



Town of Highland Beach

Notice of Public Meeting Protocol

The Town of Highland Beach is committed to serving the needs of the public while also working to ensure the safety and health of the town's staff, the community, and visitors alike.

That said, as an added layer of protection for the safety of all attending meetings in the Commission Chambers, the wearing of facial coverings or masks is required. Also, until further notice, Social distancing requirements and in-person meeting capacity limits remain in place. For those interested, Zoom Video Communications and telephone participation are offered.

The following information is guidance for preregistration for Zoom or telephone participation, and for viewing and providing public comments at the meeting:

ZOOM PARTICIPATION:

Online or Telephone Access – Access to the meeting will begin on the date and time of the meeting.

- To Join Meeting: All interested persons **must preregister** to participate by contacting Town Clerk Lanelda Gaskins at publiccomments@highlandbeach.us or by calling (561) 278-4548 no later than one (1) business day prior to the meeting date (**e.g. by 4:30 P.M. on a Monday if the meeting is scheduled for that Tuesday; and by 4:30 P.M.).**
- Meeting access information and instructions will be provided to those persons two hours prior to the meeting.
- The video camera display feature will only be enabled for Public Hearing Quasi-Judicial matters and during public comments only. The video camera display feature will be disabled for public use.

For additional information on using Zoom, please visit Zoom Support by clicking on the following link: <https://support.zoom.us/hc/en-us>.

Viewing Only - To view the meeting, preregistration is not required. The public can view the meeting on the following:

- Highland Beach TV Channel 99 online streaming on the Town's website and via Highland Beach YouTube at <https://www.youtube.com/channel/UCTAGr8WCa44Y3Q2Bb6UN2mw>.

PROVIDING PUBLIC COMMENT:

Persons desiring to provide public comments must do so by one of the methods listed below. Public comments will be limited to five minutes (three minutes for special Commission meeting items only) per person during the designated section of the agenda. If an interested person desires to provide a written public comment, all comments must be directed to Lanelda Gaskins, Town Clerk as follows:

TO SEND COMMENTS IN ADVANCE VIA EMAIL:

- To submit public comments, click on the link <https://mmportal6.teamunicode.com/> to go to the Agendas and Meeting webpage. At the top of the page click on “Public Comments” to submit your comments, or
- Submit your comments to publiccomments@highlandbeach.us.
- The Town will receive such public comments no later than two (2) hours prior to the meeting. If timely received, Town staff will read the public comment at the meeting.
- Live Zoom Video Participation - If attending via Zoom online, please follow Zoom instructions above. Once the meeting gets to the applicable public comment period, the host of the meeting will allow public participants (audio only) into the meeting from the waiting room, to provide live public comments.
- Live Zoom Telephone Participation - If attending via Zoom by telephone, please follow the instructions above. Once the meeting gets to the appropriate public comment period, the host of the meeting will allow public participants into the meeting from the waiting room, to provide live public comments.

Should you have any questions, please feel free to contact the Town Clerk’s Office at (561) 278-4548.

Published: 05.26.2021 / Updated 04.15.2022

AGENDA

PLANNING BOARD REGULAR MEETING



Thursday, February 09, 2023, At 9:30 AM

TOWN OF HIGHLAND BEACH, FLORIDA

3614 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: www.highlandbeach.us

TOWN HALL COMMISSION CHAMBERS

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **PUBLIC COMMENT** *(limited to five (5) minutes per speaker)*
7. **APPROVAL OF MINUTES**
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**

A. January 12, 2023

A. Development Application No. 22-0016 / Nancy F. Politzer

Application By Akbar Mondal Nunez, Boat Lifts & Docks Of South Florida, for a special exception approval to install a 10,000-pound capacity boat lift in slip no. 22 for a property located at 4018 South Ocean Boulevard. (DO #22-0016).

B. Discussion on zoning district density review

10. ANNOUNCEMENTS

February 14, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
February 20, 2023		Town Hall closed in observance of Presidents Day
February 21, 2023	1:30 P.M.	Town Commission Meeting
March 09, 2023	9:30 A.M.	Planning Board Regular Meeting

11. ADJOURNMENT

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such records. There may be one or more Town Commissioners attending the meeting.

In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.

File Attachments for Item:

A. January 12, 2023



TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: January 12, 2023
Time: 9:30 AM

1. CALL TO ORDER

Chairperson Goldenberg called the meeting to order at 9:30 A.M.

2. ROLL CALL

Member Brian DeMoss
Member David Powell
Member Jason Chudnofsky
Member Roger Brown
Vice Chairperson Mendelson
Chairperson Eric Goldenberg
Town Attorney Leonard Rubin
Administrative Support Specialist Ganelle Thompson

ABSENT

Member Harry Adwar

ADDITIONAL STAFF PRESENT

Town Planner Ingrid Allen

3. PLEDGE OF ALLEGIANCE

The Board Members led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: Powell/Chudnofsky - Moved to approve the agenda as presented, which passed unanimously 5 to 0.

5. SWEARING IN OF THE PUBLIC

Ms. Thompson swore in those giving testimony.

6. PUBLIC COMMENT

There were no public comments.

7. APPROVAL OF MINUTES

A. November 17, 2022

MOTION: Powell/DeMoss - Moved to approve the November 17, 2022 Minutes, which passed unanimously 5 to 0.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

A. Development Application No. 22-0013 / 4320 Intracoastal, LLC

Application By William R. Thomas, Unlimited Permit Services Inc., for a special exception approval to install a 107 linear foot seawall, a 180 square foot dock, and a 27,000-pound capacity boat lift for the property located at 4320 Intracoastal Drive.

Chairperson Goldenberg read the title of Item 9.A. and asked the Board members if they had any ex parte communications to disclose. The Board members had no ex-parte communications. Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present her recommendations regarding the application.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the property with the existing seawall and dock, the survey, and the dock details. She advised that the applicant received authorization from the Florida Department of Environmental Protection (FDEP) and the US Army Corps of Engineers (ACOE) for the proposed dock. Staff is recommending approval to install a 107 linear-foot seawall, a 180 square-foot dock, and a 27,000-pound capacity boat lift for the property located at 4320 Intracoastal Drive. The applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

William R. Thomas of Unlimited Permit Services Inc. provided information on the contractor and the reason for using concrete versus wood as a building material for the construction of the dock.

The public hearing was closed followed by a motion.

MOTION: Mendelson/Demoss - Moved to approve (Development Order No. 22-0013). Based upon roll call: Vice Chairperson Mendelson (Yes), Member DeMoss (Yes), Member Brown (Yes), Member Powell (Yes), Member Chudnofsky (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 6 to 0 vote.

B. 2023 PROPOSED PLANNING BOARD MEETING DATES

MOTION: Chudnofsky/Demoss - Moved to approve 2023 Proposed Planning Board meeting dates as presented, which passed unanimously 6 to 0.

10. ANNOUNCEMENTS

Chairperson Goldenberg read the announcements as followed:

January 16, 2023		Town Hall closed in observance of Martin Luther King, Jr. Day
January 17, 2023	9:30 A.M.	Town Commission Meeting
January 24, 2023	9:00 A.M.	Coffee with the Mayor
January 26, 2023	11:30 A.M.	Financial Advisory Board Regular Meeting
February 09, 2023	9:30 A.M.	Tentative Planning Board Regular Meeting

Town Planner Allen mentioned that she will be providing a summary to the Board of all the public input meetings and attaching all the public comments along with a memorandum that will go to the Town Commission.

11. ADJOURNMENT

The meeting adjourned at 9:48 A.M.

MOTION: Powell/ Mendelson - Moved to adjourn the meeting, which passed unanimously 6 to 0.

APPROVED on February 09, 2023, Planning Board Regular Meeting.

Eric Goldenberg, Chairperson

ATTEST:

Transcribed by: Ganelle Thompson

Ganelle Thompson,
Administrative Support Specialist

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

File Attachments for Item:

A. Development Application No. 22-0016 / Nancy F. Politzer

Application By Akbar Mondal Nunez, Boat Lifts & Docks Of South Florida, for a special exception approval to install a 10,000-pound capacity boat lift in slip no. 22 for a property located at 4018 South Ocean Boulevard.



HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard
Highland Beach, FL 33487
Ph: (561) 278-4540

PLANNING BOARD STAFF REPORT

MEETING OF: February 9, 2023

TO: PLANNING BOARD

FROM: INGRID ALLEN, TOWN PLANNER

SUBJECT: APPLICATION BY AKBAR MONDAL NUNEZ, BOAT LIFTS & DOCKS OF SOUTH FLORIDA, FOR A SPECIAL EXCEPTION APPROVAL TO INSTALL A 10,000 POUND CAPACITY BOAT LIFT IN SLIP NO. 22 FOR A PROPERTY LOCATED AT 4018 SOUTH OCEAN BOULEVARD. (DO #22-0016)

I. GENERAL INFORMATION:

Applicant (Property Owner): Nancy F. Politzer
4018 South Ocean Blvd.
Highland Beach, Fl. 33487

Applicant's Agent: Akbar Mondal Nunez
Boat Lifts & Docks of South Florida
989 Northwest 31 Avenue
Pompano Beach, Fl. 33060

Property Characteristics:

Comprehensive Plan Land Use: Multi Family Low Density

Zoning District: RML, Residential Multiple Family Low Density

Site Location: 4018 South Ocean Blvd, slip number 22

Parcel PCN#: 24-43-47-04-55-000-0090

Request and Analysis:

The Applicant is proposing to install a four (4) post, 10,000 pound capacity boat lift in slip number 22 of the boat dock located at the Ocean Cove development. To the west of the Ocean Cove residences, there is a walkway that leads to the dock which runs parallel to the Intracoastal Waterway. The existing dock slips only accommodate perpendicular docking.

The Applicant has obtained South Florida Water Management District (SFWMD) (Application No. 220916-35977) and US Army Corps of Engineers (File No. SAJ-2022-02908(GP-PRC)) authorizations for the proposed boat lift. Note that the Florida Department of Environmental Protection (FDEP) delegated the review of the request to the SFWMD (see attached FDEP email correspondence). FDEP determined that because the Boca Cove development initially received an Environmental Resource Permit from SFWMD, the proposed boat lift should be reviewed by SFWMD given the permitting history. It is worth noting that a previous boat lift request (DO# 21-0006 – 4036 S. Ocean Blvd.) located within the same Boca Cove development was approved in 2021 by FDEP not SFWMD. FDEP indicated to staff that they inadvertently processed such approval; however, it is considered a valid authorization.

According to the Applicant's boat lift detail (sheet DET 1), the top of the lift measures 6 feet 11 inches from the existing pier. The Applicant has not dimensioned the superstructure components of the boat on the lift detail (this is not a requirement of the Town Code). That said and at the request of staff, the Applicant has included on sheet DET 1, a note referencing the boat lift definition found in Section 30-131 of the Town Code which is as follows:

Boat lifts means the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted.

Section 30-68(h)(1)a. of the Town Code, states that the installation of a boat lift shall be subject to special exception approval by the Planning Board at an advertised public hearing. Section 30-36(a) of the Town code states that if the Planning Board is the final authority on the special exception, then it shall approve, approve with conditions, or deny the application.

Staff has reviewed the Applicant's proposed request and finds that the project is consistent with the Zoning Code (Chapter 30) including the special exception criteria of Section 30-36, were applicable, and the Town Comprehensive Plan.

Following an approval by the Planning Board and prior to initiation of construction, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

II. Recommendation

Staff recommends approval to install a proposed 10,000 pound capacity boat lift in slip number 22 based on the plans date stamped received by the Building Department on January 6, 2023:

The Applicant's proposed request:

- ☒ **Meets Town of Highland Beach Zoning and other governmental agencies requirements.**
- ☐ **Meets Town of Highland Beach Zoning requirements; however, approvals are pending before the Town of Highland Beach will issue permits, with other governmental agencies as listed:**
- ☐ **Does not meet Town of Highland Beach Zoning requirements.**

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

**Ingrid Allen
Town Planner**

Attachments: **Application**
 Aerials
 HOA approval
 FDEP correspondence
 SFWMD authorization
 ACOE authorization
 Applicant Plans



TOWN OF HIGHLAND BEACH

Application # _____

PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION	
Address: 4018 S OCEAN BLVD	PCN: 24-43-47-04-55-000-0090
Full Legal Description of the Property [as described in the deed] or reference to an attachment: OCEAN COVE LT 9	
Zoning District:	What is the location of the installation? <input type="checkbox"/> Intracoastal Waterway (ICW) <input type="checkbox"/> Interior Canal/Basin <input type="checkbox"/> N/A

PROPERTY OWNER (APPLICANT) INFORMATION		
Name: NANCY POLITZER	Phone: (561) 980 5211	Fax:
Mailing Address: 4018 S OCEAN BLVD		
Email Address: NFP1015@gmail.com		

APPLICANT'S AGENT INFORMATION		
Name: AKBAR MONDAL	Phone: (954) 971 0811	Fax:
Company Name: Boat Lifts & Docks of S. Florida		
Mailing Address: 989 NW 31 AVE, Pompano Beach, FL		
Email Address: docksandlifts@gmail.com		

Provide a detailed description of the proposed project (use additional pages if necessary):

Installation of 10K 4-Post Boat Lift.

