs for such improvements.
- 5) A filtration area exists near the eastern boundary of the West Parcel and is currently in use for the benefit of certain residents of the eastern portion of the Town. The Town has no responsible for removal of the filtration area.

4.18 Streets

- 1) All streets within the West parcel shall be designed and constructed in accordance with martin County standards. Connection of the internal street system to a public road shall be the responsibility of the applicant and shall be connected as shown in the OBP West Master Plan and / or OBP West PUD. Off site roadway improvements, if any, required for a project shall be determined at time of final site plan for each development parcel as required by the Town or Martin County based upon actual impacts to the roadway system.
- 2) Primary vehicular access points to the OBP West PUD shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazard for vehicular or pedestrian traffic.
- 3) Any off site roadway improvements required by Martin County as part of a development application approval, including by way of example traffic calming measures along adjacent local streets, shall be constructed or paid for, as applicable, by the applicant prior to the issuance of building permits for said development parcel and shall be the sole responsibility of the applicant and the Town shall bear no cost or responsibility for such improvements.

4.19 Transportation

A traffic analysis shall be included in all final site plan applications for development tracts within the West Parcel, unless deemed unnecessary by Martin County. The traffic impact analysis should include the following information:

- 1) A letter of transmittal, table of contents, and narrative discussion concerning each of the required components, as appropriate.
- 2) Description and location of development, including land uses, number of units, and square footage.
- 3) Estimated project trip generation and assignment, considering pass by and internal capture, on a peak hour peak direction basis.
- 4) A p.m. peak hour level of service analyses, unless the a.m. or mid-day peak hour is greater than the p.m. peak hour. If this is the case, the greater peak hour will be documented in the traffic impact statement and used for level of service analysis.
- 5) An analysis, including traffic distribution and assignment, of all links and aggregated segments or parts thereof, on the major road network on which the project traffic has an impact of at least two percent (2%) of the level of service capacity as identified in the most recent Martin County annual concurrency report. If no links are impacted at the two percent (2%) or greater level, the analysis will consider the first directly accessed road on the major road network.
 - a) The analysis will be completed by adding (i) the background traffic growth, (ii) traffic from existing, approved developments within the OBP West parcel, together with (iii) the net number of trips generated from the existing traffic volume and comparing the total of this traffic volume to the adopted, or interim, if applicable, level of service capacity. If the total traffic volume is lower than the adopted, or interim, if applicable, level of service capacity, concurrency has been satisfied on this link and/ or aggregated segment.
 - b) If the total traffic volume is higher than the adopted, or interim, if applicable, level of service capacity, a more detailed analysis of level of service using accepted FDOT

level of service methodology techniques must be undertaken. If the more detailed analysis indicated that the total traffic volume would be less than the adopted, or interim, if applicable, level of service capacity for all impacted links and/ or aggregated segments, concurrency has been satisfied.

- c) If the total traffic volume is more than the adopted, or interim, if applicable, level of service capacity, concurrency may be satisfied with a traffic congestion mitigation plan (TCMP) or through a proportionate fair share agreement between the applicant and Martin County. The proportionate fair share agreement shall be in a form acceptable to Martin County and in compliance with applicable regulations. In the alternative, a TCMP may be used to propose solutions to mitigate the impacts of the development on the links on which concurrency has not been satisfied. The TCMP shall demonstrate the operating conditions of the deficient links and/or aggregated segments with project traffic operate at the adopted, or interim, as applicable, level of service capacity.
 - d) Notwithstanding the above, Martin County and the applicant may agree on other means and solutions to resolve any concurrency impacts from a proposed development.
- 6) An analysis of all intersections that are projected to operate below the adopted level of service standard. Such analysis will utilize the methodologies and techniques described in this Section.
 - 7) The study network, as defined above, will be illustrated in both tabular and map formats and clearly show the percentage of project traffic of the level of service capacity up to and including the link where the project traffic falls below the two percent (2%) threshold. The map of maps will illustrate the project location, existing and proposed traffic control devices, existing and proposed ingress and egress locations for the project, existing and proposed bicycle and pedestrian facilities, and

existing and proposed public transportation services and facilities on the study network.

- 8) A set of appendices documenting all data collected and used in the traffic impact statement study, including procedures, computer software printouts and other information relevant to the analysis.

4.20 Site Utility Construction Standards

- 1) All site and utility construction standards shall be in conformance with the most current applicable provisions of the Martin County Code, with the exception of the storm water retention and discharge requirements which shall be in conformance with the most current applicable standards of the South Florida Water Management District.
- 2) All building construction standards shall be in conformance with the Florida Building Code, latest edition.
- 3) The Town may establish a fee schedule for certain activities and such fee schedules shall be available at the office of the Town Clerk.

4.21 Preserve Areas

In addition to meeting the protection of environmentally sensitive lands requirements of the Town's Comprehensive Plan, all development shall comply with applicable state and federal regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.

- 1) Preserve area requirements may not be reduced or altered in location.
- 2) Monitoring and maintenance of the preserve areas shall be the responsibility of the property owner with no liability or expense to the Town.
- 3) A Preserve Area Management Plan (PAMP) shall be provided with each final site plan that includes an identified preserve area in the Town's Comprehensive Plan. A requirement of any approved PAMP shall be an annual written monitoring report to ensure continued preservation of the environmental sensitive areas. The monitoring provision shall be required by the PAMP for up to five years from the issuance of the first certificate of occupancy for that certain parcel encompassing the preserve area

subject to the PAMP. The monitoring provision can be lifted by the Town Mayor, or his/her designee, after three years if the preserve area is deemed successful and in accordance with the approved PAMP. The applicant shall provide assurances reasonably acceptable to the Town Mayor, or his/her designee, that a mechanism is in place to provide the required maintenance of approved preserve areas, in perpetuity. Such mechanism shall include a requirement for full remediation of approved preserve areas should the Town determine the provisions of the approved PAMP are not in compliance. In the event that a funding mechanism is proposed as the assurance, the amount can be reduced by the Town Mayor, or his/her designee, once the preserve area is determined to be successful and in accordance with the approved PAMP.

- 4) As part of the application for final site plan approval, an Environmental Assessment Report shall be submitted for review and approval in accordance with Martin County regulations.

4.22 Hurricane Evacuation Plan

With a final site plan application, an Applicant shall submit a Hurricane Evacuation Plan for review and approval by the Town. The Hurricane Evacuation Plan shall set forth procedures for preparation and conditions for evacuation for all development contained within hurricane surge zones for Category 3 hurricanes or greater.

4.23 Protection of Potable Water and Wellfields

No identified cones of influence for potable water wells and well fields exist within the Town's boundaries. As stated in section F.2. of the Sanitary Sewer, Solid Waste, Drainage and Potable Water and Natural Ground Water Aquifer Recharge Element of the Town's Comprehensive Plan, the Town is expecting to cooperate with Martin County should it be demonstrated in the future that cones of influence exist or will exist within the Town's boundaries. Land uses which present potential danger to the quality and protection of ground water may be prohibited or regulated at that time.

4.24 Flood Protection, Drainage & Stormwater Management Level of Service Standard

- 1) The stormwater management level of service (LOS) standards adopted in the Ocean Breeze Park Comprehensive Plan are met by the

permitting requirements already established by the Florida Department of Environmental Protection (DEP) and the South Florida Water Management District (SFWMD). All development required by State law to obtain permits from the DEP and/or the SFWMD must have obtained said permits before a final development order can be issued by the Town of Ocean Breeze Park. In addition, the policies and objectives of the Coastal Management and Sanitary Sewer, Solid Waste, Drainage and Potable Water and Natural Ground Water Aquifer Recharge Elements of the Comprehensive Plan which address flood protection, drainage and stormwater management and Ordinance #52, as it may be amended from time to time, shall be applicable to all new development.

2) Conceptual Drainage Statement – At master plan, a conceptual drainage statement shall be provided describing how stormwater for the project will be designed with no impacts to surrounding neighborhoods. The statement shall include the general direction of the natural surface drainage of the proposed development site, proposed on-site retention/detention areas and positive outfall if off-site discharge is to occur. At final site plan a drainage report prepared by a certified professional engineer shall be required.

3) Each development parcel shall be responsible for the design, maintenance and permitting of all stormwater and drainage required for the ultimate development of that parcel. The stormwater and drainage for individual parcels shall not be part of the master stormwater and drainage system, if any, except that stormwater and drainage for Parcels 8 and 9, as shown on the OPB West Master Site Plan, may be included within the Primary Easement to the extent permitted by the South Florida Water Management District.

4) All flood protection, drainage and stormwater improvements required as part of a development application shall be completed at the applicant's expense, and the Town shall incur no costs for such improvements.

4.25 Fire/Emergency Services

Prior to final site plan approval for any development tract within the OBP West PUD, the applicant shall provide evidence of the availability of fire and emergency services from Martin County or other service provider applicant has satisfied all requirements imposed by Martin County or other service provider for such services. The applicant shall pay prior to building permit issuance such fire/emergency services impact fees as may be established by that service provider.

4.26 Schools: As part of a final site plan approval for any development tract within OPB West PUD which may generate school age children, the applicant shall provide written evidence reasonably sufficient to the Town Mayor, or his/her designee, that sufficient capacity exists within the public school system to accommodate the expected student generation and shall prior to building permit issuance, pay such school impact fees as are adopted by Martin County.

4.27 Irrigation: Irrigation for individual development tracts shall be provided as part of final site plan application for the development tract. All common areas shall be irrigated, including the Primary Easement, unless such area is landscaped with xeriscape plant materials acceptable to the Town Council.

4.28 Listed and Protected Species: Each development tract that contains listed or protected species shall be required to obtain all necessary permits from the Florida Fish and Wildlife Conservation Commission, or other controlling governmental agency, as part of final site plan approval for that development tract.

SECTION 5. DEVELOPMENT ACTIVITY

5.01 No person shall use or erect any building or structure, or begin development of a site until a final site plan has been approved by the Town Council and appropriate permits have been obtained. No building or structure shall be changed and no other improvements or construction shall be undertaken, except as shown on an amended site plan. No certificate of occupancy shall be issued until improvements, as provided as part of the approved site plan, have been completed in accordance therewith.

5.02 Notwithstanding the above, infrastructure designed to serve the entire West Parcel, including but not necessarily limited to roads and utilities, may be constructed upon approval by the Town of the OBP West Master Plan, OBP West PUD, a plat showing the location of such roadway and utilities and construction plans and drawings for the infrastructure provided that such infrastructure is in substantial conformity with the Construction Drawings for Ocean Breeze Park West Backbone Roadway prepared by Schaffer Fagan & Associates, Inc., date stamped August 25, 2010, and any minor revisions that may be required by other permitting agencies. Prior to the issuance of construction permits for the Primary Easement as shown on the OBP West Master Plan, the applicant shall provide a complete set of drawings and plans showing the proposed roadway, landscaping, utilities, signs and other proposed improvements, for review by the Town Mayor and staff. All applicable permits must be obtained from the Town and/or other state or local agencies prior to construction. An applicant shall be responsible for all fees and costs associated with demonstrating compliance with this provision, including any inspection fees.

5.03 All site and utility construction standards shall be in conformance with all applicable state and local regulations. An applicant shall be responsible for all fees and costs associated with demonstrating compliance with this provision, including any inspection fees.

5.04 All building construction standards shall be in conformance with the Florida Building Code, latest edition. An applicant shall be responsible for all fees and costs associated with demonstrating compliance with this provision, including any inspection fees.

5.05 Nothing herein shall be construed as requiring the Town to implement fees or fee schedules, however, the Town may establish a fee schedule for certain activities and such fee schedules shall be available at the office of the Town Clerk.

5.06 Applicants for development approvals of a development tract shall be required to pay or reimburse, as appropriate, the Town for all reasonable fees and costs associated with the review, approval and implementation of the development proposal, including, but not necessarily limited to, (a) review by professional planners, engineers and environmental consultants retained by the Town to review a proposed project; (b) expenses related to the public hearing process, including advertising and public notices; (c) construction plan review and oversight during construction by certified threshold inspectors and civil engineers; and (d) expenses related to the ongoing monitoring of a development tract's preserve area maintenance.

SECTION 6. CONCURRENCY REQUIREMENT

6.01 Development Orders and permits shall be conditioned on the availability of potable water, sanitary sewer, drainage, solid waste, transportation and parks concurrently with the impacts of development. Final development orders shall not be issued unless public facilities and services which meet or exceed the level of service standards adopted in the Town's Comprehensive Plan are available concurrent with the impacts of the development. To the extent Martin County provides such services to the subject property, written acknowledgement from Martin County shall be required demonstrating that sufficient capacity exists to meet or exceed the standards adopted in the Town's Comprehensive Plan.