I give permission to the members of the Town Commission, Planning Board and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information. Willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the application requirements. With this application, I am submitting the necessary supporting materials listed.

Applicant's Signature: Nancy Paltip Date: 8-1-2022

Received by the Town Clerk's Office:

Received By: _____ Date: _____

Date Public Notices Mailed: _____

Date Legal Advertisement Published: _____



Town of Highland Beach

3614 South Ocean Boulevard • Highland Beach, Florida 33487

www.highlandbeach.us

AUTHORIZED AGENT FORM

I NANCY POLITZER as owner of 4018 S. Ocean Blvd - SLIP #22
(print name of owner) (property address)

do hereby authorize AKBAR MONDAL NUÑEZ to act as my agent in submitting building
(name of authorized agent)

permit applications to the Town of Highland Beach. I understand that I am the owner of record responsible for the permit applications submitted by my agent referenced above. I further understand that each time my agent submits an application or signs any required documents, that the individual must exhibit this authorization form to the permitting staff.

The owner's signature is to be notarized.

Nancy Politzer
Owner's Signature

Date: 11-9-2022

State of Florida

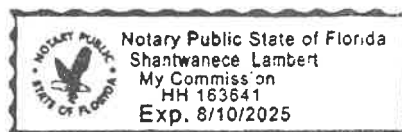
County of Broward

The foregoing instrument was acknowledged before me this 16 day of November, 2022

by Nancy Politzer who is personally known to me _____ or has provided the following identification _____

[Signature]
Notary Public's Signature

Date: 11/16/22

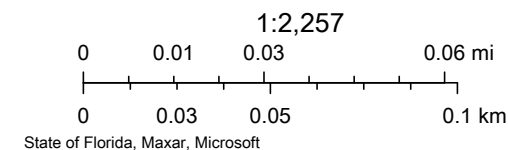


4018 South Ocean Blvd.



1/26/2023, 10:26:55 AM

- Highland Beach Boundary
- Highland Beach Parcels
- Highland Beach Address Points
- Streets Centerline



Ocean Cove



Source: Palm Beach County Property Appraiser



OCEAN COVE

*C/o Grant Property Management
1599 NW 9th Ave, Suite 2
Boca Raton, FL 33486
Phone: 561-417-4100
gpm@grantmgmt.com*

November 30, 2022

Boat Lifts & Docks of South Florida
1013 NW 31st Avenue, Building F
Pompano Beach, FL 33069

To whom it may concern:

The Ocean Cove at Highland Beach Homeowners Association gives Nancy Politzer at 4018 S. Ocean Blvd., Highland Beach, FL 33487 Slip #22 permission to install a boatlift.

Thank you.

Sincerely,

Maria Scarduelli, LCAM
On Behalf of the Board of Directors

Ingrid Allen

From: Meyer, Jeffrey L <Jeffrey.L.Meyer@FloridaDEP.gov>
Sent: Thursday, January 5, 2023 9:32 AM
To: Ingrid Allen
Cc: Sattelberger, Danielle; Osborne, Vanessa
Subject: RE: 426221-001 Polizer, Nancy (4018 S Ocean Blvd)

We may have inadvertently processed an application at the facility. Sometimes they slip through the process without being re-routed. It's still a valid authorization, even if it wasn't supposed to come from us. However, all future ERP applications for that facility should be handled by SFWMD.



Jeffrey L. Meyer

Environmental Administrator

Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Jeffrey.L.Meyer@floridadep.gov
Office: 561.681.6645



[Request DEP Pre-Application Meeting with SED \(surveygizmo.com\)](#)

The Department of Environmental Protection values your feedback as a customer. Please take a few minutes to comment on the quality of service you received by completing the [DEP Customer Survey](#).

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Tuesday, January 3, 2023 5:00 PM
To: Meyer, Jeffrey L <Jeffrey.L.Meyer@FloridaDEP.gov>
Cc: Sattelberger, Danielle <Danielle.Sattelberger@FloridaDEP.gov>; Osborne, Vanessa <Vanessa.Osborne@FloridaDEP.gov>
Subject: RE: 426221-001 Polizer, Nancy (4018 S Ocean Blvd)

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Jeffrey:

Thank you for your quick response. This is very interesting, back in 2021, a request for a boat lift within the same Boca Cove community (4036 S. Ocean Blvd) was processed here in the Town. The applicant provided the attached FDEP letter (as well as ACOE letter) which did not reference a transfer to the SFWMD to delegate. Should they have?



Sincerely,
Ingrid Allen
Town Planner

Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

From: Meyer, Jeffrey L <Jeffrey.L.Meyer@FloridaDEP.gov>
Sent: Tuesday, January 3, 2023 3:28 PM
To: Ingrid Allen <iallen@highlandbeach.us>
Cc: Sattelberger, Danielle <Danielle.Sattelberger@FloridaDEP.gov>; Osborne, Vanessa <Vanessa.Osborne@FloridaDEP.gov>
Subject: RE: 426221-001 Polizer, Nancy (4018 S Ocean Blvd)

Hi Ingrid,

Environmental Resource Permitting (ERP) jurisdiction in the State of Florida is split between FDEP and the Water Management Districts. There is an operating agreement in place that dictates which agency is responsible to process ERP permits based on the type of activity proposed. Typically, single-family docking structures, including boat lifts, are FDEP's responsibility. However, in this case the proposed boat lift is part of a larger residential development that previously received an ERP from SFWMD. Since the facility's ERP permitting history is with SFWMD, that agency is responsible for reviewing the proposed boat lift project.

Regards,



Jeffrey L. Meyer
Environmental Administrator
Florida Department of Environmental Protection
Southeast District – West Palm Beach
3301 Gun Club Road, MSC 7210-1
West Palm Beach, FL 33406
Jeffrey.L.Meyer@floridadep.gov
Office: 561.681.6645





SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 11, 2022

** Delivered via email*

Steve Garbutt *
989 NW 31st Avenue
Pompano Beach, FL 33069

Subject: Exemption for Politzer Boat Lift
Application No. 220916-35977
Exemption No. 50-107725-P
Palm Beach County

Dear Ms. Politzer:

The South Florida Water Management District (District) reviewed the information submitted for the proposed installation of a 4 post boat lift and has determined that the proposed project is exempt from the requirement to obtain an Environmental Resource Permit, pursuant to rule 62-330.051(5)(h), Florida Administrative Code.

The proposed activities to be conducted under the exemption involve the installation of a 10,000 pound four-post boat lift with four existing concrete piles located at 4018 S. Ocean Blvd., in Highland Beach, Palm Beach County. Based on the plans received by the District on September 16, 2022, the proposed work proposes 126 square feet. Please see Exhibit No. 1 for a Location Map and Exhibit No. 2 for Plans.

Activities that qualify for this exemption must be conducted and operated using appropriate best management practices and in a manner which does not cause or contribute to a water quality violation. Pursuant to Chapters 62-302 or 62-4, Florida Administrative Code.

This letter does not relieve you from the responsibility of obtaining other permits (federal, state or local) which may be required for the project.

The determination that this project qualifies as an exempt activity may be revoked if the installation is substantially modified, if the basis of the exemption is determined to be materially incorrect, or if the installation results in violation to state water quality standards. Any changes made in the construction plans or location of the project may necessitate a permit from the District. Therefore you are advised to contact the District before beginning any work in wetlands which is not specifically described in the submittal.

Steve Garbutt
Politzer Boat Lift, Application No. 220916-35977
October 11, 2022
Page 2

The notice of determination that the project qualifies as an exempt activity constitutes final agency action by the District unless a petition for administrative hearing is filed. Upon timely filing of a petition, this Notice will not be effective until further Order of the District. If you have any questions concerning this matter, please contact Elizabeth Allen, Environmental Analyst 1 at 863-462-5260 x3013 or eallen@sfwmd.gov, and Joe Marquez, at (954) 682-6738 or jmarquez@sfwmd.gov.

Sincerely,



Jesse Markle, P.E.
Bureau Chief, Environmental Resource Bureau

c: Steve Garbutt *

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 220916-35977 .

[Exhibit No. 1 Location Map](#)

[Exhibit No. 2 Plans](#)

NOTICE OF RIGHTS

As required by Chapter 120, Florida Statutes, the following provides notice of the opportunities which may be available for administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, or judicial review pursuant to Section 120.68, Florida Statutes, when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Some of the legal proceedings detailed below may not be applicable or appropriate for your situation. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Florida Statutes. Persons seeking a hearing on a District decision which affects or may affect their substantial interests shall file a petition for hearing in accordance with the filing instructions set forth herein within 21 days of receipt of written notice of the decision unless one of the following shorter time periods apply: (1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Florida Statutes; or (2) within 14 days of service of an Administrative Order pursuant to Section 373.119(1), Florida Statutes. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, posting, or publication that the District has taken or intends to take final agency action. Any person who receives written notice of a District decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action that materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional point of entry pursuant to Rule 28-106.111, Florida Administrative Code.

Any person to whom an emergency order is directed pursuant to Section 373.119(2), Florida Statutes, shall comply therewith immediately, but on petition to the board shall be afforded a hearing as soon as possible.

A person may file a request for an extension of time for filing a petition. The District may grant the request for good cause. Requests for extension of time must be filed with the District prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and whether the District and any other parties agree to or oppose the extension. A timely request for an extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

FILING INSTRUCTIONS

A petition for administrative hearing must be filed with the Office of the District Clerk. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for administrative hearing or other document is deemed filed upon receipt during normal business hours by the Office of the District Clerk at the District's headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33406.
- Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the District's security desk does not constitute filing. It will be necessary to request that the District's security officer contact the Office of the District Clerk. An employee of the District's Clerk's office will receive and process the petition.
- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document.

INITIATION OF ADMINISTRATIVE HEARING

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Rules 28-106.201 and 28-106.301, Florida Administrative Code, initiation of an administrative hearing shall be made by written petition to the District in legible form and on 8 1/2 by 11 inch white paper. All petitions shall contain:

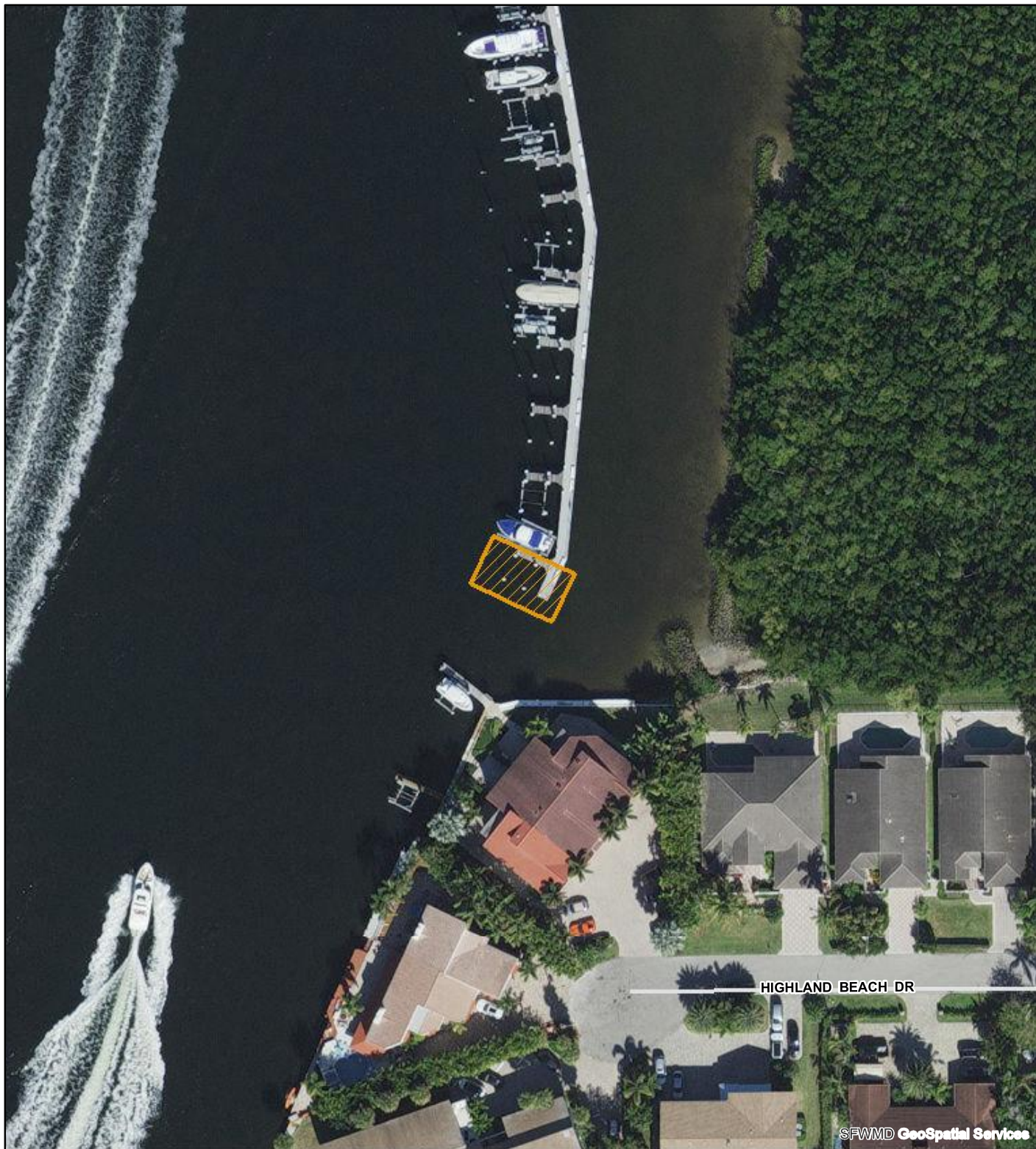
1. Identification of the action being contested, including the permit number, application number, District file number or any other District identification number, if known.
2. The name, address, any email address, any facsimile number, and telephone number of the petitioner, petitioner's attorney or qualified representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the District's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the District's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the District's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the District to take with respect to the District's proposed action.

MEDIATION

The procedures for pursuing mediation are set forth in Section 120.573, Florida Statutes, and Rules 28-106.111 and 28-106.401–.405, Florida Administrative Code. The District is not proposing mediation for this agency action under Section 120.573, Florida Statutes, at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Section 120.68, Florida Statutes, and in accordance with Florida Rule of Appellate Procedure 9.110, a party who is adversely affected by final District action may seek judicial review of the District's final decision by filing a notice of appeal with the Office of the District Clerk in accordance with the filing instructions set forth herein within 30 days of rendition of the order to be reviewed, and by filing a copy of the notice with the appropriate district court of appeals via the Florida Courts E-Filing Portal.



SFWMD GeoSpatial Services

Exhibit No:1.0

Exhibit Created On:
2022-09-28

PALM BEACH COUNTY, FL

REGULATION DIVISION

Project Name: Politzer Nancy Boat Lift



0 65 130
Feet



Application

Permit No: 50-107725-P

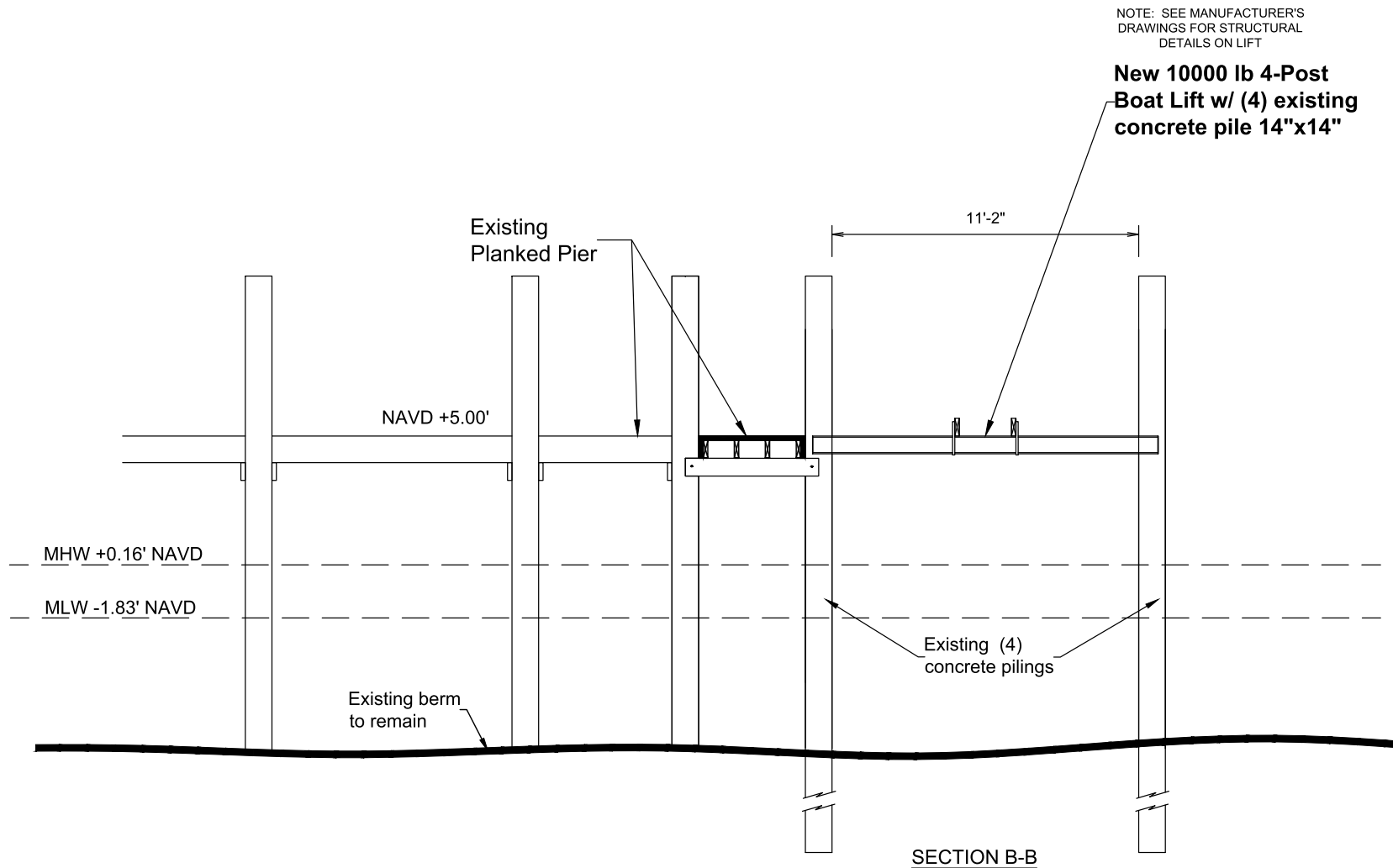
Application Number: 220916-3597



sfwmd.gov

Created by IT GIS Section

South Florida Water Management District



4-POST BOAT LIFT DETAIL
SCALE: 1/4"=1'-0"

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELL.SOUTH.NET
PHONE: 954-882-6651 FAX: 954-803-4284
STATE OF FLORIDA LICENSE PE 20689

PREPARED FOR:
**BOATLIFTS & DOCKS
OF SOUTH FLORIDA**
988 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCCT131151479

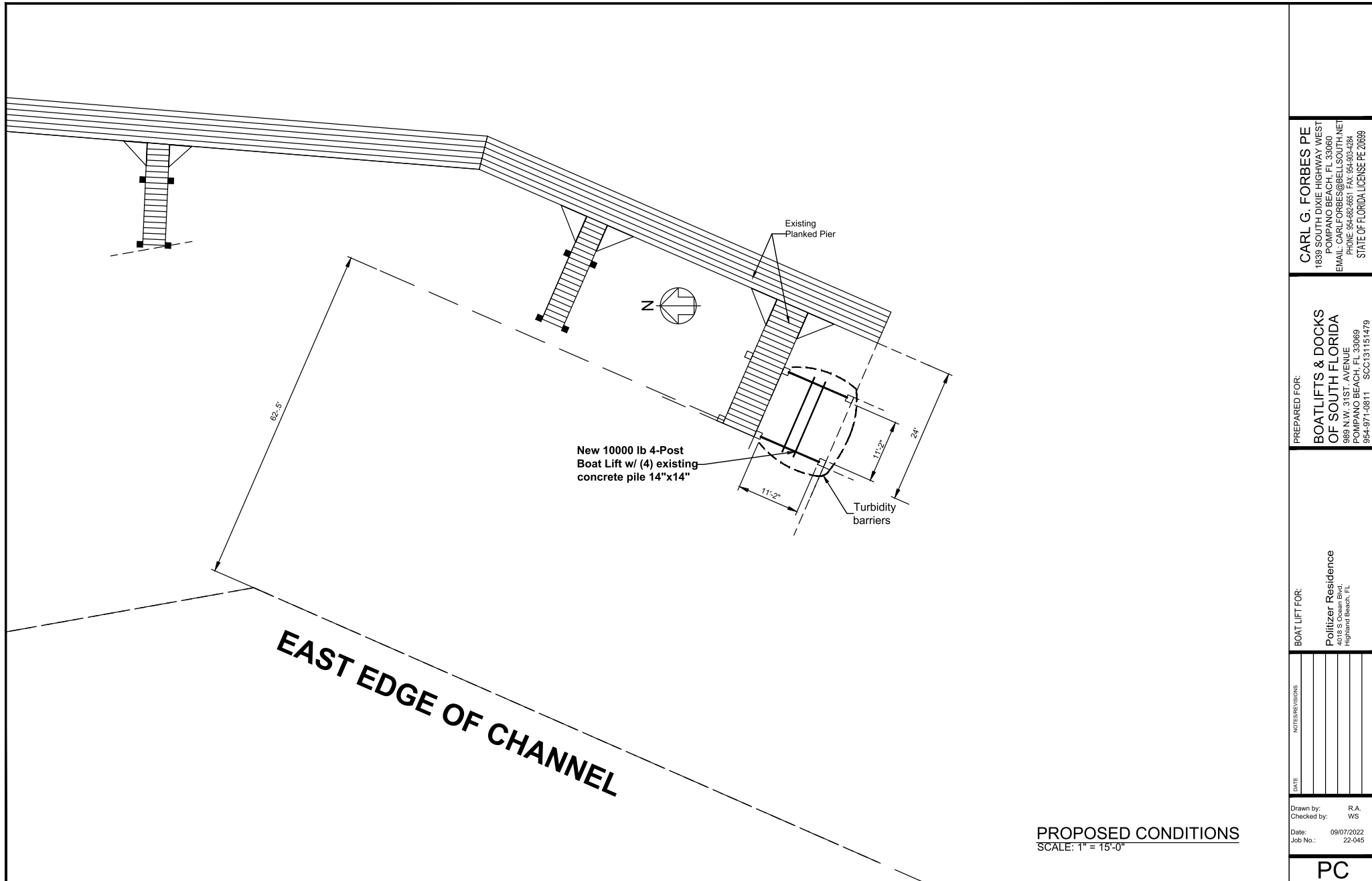
BOAT LIFT FOR:
Politzer Residence
4016 S Ocean Blvd.
Highland Beach, FL

NOTES/REVISIONS

DATE
Drawn by: R.A.
Checked by: Will

Date: 08/27/2022
Job No.: 22-045

DET 2



CARL G. FORBES PE
 1839 SOUTH DIXIE HIGHWAY WEST
 POMPANO BEACH, FL 33060
 EMAIL: CARL.FORBES@BELL.SOUTH.NET
 PHONE 954-682-6651 FAX 954-603-4284
 STATE OF FLORIDA LICENSE PE 20699

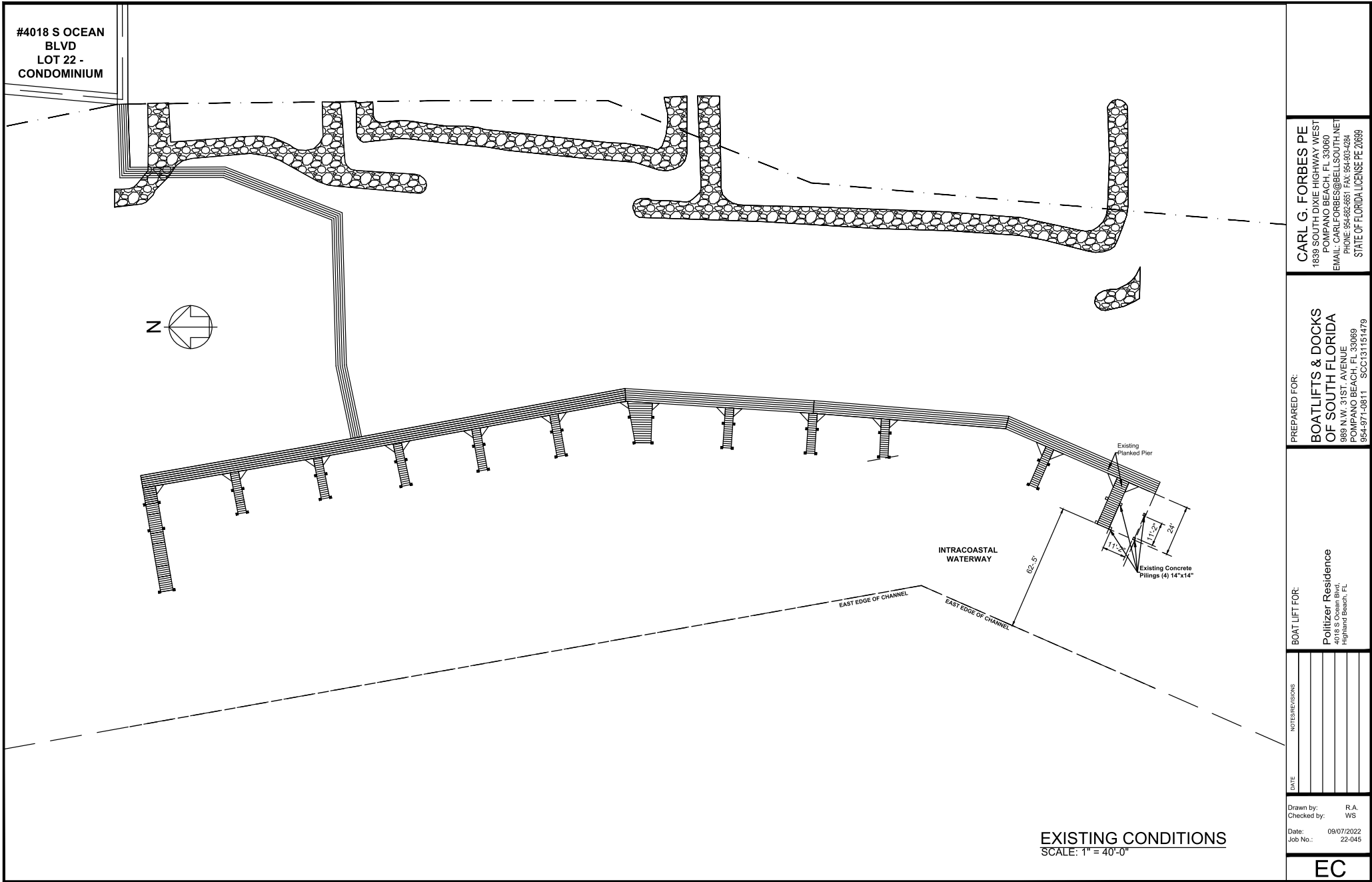
PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
 888 N.W. 31ST AVENUE
 POMPANO BEACH, FL 33069
 954-971-0811 SCC131151479