6.02 Comprehensive Plan Capital Improvements Element.

All new development must comply with the policies, objectives and level of service standards established in the Capital Improvements Element of the Comprehensive Plan.

6.03 Required Analysis and Development Agreement.

Prior to granting any final development approval, the Town Council shall cause to be conducted a written technical analysis relating to the proposed development and the concurrency requirement regarding required public facilities and services which shall be made a part of the record for any considered development approval. Assurances that the concurrency requirement is being met shall be based upon the completed technical analysis, including review by Martin County for services Martin County provides, and, when public facilities and services are to be provided by the developer, shall be guaranteed in an enforceable agreement.

SECTION 7. SUBDIVISION REGULATIONS

7.01 Applicability.

1) Any division or platting of land into three (3) or more lots, tracts, or parcels for the purpose of sale or lease, any establishment of new streets and alleys, whether public or private, any changes in an existing platted street or alley, whether public or private, or any additions and re-subdivisions of any parcel divided or platted after the effective date of this article shall comply with the standards, procedures and requirements of this article and all other applicable ordinances.

2) Exemptions. The standards, procedures and requirements of this article shall not apply to any of the following:

a) Platted parcel line adjustments: The moving of adjacent parcel lines to modify the size and location of any platted lot, so long as no additional parcels are created by such adjustment and minimum lot size and other development standards are met. If the proposed adjustment creates additional parcels, a plat shall be required unless otherwise exempt by a provision herein.

b) Judicial exception: Any division or redivision of a parcel of land made pursuant to an order of a court of competent jurisdiction.

c) Boundary disputes: Any conveyance between adjacent land owners if:

i) The purpose of the conveyance is to adjust or settle the common boundary line between said adjacent landowners that is in dispute; and

ii) Such purpose is stated in the deed of conveyance or is stated in a separate instrument recorded in the public records of Martin County.

d) Conveyance to government: Any division or redivision of a parcel of land, the sole purpose of which is to convey a part thereof to any federal, state or local governmental entity or agency for a bona fide public purpose and, provided that such conveyance is accepted by such

governmental entity or agency by an instrument recorded in the public records of Martin County.

e) Creation of equal or larger parcels in recorded subdivisions: Any division or redivision of lots (parcels) in a platted subdivision, the sole purpose of which division or redivision is to create new parcels which are at least equal in size to the existing lot (parcel) or lots (parcels).

7.02 Compliance with State Statute

In addition to the requirements contained herein, all laws and regulations of the state of Florida pertaining to the platting and regulation of lands shall be complied with, and no waiver or modification of any such law or regulation is to be implied by any requirement contained herein. Specific reference in this regard should be made to the requirements of Chapter 177, Part I, Florida statutes.

7.03 Review Procedures

As a means of organizing the subdivision review and approval procedure, applicants and Town officials shall generally utilize the subdivision plat approval procedures set out by the relevant ordinance of Martin County. These procedures generally include a pre-application conference, preliminary plat approval and final record plat approval. At the applicant's risk and provided that any required improvements are bonded, the applicant may proceed directly to final record plat approval without a preliminary plat approval. Alternatives to these review procedures, agreed to in writing by the Town Council and applicant, shall be allowed if consistent with all applicable laws and ordinances.

7.04 Minimum Standards

Subdivision design and construction design for required improvements shall conform to applicable state statutes. As a guide, applicants shall use the minimum subdivision standards set out by the relevant ordinance(s) of Martin County. Deviation from these standards shall be allowed by the Town Council upon a finding that improved community design and the public interest can be realized as a result of such deviation and that no violation of law will so result. Convenience or reduced cost to the Town or applicant shall not be construed as, by themselves, as constituting improved community design or serving the public interest. All subdivisions shall meet the requirements of the applicable

zoning district regulations, the adopted comprehensive plan, and all other applicable ordinances of the Town of Ocean Breeze Park.

7.05 Improvements

1) Improvements Required

Any proposed subdivision plat shall be required to meet all subdivision platting requirements and receive preliminary or final plat approval prior to installation of improvements. In lieu of completing all required improvements prior to recordation of the approved final plat, the applicant shall have the option of providing a bond, letter of credit or other security acceptable to the Town Mayor, or his/her designee, in lieu of completion of improvements. Required improvements may include but not be limited to: (1) improvements to roadways and other paths, (2) stormwater management improvements, (3) water, sewer-and other utility mains, piping and connections, and (4) landscaping improvements for public areas, etc.

2) Security shall be posted in the amount of one hundred ten per cent (110%) of the estimated costs of improvements, which estimate shall be prepared by an engineer registered in the State of Florida to practice professional engineering. Upon completion and approval by the Town Engineer of all required improvements, ninety (90) per cent of the posted security will be released by the Town. A ten (10) percent warranty security will be held for an additional twelve (12) months, following which time, if all improvements are free of defects due to faulty field engineering, workmanship or materials, this ten (10) percent of the security will be released by the Town Engineer or designee.

3) In lieu of the ten percent security, a ten (10) percent maintenance security may be posted for a period of twelve (12) months.

7.06 Recordation of Plat

Upon approval of the final plat by the Town Council, the Town Clerk shall record the plat on the appropriate maps and documents, and shall, at the applicant's expense, record the plat in the official county records.

SECTION 8. DEFINITIONS

Section 8.01 Definitions in Article II of this Code shall apply except as otherwise defined in Section 8.02 of this Article below, or as otherwise set forth in the OPB West Master Plan and the OBP West PUD.

Section 8.02 Planned Unit Development Definitions

Assisted Living Facilities means a residential arrangement or institution designed to house persons transitioning from independent living to a living arrangement where residents have access to assistance with daily activities and/or nursing services. The assistance provided may include, but is not limited to, housekeeping, centralized cooking or dining, personal care, nursing care, leisure and recreational programs, and counseling.

Buffer means a landscape area which may include walls, fences, berms, trees, shrubs, hedges, ground cover and other plant materials.

Building, Height of means the vertical distance measured from (i) the average existing grade at the building line immediately prior to any development activity on the parcel to (ii) the bottom of the fascia for buildings with a sloped roof or the top of the deck for buildings with a flat roof. If the average existing grade at the building line immediately prior to any development activity on the parcel is less than eighteen (18) inches above the centerline of the road adjacent to the parcel, the starting point to measure the building height shall be the finished floor elevation which shall be no more than eighteen inches (18") above the centerline of the road adjacent to the parcel.