BOAT LIFT FOR:
Poltizer Residence
 4018 S Ocean Blvd.
 Highland Beach, FL

DATE	NOTES/REVISIONS

Drawn by: R.A.
 Checked by: WS
 Date: 09/07/2022
 Job No.: 22-045

PC



CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELLSOUTH.NET
PHONE 954-682-4651 FAX 954-903-4284
STATE OF FLORIDA LICENSE PE 20699

PREPARED FOR:
**BOATLIFTS & DOCKS
OF SOUTH FLORIDA**
989 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131515479

BOAT LIFT FOR:
Politzer Residence
4018 S Ocean Blvd.
Highland Beach, FL

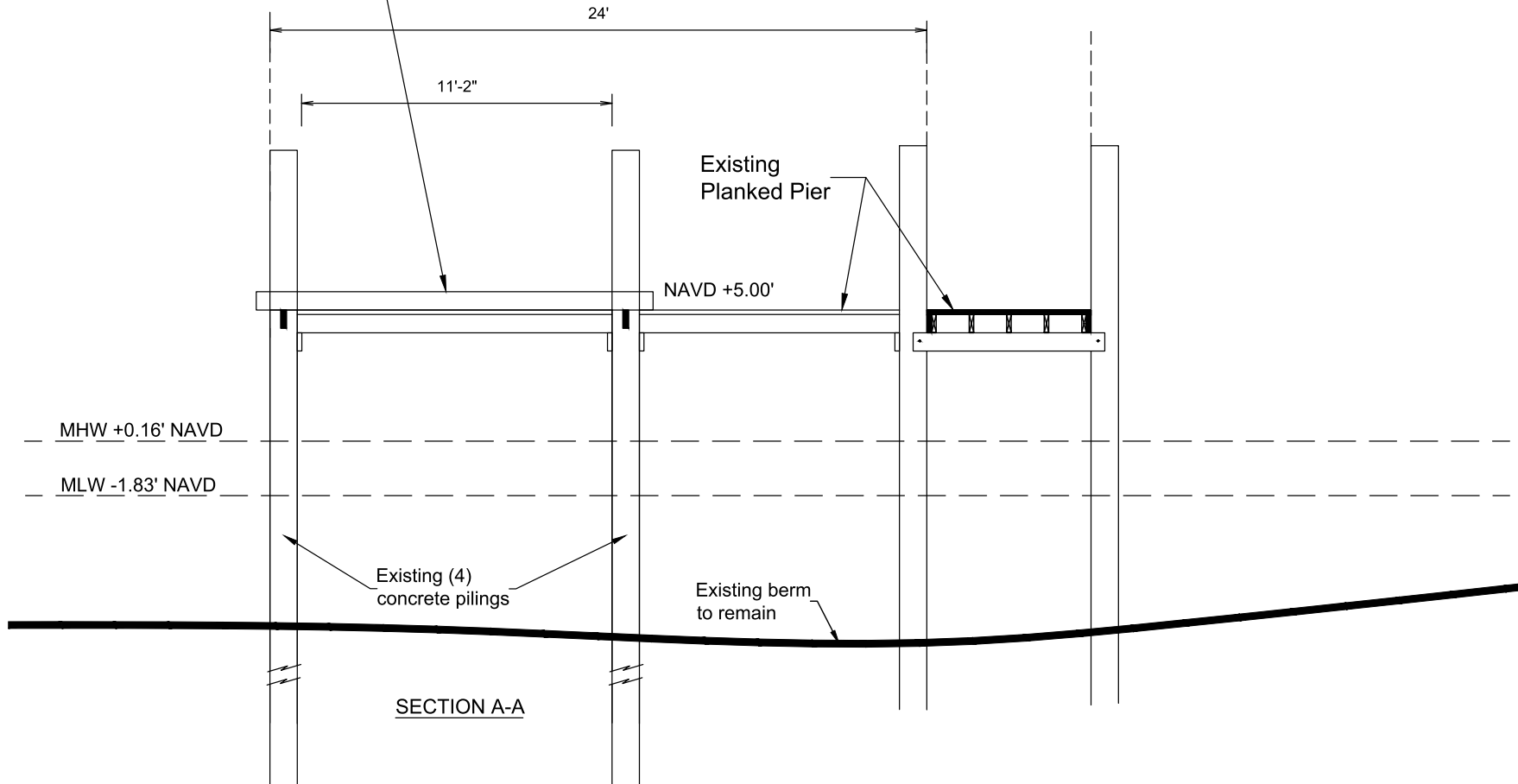
DATE	NOTES/REVISIONS

Drawn by: R.A.
Checked by: WS
Date: 09/07/2022
Job No.: 22-045

EC

NOTE: SEE MANUFACTURER'S
DRAWINGS FOR STRUCTURAL
DETAILS ON LIFT

**New 10000 lb 4-Post
Boat Lift w/ (4) existing
concrete pile 14"x14"**



4-POST BOAT LIFT DETAIL
SCALE: 1/4"=1'-0"

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELLSOUTH.NET
PHONE 954-882-6651 FAX 954-903-2284
STATE OF FLORIDA LICENSE PE 20639

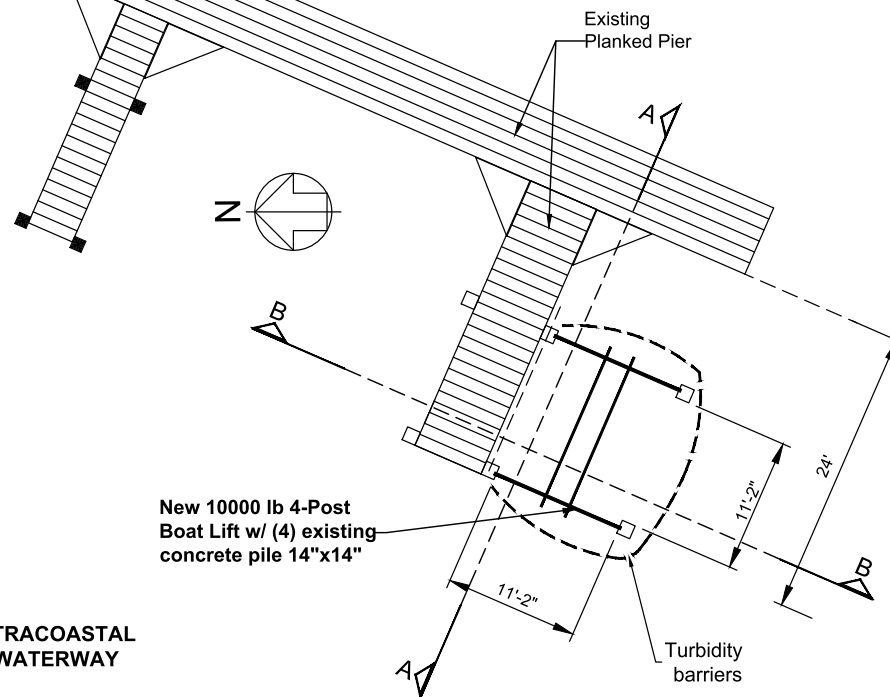
**BOATLIFTS & DOCKS
OF SOUTH FLORIDA**
989 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-3611 SCCT31515479

BOAT LIFT FOR:
Poltizer Residence
4018 S Ocean Blvd.
Highland Beach, FL

NOTES/REVISIONS

DATE
Drawn by: R.A.
Checked by: WS
Date: 09/07/2022
Job No.: 22-045

DET-2



INTRACOASTAL
WATERWAY

New 10000 lb 4-Post
Boat Lift w/ (4) existing
concrete pile 14"x14"

Turbidity
barriers

SITE PLAN
SCALE: 3/32" = 1'-0"

General Notes:

1. New 10000 lbs 4-Post Boat Lift mounted on existing (4) concrete pilings 14"x14".
2. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
3. All framing materials to be pressure treated, Southern Yellow Pine, Grade 2 or better, min. fb=975 PSI or better.
4. All hardware to be galvanized or stainless steel.
5. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
6. Elevations shown are based on the North American Vertical Datum of 1988.
7. Design in accordance with 2020 7th Edition of the Florida Building Code.
8. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
9. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.

10. Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting.

II. Engineer's Limitations of Responsibility: The Engineer shall not be responsible for the quality or composition of materials, fabrications, construction inspection, supervision, or review, special inspection, or the quality and correctness of construction unless the appropriate submissions, reports, approvals, inspections, site visit, construction review, or special inspections are performed by the Engineer or his representative as required herein, and then only such responsibility as is associated with the specific work performed as is commonly assigned a structural engineer in relation to other engineering and construction disciplines associated with the project.

12. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employee of all subcontractors to the project.

13. Engineer's Statement of Compliance: To the best of the Engineer's knowledge, the structural plans and specifications presented herein comply with the applicable minimum building codes, standards, and practices.

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELLSOUTH.NET
PHONE: 954-862-8851 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20599

PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
989 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-4811 SCC13151479

BOAT LIFT FOR:
Politzer Residence
4018 S Ocean Blvd.
Highland Beach, FL

NOTES/REVISIONS

Drawn by: R.A.
Checked by: WS
Date: 09/07/2022
Job No.: 22-045

SP



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BOULEVARD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

October 31, 2022

Regulatory Division
South Branch
Palm Beach Gardens Section
SAJ-2022-02908(GP-PRC)

Nancy Politzer
4018 South Ocean Boulevard
Highland Beach, FL 33069
Sent via email: docksandlifts@gmail.com

Dear Ms. Politzer:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit, which the Corps received on September 15, 2022. Your application was assigned file number SAJ-2022-02908. A review of the information and drawings provided indicates that the proposed work would result in the installation of a boat lift in Slip #22 of an existing multifamily dock, Ocean Cove Marina. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located in the Intracoastal Waterway, a water of the U.S., at 4018 S Ocean Boulevard, in Section 4, Township 43 South, Range 47 East, Highland Beach, Palm Beach County, Florida (26.402822, -80.067952).

This letter verifies your project, as described above and depicted on the enclosed drawings, is authorized by Regional General Permit (RGP) SAJ-20 and any subsequent modifications, if applicable. **This RGP authorization is valid until March 27, 2023.** Please access the Corps' Jacksonville District Regulatory Division Source Book web page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Once there, select "General Permits." Then you will need to select the specific SAJ permit noted above.

You must comply with all of the general and special conditions of the RGP, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized ends on **March 27, 2023.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions (Attachment).
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. Reporting Addresses: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:
 - a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
 - b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division,

Special Projects and Enforcement Branch, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410. The Permittee shall reference this DA permit number, SAJ-2022-02908(GP-PRC), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed Commencement Notification form (Attachment).

3. Section 401 Water Quality Certification: It is incumbent upon the Permittee to ensure that the proposed activity(ies) are, in fact, exempt under rule 62-330.051 or 62-330.0511, F.A.C. In accordance with 62.330.062, F.A.C., state water quality certification has been waived for activities that are exempt under rule 62-330.051 or 62-330.0511, F.A.C. Based upon the exemption information provided by the Permittee, the Corps has presumed the proposed activity(ies) meet the above-referenced exemptions which constitutes written notification that the certifying authority has expressly waived to act on the water quality certification (WQC) request for this DA permit application in accordance with 40 CFR 121.9(a)(1). Therefore, this exemption satisfies the project proponent's (i.e. permittee) requirement to obtain a WQC. In the event that a WQC is required following the issuance of this DA permit, the Corps will revoke this DA permit verification/authorization until the required WQC is received in accordance with 40 CFR 121. You will not be authorized to commence work until a separate written DA permit verification/authorization is provided or be subject to an enforcement action.

4. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps,

in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on nonfederal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archaeologist and from the Corps.

5. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

6. Manatee Conditions: The Permittee shall comply with the "Standard Manatee Conditions for In-Water Work – 2011" (Attachment).

7. Consent to Easement: Consent to Easement: A portion of the authorized work may be located within the Federal right-of-way and therefore, may require a Department of the Army Consent to Easement. The Permittee shall complete the "Application for Consent to Cross U.S. Government Easement" (Attachment) and submit to the Corps Real Estate Division SAJ-RE-Consent@usace.army.mil or Post Office Box 4970, Jacksonville, Florida 32232-0019 or by telephone at 904-570-4514. The application should include a boundary survey map along with the authorized construction plans and specifications for the project. Prior to commencement of construction, the Permittee shall provide a copy of the Corps approved Consent to Easement, or correspondence from the Real Estate Division indicating that a Consent to Easement is not required, to the address identified in the Reporting Address Special Condition.

8. Federal Channel Setback: The most waterward edge of the authorized project shall be constructed approximately 62.5 feet from the near edge of the federal channel.

9. Notice of Permit: The Permittee shall complete and record the "Notice of Department of the Army Authorization" form (Attachment) with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit, the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

10. As-Built with X-Y Coordinates: Within 60 days of completion of the authorized work, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment) to the Corps. The drawings shall be signed and sealed by a surveyor licensed under Florida Statute 472 and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) on 8½-inch by 11-inch paper. The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure and a point at the mean high water line (MHWL) or the of the bulkhead/seawall, if present. The drawings shall include: the dimensions of the structure, depth of water (at mean low water) at the waterward end of the structure, and the distance from the waterward end of the structure to the near bottom edge of the channel.

b. Listing of any deviations between the work authorized by this permit and the work as constructed. In the event the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. Placement of the Department of the Army Permit number on all sheets submitted.

11. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Johnson's seagrass and its critical habitat were delisted from the Endangered Species Act on May 16, 2022. Therefore, JAXBO PDCs required to minimize adverse effects to Johnson's seagrass and its critical habitat are no longer applicable to any project. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species

occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of the JAXBO must be utilized during the design and construction of the permitted work.

12. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

Jurisdictional Determination:

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this RGP verification or have issues accessing the documents referenced in this letter, please contact Patricia Clune at the letterhead address above, via telephone at 561-768-5944, or via e-mail at Patricia.R.Clune@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patricia Clune', written in a cursive style.

Patricia Clune
Project Manager

Enclosures

Commencement Notification Form
As-Built Certification Form
Manatee Conditions
NMFS PDCs
Notice of Permit
Self-Certification Statement of Compliance

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Nancy Politzer	File Number: SAJ-2022-02908	Date: October 31, 2022
Attached is:	See Section below	
INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
PERMIT DENIAL	C	
APPROVED JURISDICTIONAL DETERMINATION	D	
PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Enter PM Contact Information

If you only have questions regarding the appeal process you may also contact:

**Phillip Shannin
Administrative Appeals Review Officer
USACE – South Atlantic Division
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-51377**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2022-02908(NW-PRC)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

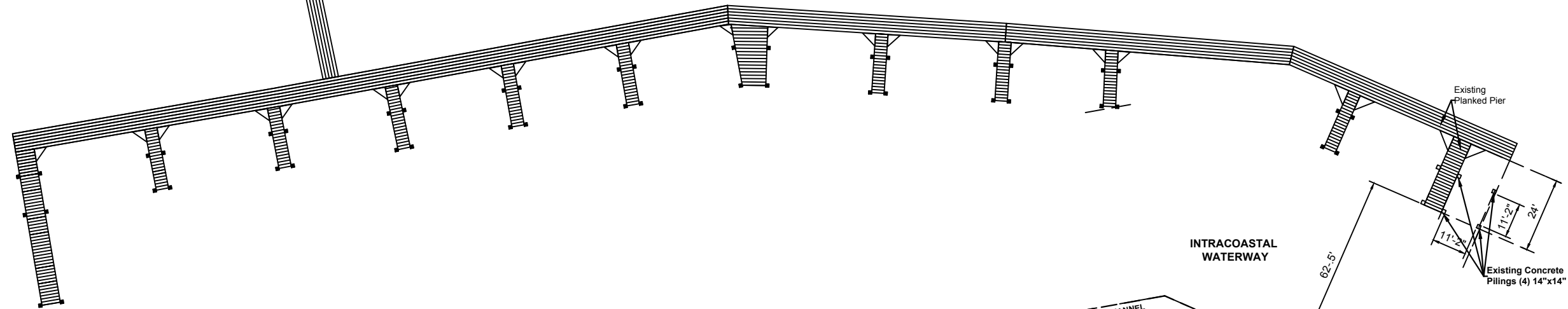
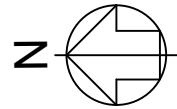
(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

#4018 S OCEAN
BLVD
LOT 22 -
CONDOMINIUM



EXISTING CONDITIONS
SCALE: 1" = 40'-0"

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARLFORBES@BELLSOUTH.NET
PHONE: 954-682-6651 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20699

PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
989 N.W. 31ST. AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:
Politizer Residence
4018 S Ocean Blvd,
Highland Beach, FL

NOTES/REVISIONS

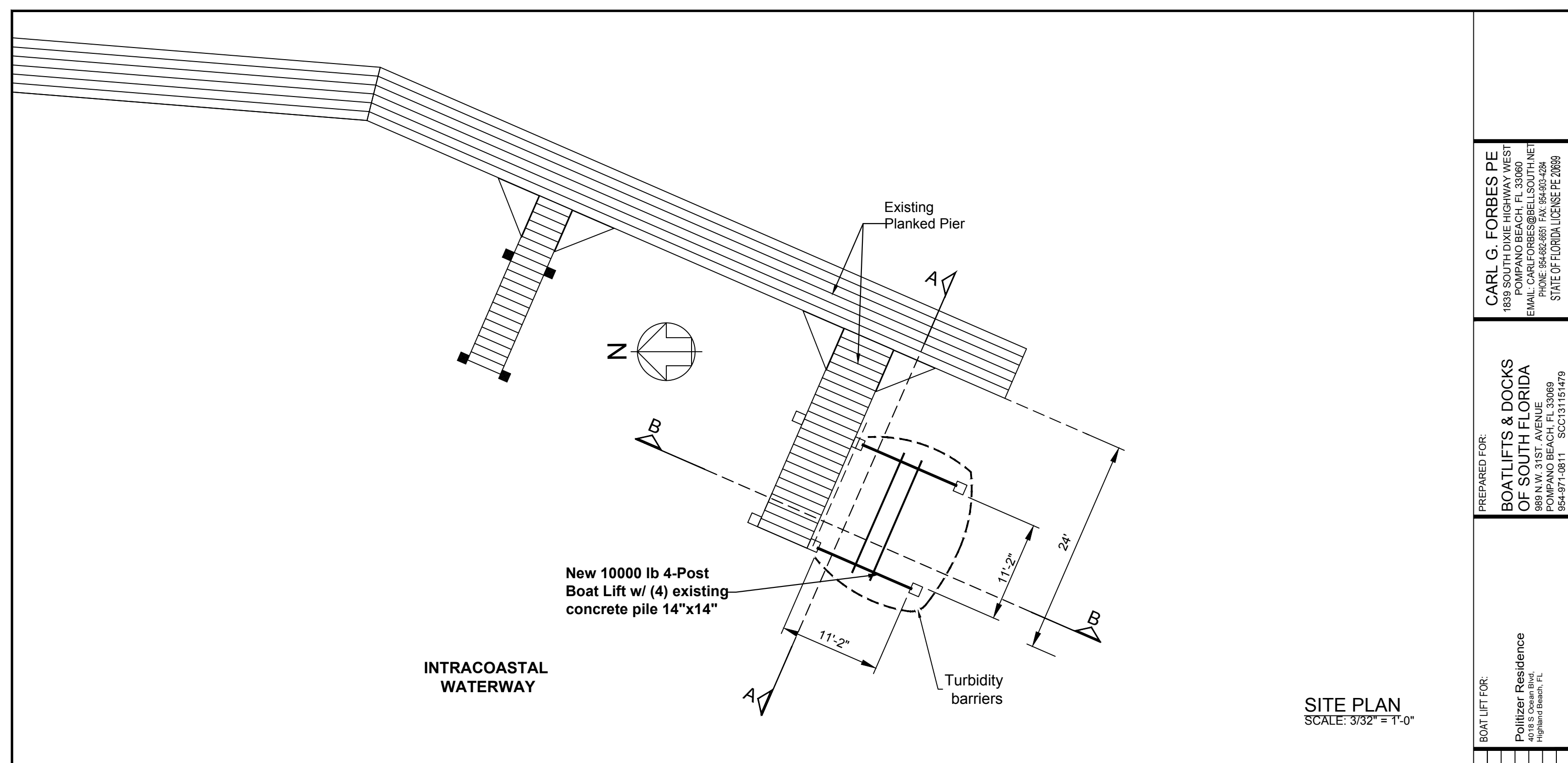
DATE

Drawn by: R.A.
Checked by: WS

Date: 09/07/2022
Job No: 22-045



Page 44



General Notes:

1. New 10000 lbs 4-Post Boat Lift mounted on existing (4) concrete pilings 14"x14".
2. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
3. All framing materials to be pressure treated, Southern Yellow Pine, Grade 2 or better, min. fb=975 PSI or better.
4. All hardware to be galvanized or stainless steel.
5. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
6. Elevations shown are based on the North American Vertical Datum of 1988.
7. Design in accordance with 2020 7th Edition of the Florida Building Code.
8. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
9. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.

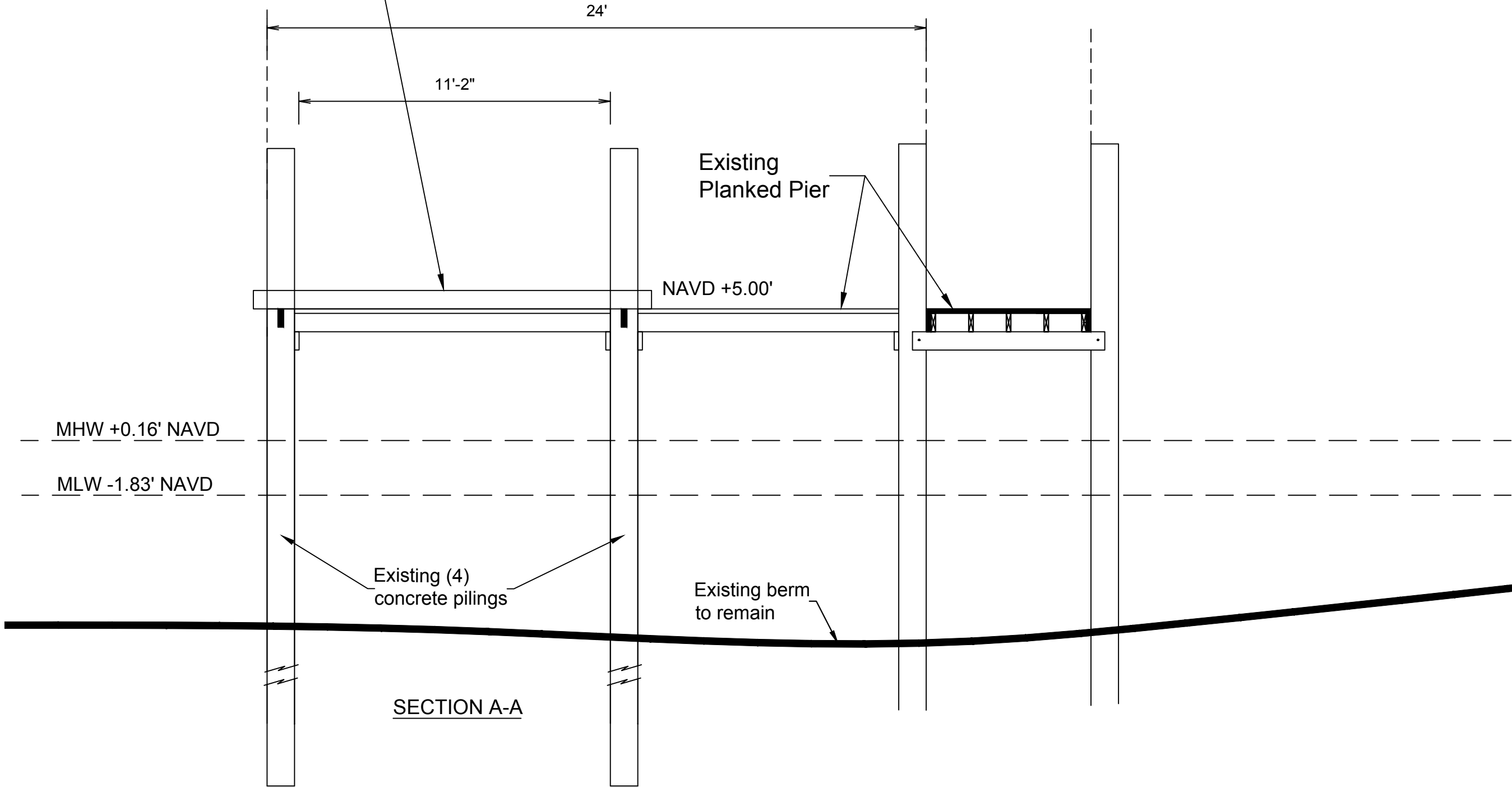
10. Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting.
11. Engineer's Limitations of Responsibility: The Engineer shall not be responsible for the quality or composition of materials, fabrications, construction inspection, supervision, or review, special inspection, or the quality and correctness of construction unless the appropriate submissions, reports, approvals, inspections, site visit, construction review, or special inspections are performed by the Engineer or his representative as required herein, and then only such responsibility as is associated with the specific work performed as is commonly assigned a structural engineer in relation to other engineering and construction disciplines associated with the project.
12. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employee of all subcontractors to the project.
13. Engineer's Statement of Compliance: To the best of the Engineer's knowledge, the structural plans and specifications presented herein comply with the applicable minimum building codes, standards, and practices.