Court means an area other than a yard, which is bounded on three or more sides by walls in excess of three (3) feet in height, at least one of which are the walls of a building. Diameter at breast height or DBH means the trunk diameter of a tree measured at 4 1/2 feet above ground level at the base of the Tree, provided however, if the tree trunk forks below 4 1/2 feet above ground level, each trunk shall be considered a tree.

Dwelling unit means a room or group of rooms forming a single independent habitable unit used for or intended to be used for living, sleeping, sanitation,

cooking and eating purposes and containing independent kitchen, sanitary and sleeping facilities.

Family means any number of people related by blood, marriage, legal guardianship, or adoption or not more than four (4) unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, roominghouse, institutional group or the like. Group Homes and Foster Homes are expressly excluded from this definition.

Foster Home means a home licensed and supervised by HRS for housing foster children which provides a family living environment including supervision and care necessary to meet physical, emotional, and social life needs of clients.

Freestanding sign means a sign not affixed to any other structure and shall be limited to no more than two faces.

Ground cover means plants of species which normally reach an average height of 24 inches upon maturity, installed in such a manner as to foul], a continuous cover over the ground. Sod shall not be considered ground cover.

Group Home means a home licensed and supervised by HRS for housing adult residents and care givers and which provides a family living environment including supervision and care necessary to meet physical, emotional, and social life needs of clients.

Installation and maintenance guarantee means a document by which the applicant or property owner of a development guarantees the installation and maintenance of required landscape materials. The guarantee document shall include a listing of the required landscape materials and shall guarantee the survival of 100 percent of the living materials or replacement with comparable materials. The guarantee shall provide that if all required landscaping does not remain in a healthy, growing condition after one year after planting, such landscaping shall be replaced and thereafter maintained in a healthy, growing condition.

Landscaping means any combination of living plants such as grass, ground cover, shrubs, vines, hedges, or trees and non-living landscape material such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials.

Landscape plan means a plan prepared in accordance with professional standards that meets the requirements set forth in this landscape code.

Monument sign means a freestanding low-profile sign with the sign area at the top of a solid base.

Native vegetation means any plant species listed in A Gardner's Guide to Florida's native Plants or the most recent list maintained by Florida Native Plant Society. Nuisance species means any species listed in the Florida Exotic Pest Plant Council Invasive Plant List, most recent edition.

Nursing Care means a residential arrangement or institution designed to house the aged or other persons with chronic or debilitating conditions where the residents require assistance with the daily activities and/or nursing services. The assistance provided may include, but is not limited to, housekeeping, centralized cooking or dining, personal care, nursing care, leisure and recreational programs, and counseling.

OBP West Master Plan means a site plan approved by the Town Council in conjunction with the approval of the OBP West Planned Unit Development.

OBP West Planned Unit Development or OBP West PUD means such master site plan and land development standards as may be approved by the Town Council with the agreement of the property owner which establish the planned unit development zoning district and specific development standards for the land generally referred to as the Ocean Breeze Park West Parcel.

Parking area means all property used for off-street parking, vehicular aisles and accessways, loading zones, interior and perimeter landscaping, and other outdoor vehicular use areas.

Shade tree means a hardwood tree that locally reaches a minimum height of 25 feet at maturity, provides relief from direct sunlight for at least six months of the year. Shrub means any woody perennial plant of low height, characterized by multiple stems and branches continuous from the base. Shrubs shall be a

minimum of 24 inches in height and have a minimum 12-inch spread or be a three gallon container size at planting. Sign means any device, structure or fixture using graphics, symbols or written copy designed to advertise, or identify an establishment, product, goods or services. Building signs may be projecting, under canopy or wall signs.

Story means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Tree means any self supporting woody plant which locally grows to an overall height of 15 feet or greater with a minimum mature crown spread of 15 feet or greater and which has a trunk which can be maintained with over five feet of clear wood. No provision relating to trees in this landscape code shall include exempt trees. At planting, all trees shall comply with the following minimum specifications:

Tree	Minimum Height	Minimum	Other Specifications
Type		DB H	
Shade or	14 feet	2 1/2	Minimum spread of
Canopy		inches	7 feet
Tree			
Palm	14 feet	N/A	Minimum clear
Tree			trunk of 8 feet for
			single-trunk palm
			trees
Flowering	10 feet	2 inches	Minimum spread of
Tree			5 feet

Shade or canopy trees shall be planted at a minimum height of 16 feet along the perimeter of property adjacent to any public right-of-way.

Unified control means that all land included within an application for development is either owned by the applicant or all owners of such land have authorized the applicant to act on their behalf with regard to the application.

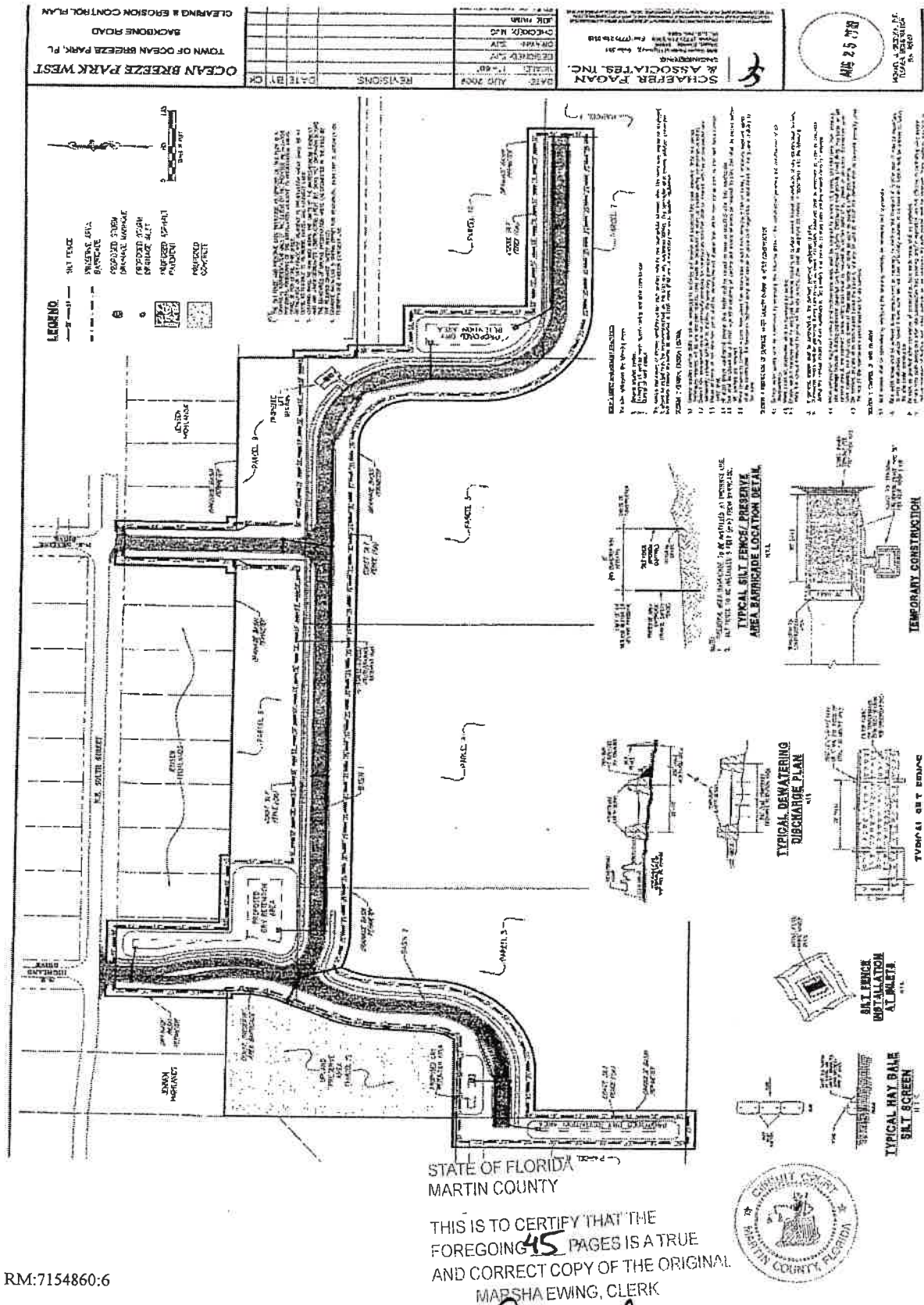
Vine means any ornamental plant requiring physical support to grow upwards.

Visibility triangle means the area of land described as either of the following:

- 1) The triangular area of property on each side of a driveway formed by the intersection of the driveway and the public right-of-way line with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides; or
- 2) The triangular area of property located at a corner formed by the intersection of two or more public rights-of-way with two sides of the triangular area being 30 feet in length along the abutting public right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the two other sides.

West Parcel means the entire forty-five (45) acres, more or less, located within the municipal limits of the Town of Ocean Breeze Park west of the railroad tracts excluding the existing commercial development.

Exhibit "D" Construction Drawings for Ocean Breeze Park West Backbone Roadway



RM:7154860:6

APPENDIX A

Ordinance 52 Flood Damage Prevention Measures

ORDINANCE #52

AN EMERGENCY ORDINANCE OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA, PROVIDING FOR FLOOD DAMAGE PREVENTION MEASURES AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN BREEZE PARK, FLORIDA:

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A. Statutory Authorization. The Legislature of the State of Florida has in Chapter 166, Florida Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, The Town Commission of the Town of Ocean Breeze Park, Florida, does ordain as follows:

SECTION B. Findings of Fact.

1. The flood hazard areas of The Town are subject to periodic; inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy In flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. restrict or prohibit uses which are dangerous to health, safety, and property due to water, or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial, construction;

3. control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4. control filling, grading, dredging, and other development which may increase erosion or flood damage; and

5. prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. Objectives. The objectives of this ordinance are:

1. to protect human life and health;

2. to minimize expenditure of public money for costly flood control projects;

3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. to minimize prolonged business interruptions;

5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in flood plains;

6. to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

7. to insure that potential home buyers are notified that property is in a flood area.

ARTICLE II

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter, load-bearing walls in new construction.

"Appeal." means a request for a review of The Town's interpretation of any provision of this ordinance or a request for a variance

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Coastal High Hazard Area" means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is

designated on a FIRM as Zone V1. - 30, 'VE or V.

"Development" means any man-made change to improve on any unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. "Elevated building" means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

"Existing mobile home park or mobile home subdivision".

means a parcel (or, contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the

mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)". means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved In order, to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means any floor (including basement) usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Mangrove stand" means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*),

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, mobile homes, and similar transportable structures placed on a site for one hundred eighty (1110) consecutive days or longer and intended to be improved property.

"Mean Sea Level" means the average height of the sea for all stages of the tide, It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)", as corrected in 1929, is a

vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New mobile home Park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or, sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after, the effective date of this ordinance.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach,

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. "Structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored,

before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur, when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvements of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE III

GENERAL PROVISIONS

SECTION A. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of The Town.

SECTION B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated December 15, 1983, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

SECTION C. Establishment of Development Permit. Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. Compliance. No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict: or

overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. Interpretation. In the interpretation and application of this ordinance all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and
3. deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of The Town or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one Hundred Dollars (\$100.00), and in addition shall pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense. Nothing herein contained shall prevent The Town from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE IV

ADMINISTRATION

SECTION A. Designation of Administrator. The town building inspector is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. Permit Procedures. Application for a Development Permit shall be made to the town building inspector on forms furnished by him, prior to any development activities, and may include, but shall not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

2. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed.

3. Provide a certificate from a registered professional engineer or architect that the non-residential, flood-proofed structure meets the flood-proofing criteria in ARTICLE V, SECTION B, paragraph 2.

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5. Provide a flood elevation or flood proofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Town Building Inspector a certificate of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever, is applicable, asbuilt, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer, or architect and certified by same. Any work done within the twenty-one (21)-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The town

building inspector, shall review the Flood Elevation Survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

SECTION C. Duties and Responsibilities of the Town Building Inspector. Duties of the town building inspector shall include, but shall not be limited to:

1. Review all development permits to assure that the permit requirements of this ordinance have been satisfied.
2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the Treasure Coast Regional Planning Council prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished,
5. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with ARTICLE IV SECTION B, paragraph 5.
6. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with ARTICLE IV, SECTION B, paragraph 5.
7. In Coastal High Hazard Areas certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.
8. In Coastal High Hazard Areas, the town building

inspector shall review plans for the adequacy of breakaway walls in accordance with ARTICLE V, SECTION B, paragraph 6(h).

9. When floodproofing is utilized for a particular structure, the town building inspector shall obtain certification from a registered professional engineer or architect.

10. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the town building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the Interpretation as provided in this ARTICLE IV.