NOTES/REVISIONS	DATE		Job #	
Drawn by:		R.A.		
Checked by:		WS		
Date:		09/07/2022		
Job #		15		
Page 45				
SP				

PREPARED FOR:	CARL G. FORBES PE	
	1839 SOUTH DIXIE HIGHWAY WEST POMPAO BEACH, FL 33060 EMAIL: CARLFORBES@BELLSOUTH.NET PHONE: 954-682-6651 FAX: 954-903-4284 STATE OF FLORIDA LICENSE PE 20699	
BOAT LIFT FOR:	BOATLIFTS & DOCKS OF SOUTH FLORIDA	
	989 N.W. 31ST. AVENUE POMPAO BEACH, FL 33069 954-971-0811 SCC131151479	

NOTE: SEE MANUFACTURER'S
DRAWINGS FOR STRUCTURAL
DETAILS ON LIFT

**New 10000 lb 4-Post
Boat Lift w/ (4) existing
concrete pile 14"x14"**



4-POST BOAT LIFT DETAIL
SCALE: 1/4"=1'-0"

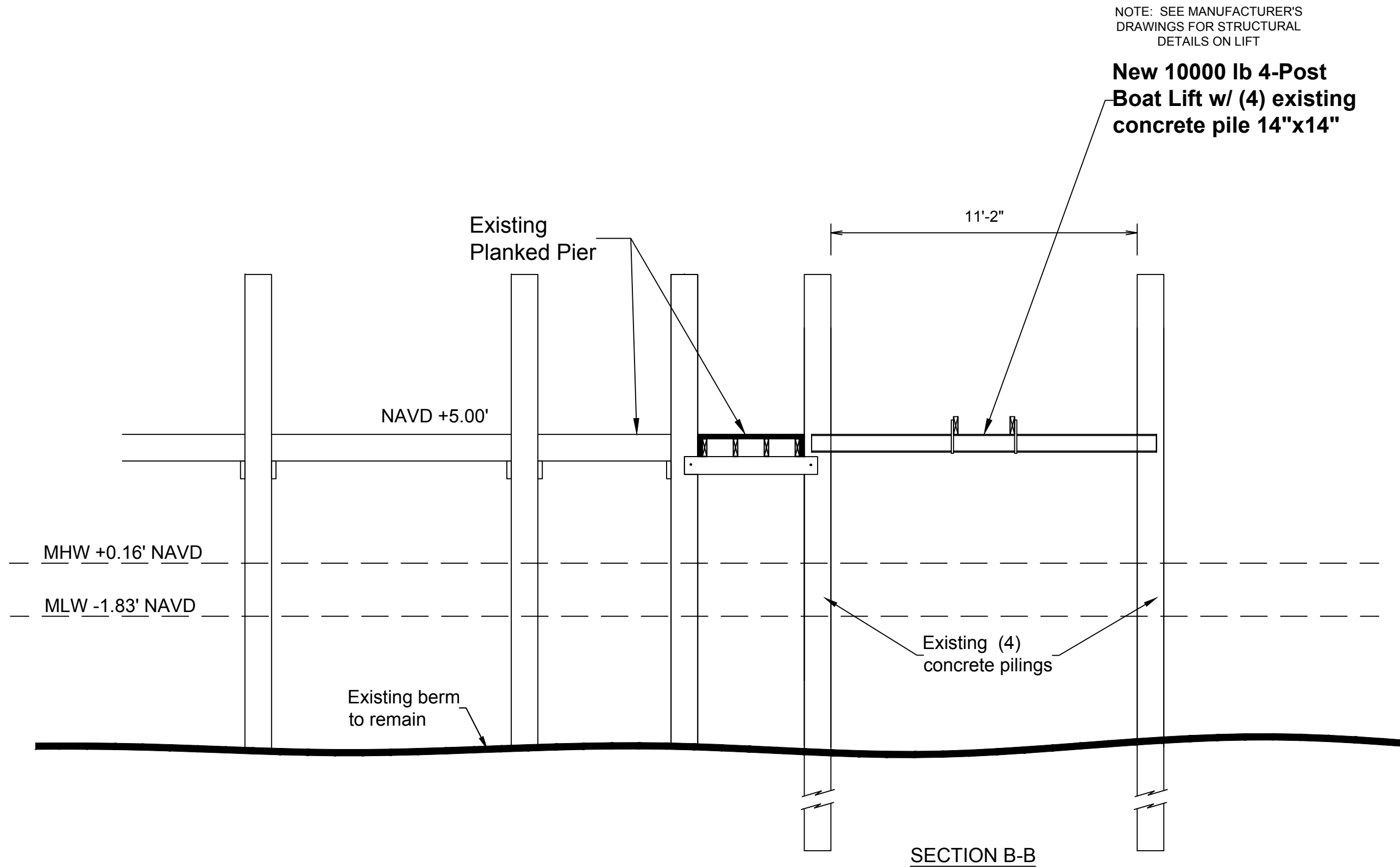
CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARLFORBES@BELLSOUTH.NET
PHONE: 954-682-6651 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20699

PREPARED FOR:
**BOATLIFTS & DOCKS
OF SOUTH FLORIDA**
989 N.W. 31ST. AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:
Politzer Residence
4018 S Ocean Blvd.
Highland Beach, FL

DATE	NOTES/REVISIONS

Drawn by: R.A.
Checked by: WS
Date: 09/07/2022
Job No.: 22-045



NOTE: SEE MANUFACTURER'S
DRAWINGS FOR STRUCTURAL
DETAILS ON LIFT

**New 10000 lb 4-Post
Boat Lift w/ (4) existing
concrete pile 14"x14"**

Existing
Planked Pier

11'-2"

NAVD +5.00'

MHW +0.16' NAVD

MLW -1.83' NAVD

Existing berm
to remain

Existing (4)
concrete pilings

SECTION B-B

4-POST BOAT LIFT DETAIL
SCALE: 1/4"=1'-0"

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARLFORBES@BELLSOUTH.NET
PHONE: 954-882-6651 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20899

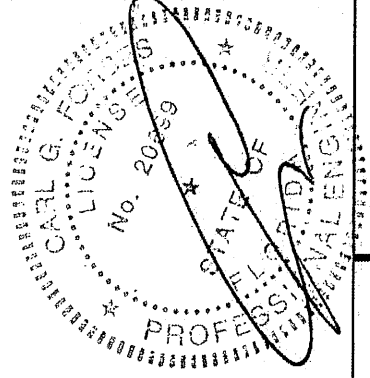
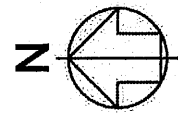
PREPARED FOR:
**BOATLIFTS & DOCKS
OF SOUTH FLORIDA**
989 N.W. 31ST. AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:
Politzer Residence
4018 S Ocean Blvd,
Highland Beach, FL

DATE	NOTES/REVISIONS

Drawn by: R.A. Will
Checked by: Will
Date: 08/27/2022
Job No.: 22-045

#4018 S OCEAN
BLVD
LOT 22 -
CONDOMINIUM



CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELLSOUTH.NET
PHONE: 954-682-6651 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20389

u/h/r

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JAN 6 2023

HIGHLAND BEACH
BUILDING DEPARTMENT

PREPARED FOR:

BOATLIFTS & DOCKS
OF SOUTH FLORIDA
989 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:

Politzer Residence
4018 S Ocean Blvd,
Highland Beach, FL

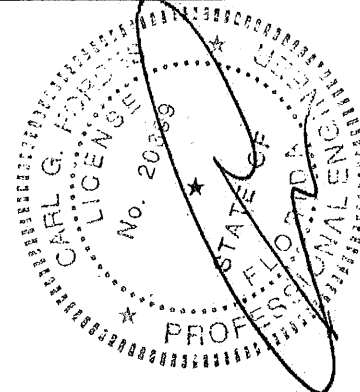
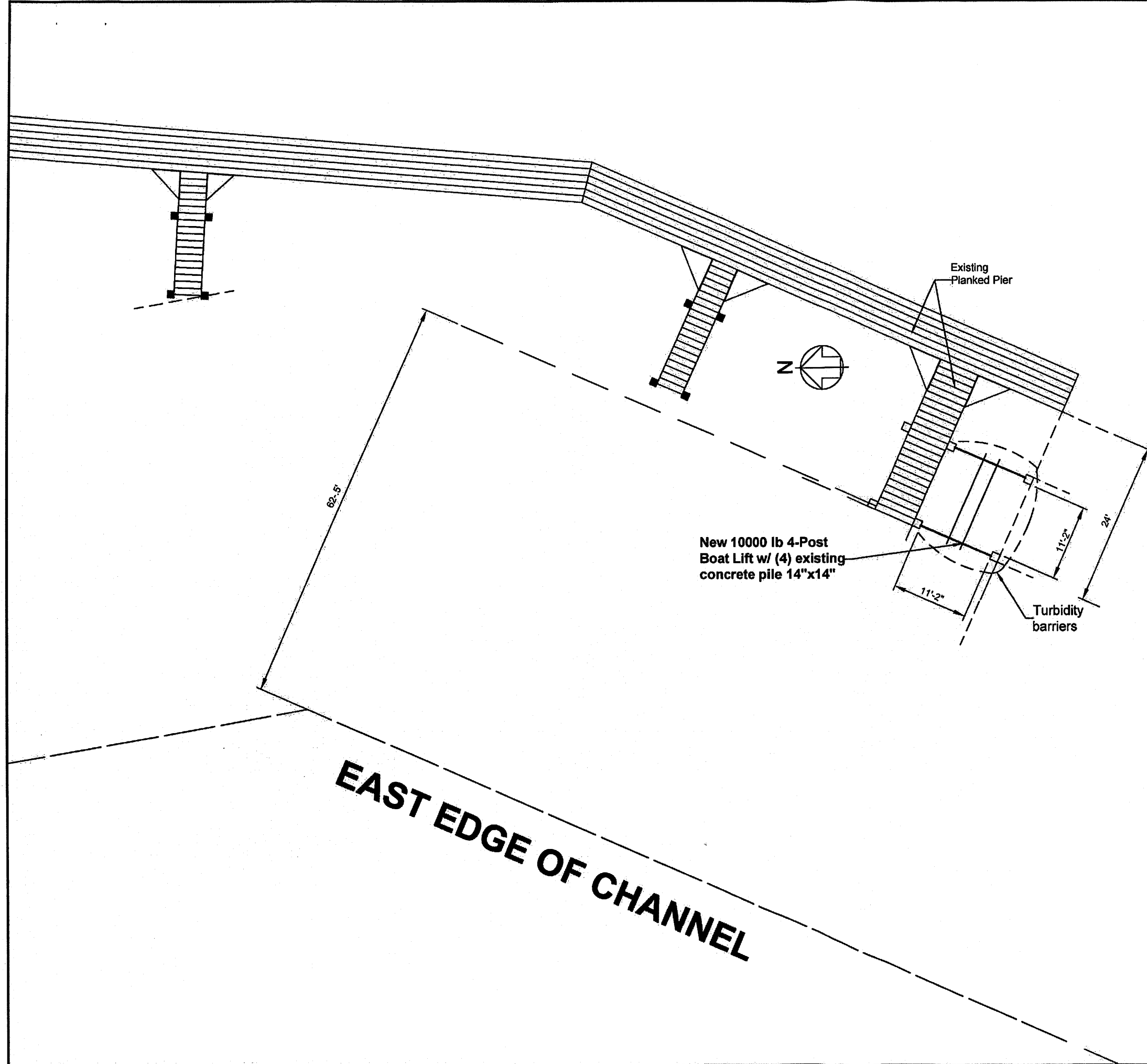
NOTES/REVISIONS

DATE

Drawn by: R.A.
Checked by: WS

Date: 09/07/2022
Job No.: 22-045

EXISTING CONDITIONS
SCALE: 1" = 40'-0"



10/17/22

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JAN 6 2023
HIGHLAND BEACH
BUILDING DEPARTMENT

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL@FORBES@BELLSOUTH.NET
PHONE: 954-682-6851 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20889