11. When base flood elevation data has not been provided in accordance with ARTICLE III SECTION B, then the town building inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source in order to administer the provisions of ARTICLE V.

12. All records pertaining to the provisions of this ordinance shall be maintained in the office of the town building inspector and shall be open for public inspection.

SECTION D. Variance Procedures.

1. The Board of Zoning Adjustment as established by The Town shall hear and decide appeals and requests for variances from the requirements of this ordinance.

2. The Board of zoning Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the town building inspector in the enforcement or administration of this ordinance,

3. Any person aggrieved by the decision of the Board of Zoning Adjustment, or any taxpayer may appeal such decision to the Circuit Court as provided in Chapter 163, Florida Statutes.

4. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in

the remainder of this SECTION D.

5. In passing upon such applications, the Board of Zoning Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding or erosion damage;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

7. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

8. Conditions for variances:

- a. Variances shall only be issued upon a determination that

the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (i) a showing of good cause and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, Create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and surmounting that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

d. The town building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. General Standards. In all areas of special flood hazard the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters,
6. On-site waste disposal systems shall be located to avoid

impairment to them or contamination from them during flooding.

7. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained this ordinance.

8. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided, as set forth in ARTICLE III, SECTION B, or ARTICLE IV, SECTION C, paragraph 11, the following provisions are required;

1. Residential Construction. New construction or, substantial improvement of any residential, structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in ARTICLE IV, SECTION B, paragraph 3.

3. Manufactured or Mobile Homes.

a. No manufactured or mobile home shall be placed in a floodway or Coastal High Hazard Area, except in an existing mobile home park or existing mobile home subdivision.

b. All manufactured or mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that;

(1) over-the-top ties shall be provided at each end of the manufactured or, mobile home, with one additional tie per side at an intermediate location on manufactured or mobile homes of less than fifty feet and one additional tie per side for mobile homes of fifty feet or more.

(2) frame ties shall be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufactured or mobile homes less than fifty (50) feet long and one additional tie for manufactured or mobile homes of fifty (50) feet or longer.

(3) all components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) any additions to the manufactured or, mobile home shall be similarly anchored.

c. Now mobile home parks and subdivisions; expansions to existing mobile home parks and subdivisions; existing mobile home parks and subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and manufactured or mobile homes not placed in a mobile home park or subdivision shall require:

(1) stands or lots to be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(2) adequate surface drainage and access for a hauler;
and

(3) in the instance of elevation on pilings, (i) lots shall be large enough to permit steps; (ii) piling foundations shall be placed in stable soil no more than ten (10) feet apart; and (iii) that reinforcement shall be provided for pilings more than six (6) feet above the ground level.

4. Elevated Buildings.. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on

exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

(1) provide a minimum of two openings having a total net area of not less than one square inch for, every square foot of enclosed area subject to flooding;

(2) the bottom of all openings shall be no higher than one foot above grade; and

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

c. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or, entry to the living area (stairway or elevator); and

d. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

5. Floodways. Located within areas of special flood hazard established in ARTICLE III, SECTION B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential, projectiles, and since the floodway has erosion potential, the following provisions shall apply:

a. Encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge shall be prohibited.

b. If ARTICLE V, SECTION B, paragraph 4.a., above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of ARTICLE V.

c. The placement of manufactured or mobile homes, except in an existing manufactured or mobile home park or subdivision shall be prohibited. A replacement manufactured or mobile home may be placed on a lot in an existing manufactured or mobile home park or subdivision provided the anchoring standards of ARTICLE V, SECTION B, paragraph 3 and its subparagraphs, and the elevation standards of ARTICLE V, SECTION B, paragraph 1, are met.

6. Coastal High Hazard Areas (V Zones). Located within the areas of special flood hazard established in ARTICLE III, SECTION B, are areas designated as Coastal High Hazard Areas. These areas have special flood hazards associated with wave wash; therefore, the following provisions shall apply:

a. All buildings or structures shall be located landward of the reach of the mean high tide.

b. All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with ARTICLE V, SECTION B, paragraph 6.h.

c. All buildings or structures shall be securely anchored on pilings or columns.

d. All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the one hundred (100) year mean recurrence interval (one percent (1%) annual chance flood).

e. A registered professional engineer or architect shall certify that the design, specifications, and plans for construction are in compliance with the provisions contained in ARTICLE V, SECTION B, paragraphs 6.b., 6.c., and 6.d., of this ordinance.

f. There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The town building inspector shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:

(1) particle composition of fill material does not have a tendency for excessive natural compaction;

(2) volume and distribution of fill will not cause wave deflection to adjacent properties; and

(3) slope of fill will not cause wave run-up or ramping.

g. There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.

h. Lattice work or decorative screening shall be allowed below the base flood elevation provided the lattice work or decorative screening is designed to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which such lattice work or decorative screening is to be used and provided the following design specifications are met;

(1) no solid walls shall be allowed, and

(2) material shall consist only of lattice or mesh screening.

i. If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, for access to building, or for limited storage of maintenance equipment used in connection with the premises.

j. Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the town building

inspector for approval.

k. Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the west floor except with lattice work or decorative screening as provided for in ARTICLE V, SECTION B, paragraphs 6.h. and 6.i.

1. The placement of manufactured or mobile homes, except in an existing manufactured or mobile home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of ARTICLE V, SECTION B, paragraph 3 and its subparagraphs, and the elevation standards of ARTICLE V, SECTION B, paragraph 1, are met.

SECTION C. Standards for Areas of Shallow Flooding (AO Zones).

Located within the areas of special flood hazard established in ARTICLE III, SECTION B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions shall apply:

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

2. All new construction and substantial improvements of non-residential structures shall:

a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or

b. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the

passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION D. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

THIS ORDINANCE is hereby declared to be an emergency measure upon the ground of grave emergency and urgent need for the preservation of public peace, health, and safety, effect and shall take immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 11th DAY Sept., 1989

OF

**TOWN COMMISSION OF THE TOWN
OF OCEAN BREEZE PARK, FLORIDA,**

ATTEST

Town Clerk
Approved as

Form:

Approved:

Town Attorney

Mayor-

[Signature]
DATE

[Signature]

A P P E N D I X B

List and Descriptions of
Ocean Breeze Park Ordinances,
Resolutions and Interlocal Agreements

A P P E N D I X B

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A P P E N D I X B

List and Description of Adopted Ordinances Resolutions and Interlocal Agreements of the Town of Ocean Breeze Park

TAB# DATE DESCRIPTION

- 1 02/14/61 Ordinance No. 1 - Penal Code - Florida driving regulations, license tags, school zones, speed limits, street clearing for celebrations and funeral processions, accommodations for blind and other pedestrians, prohibitions of "short outs", parallel parking requirements, authorization to take possession of abandoned and illegally parked vehicles, bicycle bell and light requirements, rules for bicycle use, stopping for school buses, serving of warrants for any ordinance violation, trial procedures and complaints, convicted persons to repay Town costs, deposit cost for complaining witness, cash or bond security for defendant, forfeiture regarding gambling, failure to appear at court, report prior arrests by Town Marshal, contempt of court (e.g., failure to appear and misconduct in court), committing misdemeanors (e.g., when found guilty of: 1) allowing disorderly conduct of persons within a residence, 2) disturbing religious worship, 3) drunkenness, 4) building fires outdoors that are not permitted, 5) gambling, 6) possession of pornographic literature, 7) indecent exposure, 8) petit larceny, 9) prostitution and solicitation, 10) maintaining a house of prostitution, 11) destroying or injuring property, 12) disturbance of the peace, 13) leaving glass or dangerous substances on streets, alleys or public ways), definitions of "private property" and "posted property",

rules regarding trespassing, spitting on sidewalks and public places, definition of vagrants and rules for arresting vagrants, unnecessary noise, profanity, prevention and description of filth, blocking off or fencing off public street, sidewalk or alley, carrying of concealed weapons, impersonating a law enforcement officer, resisting an officer, discharging firearms, explosives, firecrackers or fireworks, damaging streets or sidewalks with motorized vehicles or any other object, abandoning disabled motor vehicles, sale of confiscated evidence, sentence and/or fines regarding violation of penal code.

DESCRIPTION

CLERK TAB #	DATE	
20	2/12/61	Ordinance No. 2 - Time of holding elections, qualifications of candidates, registration of all qualified electors, keeping of registration book, oath of registration, revision and restoration of names in registration book, regulations of elections, certification of election results, printing of ballots, nomination, election and primary procedures, commencement of elected officer's term, details of registration book and rules for appropriately filling in registrations.
3	12/01/64	Ordinance No. 2A - Amending the time of holding primary and regular elections as adopted in Ordinance 2.
4	No date	Ordinance No. 3 - Levying an excise tax on cigarettes sold within the Town.
5	No date	Ordinance No. 4 - Levying a license or occupational tax for the privilege of selling bottled gas within the Town and penalties regarding violations of this ordinance.
6	10/24/61	Ordinance No. 5 - Amending the time for holding primary and regular elections as amended in Ordinance 2A.
7	01/12/62	Resolution No. 1 - Establishment of a Zone Civil Defense Council consisting of elected officials from Jensen and Rio areas, use of employees, property, equipment and other resources of the Town during Civil Defense emergencies, duties of the Zone Civil Defense Director.
8	06/15/63	Ordinance No. 6 - Declaration of the intent to, annex land belonging to A.A. Hendry, Jr. and Lydia Hendry and a parcel of submerged or tidal land in the Indian River, and description of said lands.
10	06/15/63	Ordinance No. 7* - Establishment of bulkhead line one thousand feet easterly from the shore within the Town, proof of public notification and a map depicting bulkhead line is attached to this ordinance.
11	06/15/63	Ordinance No. 8 - Annexation of lands described in Ordinance 6 and description of the revised boundaries of the Town of Ocean Breeze Park,

CLERK
TAB #

DATE

DESCRIPTION

- proof of public notification attached to ordinance.
- 12 07/01/63 Ordinance No. 9 - Fixing rate taxing cigarettes, providing for collection and use of proceeds from such tax. (Supersedes Ordinance 3.)
- 13 03/22/68 Ordinance No. 9A - New excise tax on cigarettes. (Supersedes Ordinance 9.)
- 14 09/14/64 ordinance No. 10 - Authorizing a Franchise to Southern Bell Telephone Company to use the public streets within the Town to erect telephone poles, lines, etc., in order to provide telephone and telegraph service.
- 15 10/19/64 Resolution No. 2 - Terms of a street lighting agreement with Florida Power and Light Company.
- 16 09/24/66 Ordinance No. 11 - Declaration of intent to annex certain lands and description of such lands. (See Ordinance 12)
- 17 10/26/66 Ordinance No. 12 - Annexation of lands described in Ordinance 11 and description of the revised boundaries of the Town of Ocean Breeze Park, proof of public notification attached to ordinance.
- 18 06/22/73 Ordinance No. 13 - Levying of a three mill Ad Valorem tax upon all real property within the Town, date tax due, proof of public notification attached to ordinance.
- 19 02/14/75 Ordinance No. 14* - Building Code in compliance with Florida Building Codes Act of 1974, adopted Southern Standard Building Code, 1973 edition, establishes Fire District, expresses concern over banishing existing fire and other hazards through properly enforced minimum building codes.
- 20 10/14/75 Ordinance No. 15 - Federal Old Age and Survivors Benefit Insurance extended to employees and officials of the Town, providing withholding from salaries and wages of said employees and officials, and pay over of such withholdings.

<u>TAB#</u>	<u>DATE</u>	<u>DESCRIPTION</u>
21	10/14/75	Ordinance No. 16 - Annexation and incorporation of certain <u>lands</u> within Towns boundaries, Ordinance showing intent of annexation, adopted and passed July 31, 1975, proof of public notification attached to ordinance, description of annexed lands.
22	03/12/76	Resolution No. 17 - Instituting requirements of the <u>National Flood Insurance Act of 1968</u> , discusses need for land use and control measures, locating, mapping and identifying hazardous flood areas, requires annual report regarding progress of flood plain management measures, required Building officials to maintain records of elevations (in relation to mean sea level), the lowest floor of all new or substantially improved structures located in the special flood hazard areas.
23	03/12/76	Resolution No. 18* - Enforcement of Ordinance #14, rules for Town Building Official to review building permits, subdivision proposals and new or replacement water supply systems or sanitary sewage systems with regards to <u>flooding hazards</u> .
24	09/12/77	Ordinance No. 19 - Restricting <u>use, of bicycles, motorcycles and mopeds</u> upon certain, streets within the Town and penalties for such violations.
25	05/01/79	Ordinance No. 21 - Declaration of intent to <u>annex</u> certain 1.11:14s and providing for public notification of such intent, description of land, rules for implementation of ordinance.
26	01/23/77	Resolution No. 20 - Endorsing Alternate # 9, a route east of Florida Turnpike, <u>for 1-95</u> in Martin County.
27	03/10/80	Resolution No. 22 - Consent to Martin County to purchase and operate <u>Southern Gulf Utilities</u> .
28	04/07/80	Resolution No. 23* - Adoption of the <u>Town's first Comprehensive Plan and transmittal to the Division of State Planning</u> . Plan prepared pursuant to Florida Statutes, Section 163.3184.
29	07/14/80	Ordinance No. 24 - Declaration of intent to <u>annex</u> certain <u>lands</u> and providing for publication of notice, description of such lands.