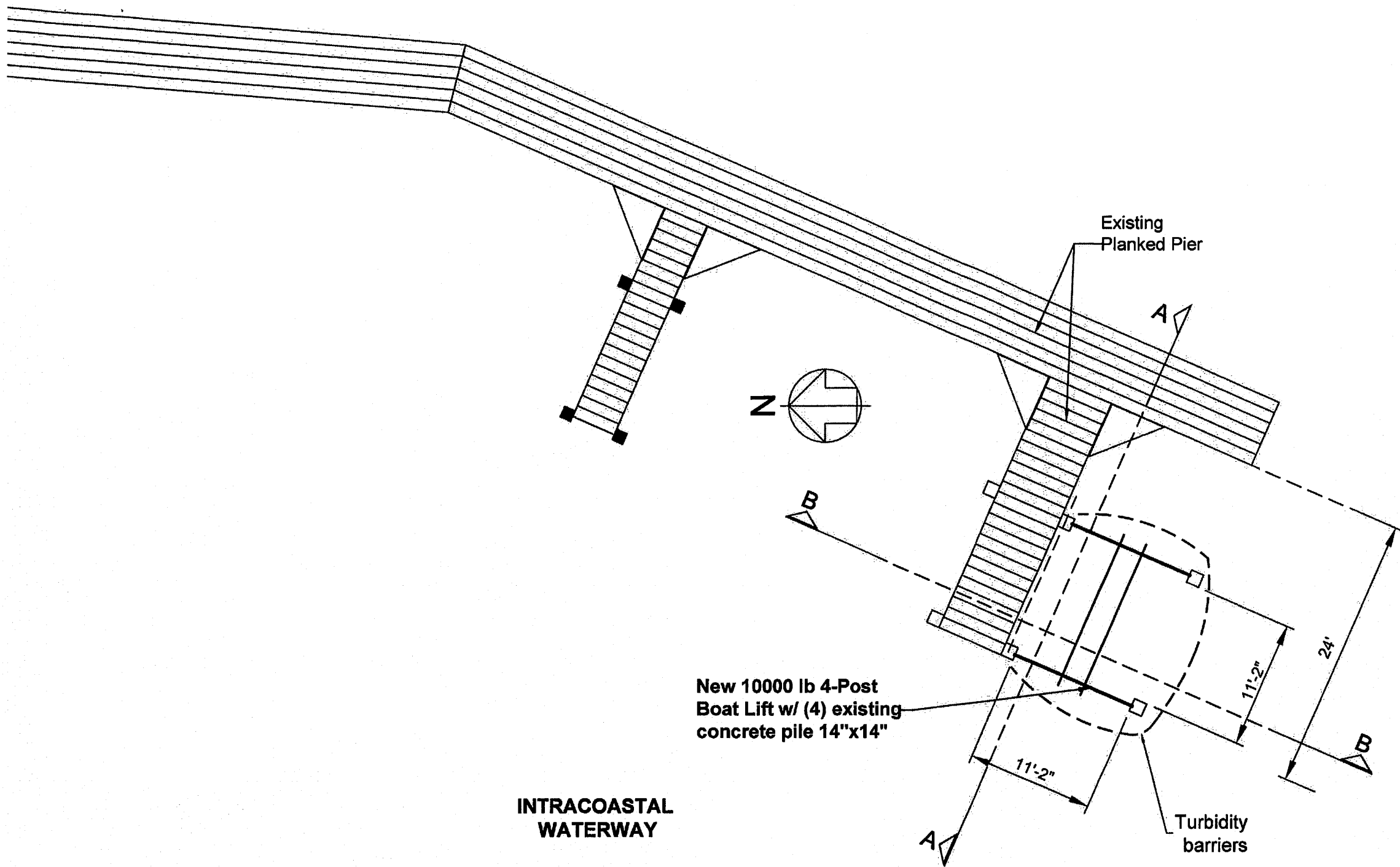
PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
988 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:
Politzer Residence
4018 S Ocean Blvd,
Highland Beach, FL

DATE	NOTES/REVISIONS

Drawn by: R.A.
Checked by: WS
Date: 09/07/2022
Job No.: 22-045

PROPOSED CONDITIONS
SCALE: 1" = 15'-0"

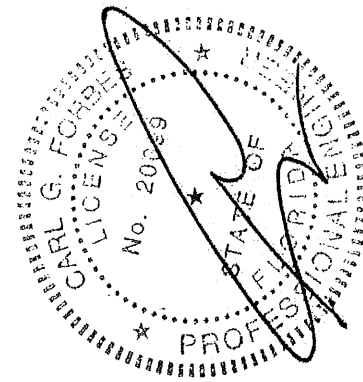


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HIGHLAND BEACH
BUILDING DEPARTMENT

SITE PLAN
SCALE: 3/32" = 1'-0"



CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELLSOUTH.NET
PHONE: 954-882-6651 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20689

PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
989 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:
Poltitzer Residence
4018 S. Ocean Blvd.
Highland Beach, FL

General Notes:

1. New 10000 lbs 4-Post Boat Lift mounted on existing (4) concrete pilings 14"x14".
2. All pilings to be driven 8' into strata. If hard strata is encountered, a 2' minimum penetration is required.
3. All framing materials to be pressure treated, Southern Yellow Pine, Grade 2 or better, min. fb=975 PSI or better.
4. All hardware to be galvanized or stainless steel.
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12. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employee of all subcontractors to the project.
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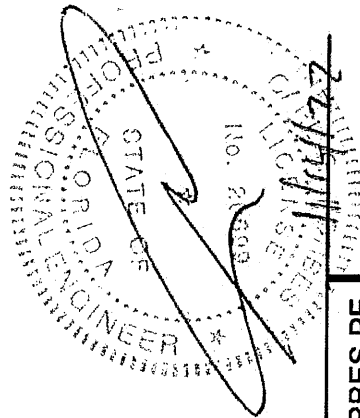
DATE	NOTES/REVISIONS

Drawn by: R.A.
Checked by: WS
Date: 09/07/2022
Job No.: 22-045

NOTE: Pursuant to Section 30-131 of the Town Code, the Lift shall not be higher than the superstructure of the boat when lifted.

NOTE: SEE MANUFACTURER'S DRAWINGS FOR STRUCTURAL DETAILS ON LIFT

New 10000 lb 4-Post Boat Lift w/ (4) existing concrete pile 14"x14"



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JAN 6 2023

HIGHLAND BEACH
BUILDING DEPARTMENT

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARLFORBES@BELL SOUTH.NET
PHONE: 954-882-8851 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20089

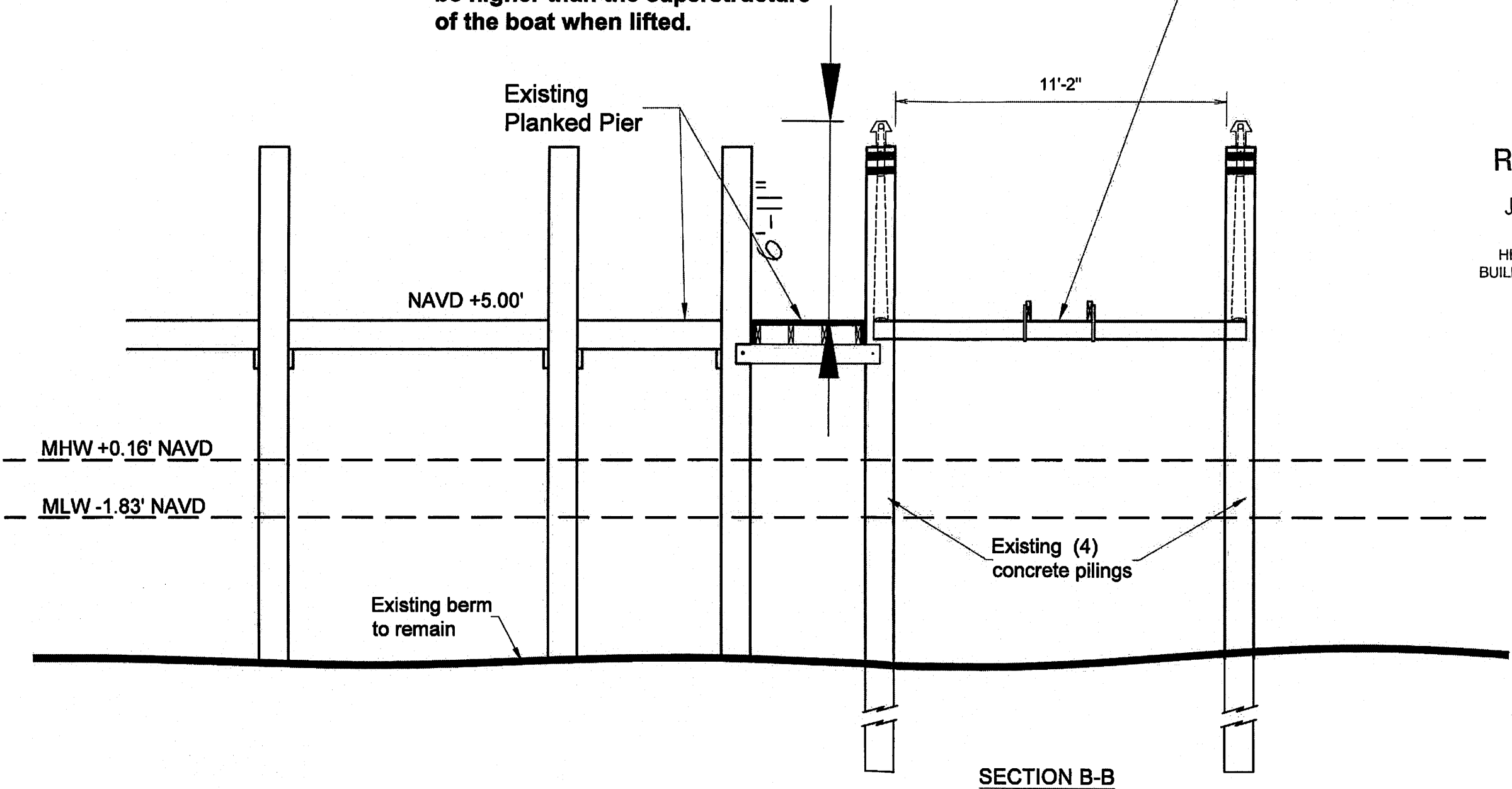
PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
989 N.W. 31ST AVENUE
POMPANO BEACH, FL 33069
954-871-0811 SCC131151479

BOAT LIFT FOR:
Politizer Residence
4019 S Ocean Blvd,
Highland Beach, FL

DATE	NOTES/REVISIONS

Drawn by: R.A.
Checked by: Will
Date: 09/27/2022
Job No.: 22-045

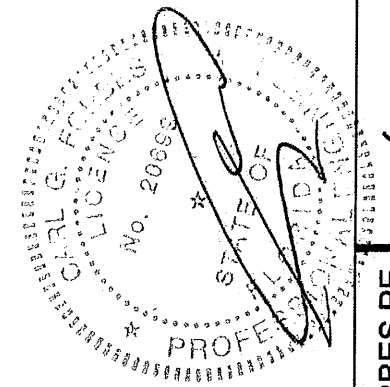
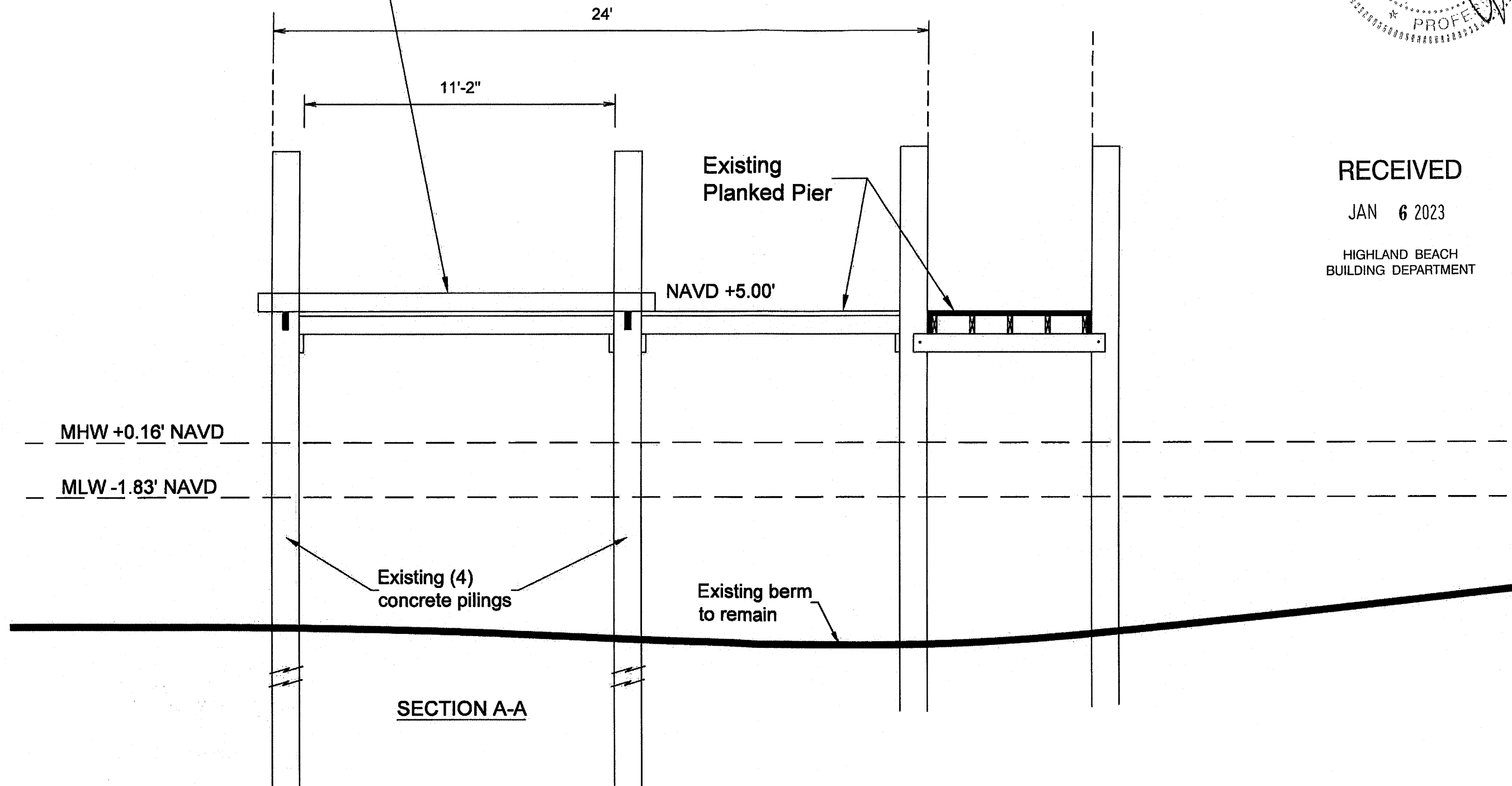
DET 1