<u>TAB#</u>	<u>DATE</u>	<u>DESCRIPTION</u>
30	08/25/80	Ordinance No. 25* - <u>Adoption of the Town's first Comprehensive Plan heretofore received and approved by the State Land Planning Agency. Plan based upon requirements of Florida Statutes, Section 163.3184</u>
31	05/11/81	Ordinance No, 26 - <u>Water Shortage Emergency Ordinance provides definitions, water shortage emergency declared by South Florida water Management District, contains list for curtailment of specific non-essential uses of water, penalties.</u>
32	06/08/81	Ordinance No. 27* - <u>Providing for flood damage prevention measures and penalties for violation thereof, construction and subdivision standard requirements, Town Building Inspector's responsibilities, definitions, permit procedures, Coastal High Hazard Area and AO Zones regulations, variance procedures, provisions for flood hazard reduction, specific standards for residential non-residential and mobile home construction.</u>
33	09/27/82	Ordinance No. 28 - <u>Millage upon all real property within Town for fiscal year October 1, 1982 to September 1, 1983.</u>
34	10/15/82	Ordinance No. 29* - <u>Providing for applicability of state construction standards (Parts I, II, III, V, and VI of Chapter 553 of Florida Statutes, 1981), adoption of standard building code, creation of building department, providing for issuance of building permits and fees, providing for substitution of building permittee and construction standards for parking lots. May supersede Ordinance 14 and Ordinance 18.</u>
35	09/12/83	Resolution No. 30 - <u>Millage upon all real property within the Town for fiscal year October 1, 1983 to September 30, 1984.</u>
36	10/10/83	Interlocal agreement with Martin County per Florida interlocal Cooperation Act of 1969 to provide <u>fire protection service</u> to the Town of Ocean Breeze Park, provision of payment to Martin County for this service (\$5,000 annually).
37	12/06/83	Interlocal agreement with Martin County per Florida Interlocal Cooperation Act of 1969 to provide <u>water service</u> to Ocean Breeze Plaza,

CLERK TAB #	DATE	DESCRIPTION
		legal description of the commercial development attached to this agreement.
37	02/13/84	Ordinance No. 32* - Addition to construction standards of Ordinance 27. <u>Flood damage, prevention measures</u> in areas of <u>shallow flooding (A0 Zones)</u> .
38	05/07/84	Ordinance No. 33 - Declaration of intent to <u>annex</u> certain lands, <u>provide</u> for publication of such notice, rules for <u>implementation</u> of ordinance.
39	09/14/84	Resolution No. 34 - <u>Millage</u> upon all real property within Town for <u>fiscal</u> year October 1, 1984 to September 30, 1985.
40	04/08/85	Ordinance No. 35* - Town assistance in enforcing <u>"Water Shortage Plan"</u> of the South Florida Water Management District, <u>additional definitions, penalties, no specific water restrictions</u> listed (previous restrictions in Ordinance 26 continue to apply).
41	09/09/85	Resolution No. 36 - <u>Millage</u> upon all real property within Town, <u>published</u> notification attached to ordinance, <u>fiscal</u> year October 1, 1985 to September 30, 1986.
42	11/11/85	Ordinance No. 37 - <u>Preempting</u> of Martin County, <u>ordinances</u> within <u>incorporated</u> limits of the Town, which are not specifically adopted by ordinance by the Town.
43	04/14/86	Ordinance No. 38 - Declaring <u>intent</u> to <u>annex</u> certain lands, providing for <u>publication</u> of notice, description of subject land, providing for passage of this ordinance.
44	12/09/85	Resolution No. 39 - If <u>no opposition</u> during a Regular Municipal Election the <u>election procedure</u> need not be held.
45	09/29/86	Resolution No. 40 - <u>Millage</u> upon all real property, <u>fiscal</u> year October 1, 1986 to September 30, 1987.
46	11/10/86	Resolution No. 41 - Transfer of franchise of <u>Perry Cable TV Corporation</u> to <u>Centel Communications Company</u> . Transfer of the

CLERK DATE
DESCRIPTION TAB #

Community Antenna television
system to Centel Cable
Television Company.

- 47 06/08/87 Ordinance No. 42 - Declaration of
intent to annex certain land
within the Town's boundaries,
provision for publication of
such notice, description of said
property, copy of published notice
and a letter calling for
voluntary annexation attached to
this ordinance.
- 48 09/28/87 Resolution No. 43 - Millage upon
real property and final budget for
fiscal year October 1, 1987 to
September 30, 1988.
- 49 11/09/87 Ordinance No. 49* - Zoning ordinance
established zoning districts,
district regulations and supplemental
regulations for development.
Included Approved Land Use Plan Map.
Zoning Code 51 pages in length.
- 50 09/12/88 Resolution No. 44 - Millage upon
all real property for fiscal year
October 1, 1988 to September 30,
1989.

- 51 09/12/88 Resolution No. 45 - Budget adopted for
fiscal year October 1, 1988 to
September 30, 1989.
- 52 09/18/89 Resolution No. 50 - Millage upon all
real property for fiscal year October
1, 1989 to September 30, 1990.
- 53 09/11/89 Resolution No. 51 - Budget for fiscal
year October 1, 1989 to September 30,
1990.
- 54 09/11/89 Resolution No. 52* - Provision for flood
damage prevention measures, definitions,
area of application, establishment of
areas of special flood hazard,
establishment of development permits,
where this ordinance conflicts with
another, whichever imposes the more
stringent restrictions shall prevail,
permit procedures, duties of Town Building
Inspector specified. (Compare with
Ordinance 27, Ordinance 29, Ordinance 32,
Resolution 17 and Resolution 18.)
- 55 03/01/90 Ordinance No. 53* - Adopts revised
Comprehensive Plan pursuant to
Florida Statutes, Chapter 163, Part
11, Supersedes plan adopted by Ord.
25.)

* Items related to zoning, planning, land use
and development.