4-POST BOAT LIFT DETAIL
SCALE: 1/4"=1'-0"

NOTE: SEE MANUFACTURER'S
DRAWINGS FOR STRUCTURAL
DETAILS ON LIFT

**New 10000 lb 4-Post
Boat Lift w/ (4) existing
concrete pile 14"x14"**



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JAN 6 2023

HIGHLAND BEACH
BUILDING DEPARTMENT

CARL G. FORBES PE
1839 SOUTH DIXIE HIGHWAY WEST
POMPANO BEACH, FL 33060
EMAIL: CARL.FORBES@BELL.SOUTH.NET
PHONE: 954-882-8851 FAX: 954-903-4284
STATE OF FLORIDA LICENSE PE 20699

PREPARED FOR:
BOATLIFTS & DOCKS
OF SOUTH FLORIDA
989 N.W. 31ST. AVENUE
POMPANO BEACH, FL 33069
954-971-0811 SCC131151479

BOAT LIFT FOR:
Politizer Residence
4018 S Ocean Blvd.
Highland Beach, FL

NOTES/REVISIONS

DATE

Drawn by: R.A.
Checked by: WS

Date: 09/07/2022
Job No.: 22-045

4-POST BOAT LIFT DETAIL
SCALE: 1/4"=1'-0"

**Town of Highland Beach
Town Commission Development Order (PB)
Application No. 22-0016**



Applicant: Akbar Monal Nunez
Property Address: 4018 S. Ocean Blvd
Highland Beach, Florida 33487

CERTIFICATE OF MAILING AFFIDAVIT

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. 22-0016 for the property located at 4018 S. Ocean Blvd., Highland Beach, Florida 33487, by U.S. first-class and international mail to:

All property owners and properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 4018 S. Ocean Blvd, Highland Beach, Florida 33487.

The mailings consisted of 113 notices that were sent first class mail and 05 notice that was sent by International Mail.

This 30th day of January 2023.

Highland Beach Town Clerk's Office

Ganelle Thompson
Administrative Support Specialist

SUN-SENTINEL

Sold To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Bill To:

Town of Highland Beach - CU00398185
3614 So. Ocean Blvd.
Highland Beach, FL 33487

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Florida
County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting .
Was published in said newspaper by print in the issues of, or by publication on the
newspaper's website, if authorized on Jan 30, 2023

Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

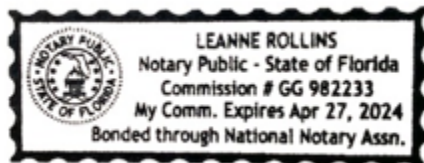


Signature of Affiant

Sworn to and subscribed before me this: January 31, 2023.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

Affidavit Delivery Method: E-Mail

Affidavit Email Address: gthompson@highlandbeach.us
7366795

**TOWN OF HIGHLAND BEACH
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Planning Board of the Town of Highland Beach will conduct a Public Hearing on Thursday, February 9, 2023, at 9:30 AM in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following:

APPLICATION NO. 22-0016 BY AKBAR MONDAL NUNEZ, BOAT LIFTS & DOCKS OF SOUTH FLORIDA, FOR A SPECIAL EXCEPTION APPROVAL TO INSTALL A 10,000- POUND CAPACITY BOAT LIFT IN SLIP NO. 22 FOR A PROPERTY LOCATED AT 4018 SOUTH OCEAN BOULEVARD.

APPLICANT: AKBAR MONDAL NUNEZ
The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m. Public participation will be in the form of in-person, Zoom, or telephone calls. Persons desiring to participate in the meeting must preregister by contacting the Town Clerk's Office at the email address publiccomments@highlandbeach.us or by submitting a public comment to the Town of Highland Beach's Agendas and Meetings webpage <https://mmportal6.teamunicode.com/>. At the top of the webpage, click on "Public Comments" complete the electronic form and click submit. The submitted comment will be read into the record during the corresponding portion of the meeting. All requests will be accepted up until 9:30 A.M. on Wednesday, February 08, 2023.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.
TOWN OF HIGHLAND BEACH, BUILDING
DEPARTMENT
1/30/2023 7366795

File Attachments for Item:

B. Discussion on zoning district density review



TOWN OF HIGHLAND BEACH MEMORANDUM

MEETING TYPE: Planning Board

MEETING DATE: February 9, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Discussion on “zoning district density review” initiative

SUMMARY:

At the October 18, 2022 Town Commission meeting, the Commission considered an introduction to a zoning district density review initiative (see attached Commission memorandum). Note that the attached October 18, 2022 Commission memorandum provides an introductory review and analysis of this initiative. The consensus from the Commission was to have the Planning Board consider what approaches to take in processing and analyzing this initiative. Discussion among the Commission included the following:

- Need sufficient residential input.
- Retain current character of Town.
- Don't lose value of property (i.e., if a property currently has 3 units, the property owner should be able to rebuild those 3 units).
- Consider the Town not as a “whole” but as zones, districts or neighborhoods (i.e., the needs of Russell Drive may be different from those of Bel Air Drive).
- Consider there is currently no incentive to replace existing structures.
- Consider “lot coverage” requirement for Single-family zoning districts.

In addition, the Commission discussed defining density. Both the Town Zoning Map and Future Land Use Map provide density thresholds which are provided below. The Town's zoning districts that are provided in the Zoning Map are described in Section 30-62 of the Town Code of Ordinances (“Town Code”) as follows:

(a) *Residential Single-Family Estate Zoning District (RE)—Purpose.* It is the purpose of this district to provide for areas of the town that shall be exclusively used for single-family homes.

(b) *Residential Single-Family Zoning District (RS)—Purpose.* It is the purpose of this district to provide for areas of the town that shall be exclusively used for single-family homes.

(c) *Residential Multiple-Family Low-Density Zoning District (RML)—Purpose.* It is the purpose of this residential zoning district to encourage alternative housing styles, such as townhouses and patio house, at low densities and to allow compatible special exception uses.

(d) *Residential Multiple-Family Medium-Density Zoning District (RMM)—Purpose.* It is the purpose of this residential district to promote the development of multiple-family structures to medium densities and to allow compatible special exception uses.

(e) *Residential Multiple-Family High-Density Zoning District (RMH)—Purpose.* It is the purpose of this residential district to promote the development of multiple-family structures at high densities and to allow compatible special exception uses.

(f) *Government Service Zoning District (GSD)—Purpose.* It is the purpose of this zoning district to provide for public service areas and to protect the special nature of public services and activities.

Zoning District densities
(As provided in Section 30-64 of the Town Code)

ZONING DISTRICT	Residential Estate (RE)	Residential Single-Family (RS)	Multiple-Family Low Density (RML)	Multiple-Family Medium Density (RMM)	Multiple-Family High Density (RMH)	Government Service District (GSD)
Maximum Density	1.45 units/acre	4.35 units/acre	6.0 units/acre	12 units/acre	16 units/acre	N/A

Future Land Use Map densities
(As provided in the Future Land Use Element of the Comprehensive Plan)

Residential Land Use Classification	Density Standard
Single Family	Up to 4 dwelling units per acre
Multiple Family (Low)	Up to 6 dwelling units per acre
Multiple Family (Medium)	6.1-12 dwelling units per acre
Multiple Family (High)	12.1-16 dwelling units per acre

As a first step in analyzing the density issue, the Board should consider, at minimum, the following:

-Are the current densities found along Russell Drive, Bel Aire Drive and Highland Beach Drive suitable or not for the short-term and long-term?

-Are the current high-rise densities found along State Road A1A suitable or not for the short-term and long-term?

Lastly, the Commission emphasized that the process for the Board's consideration of this initiative not be rushed. Therefore, this item will be a continuing item of discussion on the Board's meeting agendas during an approximate 8-12 month timeframe.

ATTACHMENTS

October 18, 2022 Town Commission Memorandum – Introduction to Zoning District density review.

October 18, 2022 Town Commission Minutes.

Town Zoning Map

Town Future Land Use Map

RECOMMENDATION

At the discretion of the Planning Board.



TOWN OF HIGHLAND BEACH MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE: October 18, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Introduction of “zoning district density review”

SUMMARY:

At the October 4, 2022 Town Commission Meeting, under Commission Comments, the issue of zoning district density was discussed. Recognizing the complexity of the topic, the Commission desires to first establish a framework to approach the issue. Initial suggestions for such framework included the following:

- Planning Board initiates review of issue.
- Planning Board forms a committee with residents.

Given the Commission will formally initiate their discussion on such framework at the October 18, 2022 Commission meeting, staff has completed an introductory review of the issue which is provided below.

The Town’s 2022 Strategic Priorities Plan includes a “zoning district density review” as part of its planned priorities. This initiative was a result of a public comment, made at the March 1, 2022 Town Commission meeting, by Matthew Scott of Dunay, Miskel & Backman, LLP regarding the redevelopment of an existing three (3) unit townhouse property located at 1023 Russell Drive. As provided in the table below, the current zoning district and future land use designation for the property allows for (1) dwelling unit to be developed rather than three (3) dwelling units. Note that the RML zoning district permits single-family detached and attached dwellings subject to site plan approval as well as single-family zero lot line dwellings subject to special exception approval.

Property	Zoning District/ maximum density	Future Land Use/ maximum density	Density calculation (lot size/43,560 X density)
1023 Russell Drive	Residential Multiple Family Low Density (RML)/6 units per acre	Multi Family Low Density/6 units per acre	1.37 units (based on 10,000 sq. ft. lot)

This scenario, whereby redevelopment of a nonconforming structure would reduce the number of units currently existing on a parcel of land, is not unique to this property. While staff has not conducted a Town-wide density assessment of each property, this scenario is replicated in other townhouses and other multifamily dwellings (at various densities) Townwide.

Pursuant to Section 30-105(a) of the Town Code, *if a lawful structure exists that could not be built in the zoning district within which it is located by reason of changes or restrictions to minimum lot area, maximum lot coverage, building height, required yards and setbacks, location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the provisions listed below:*

(1) *Enlargement or alternation. The nonconforming structure shall not be enlarged or altered in a way which increases or extends its nonconformity, but any structure or portions thereof may be altered to decrease its nonconformity.*

(2) *Damage or destruction. Should such nonconforming structure or nonconforming portion of a structure be destroyed or damaged by any means to an extent of more than fifty (50) percent of the assessed value of the structure at the time of destruction, or damage, it shall not be reconstructed except in conformity with the provisions of this article.*

Section 30-105(c) of the Town Code provides an exception to number (2) above as follows:

*If a residential structure, or approved accessory structures, is **destroyed or damaged by a catastrophic event including hurricane or tropical storm, fire, flood, explosion, collapse, wind, war, or other event**, the structure may be reconstructed or repaired without regard to the extent of destruction or damage. The **reconstruction or repair shall not increase the height of the building, number of dwelling units, or total number of square feet** unless the comprehensive plan and the applicable zoning district regulations applicable at such time permit a greater number of dwelling units.*

The table below provides how other municipalities in Palm Beach County address such redevelopment of nonconforming structures.

Municipality	Current Code regulation
Ocean Ridge	Grandfathered structures which includes residential-type units, may be permitted to seek the demolition and redevelopment of the grandfathered structure and, in doing so, exceed the allowable density in the multifamily-zoned areas of the town, but in such circumstances must reduce the number of units which were grandfathered by at least 50 percent (fractional units to be rounded up).
Boca Raton	If any residential building located in a residential district is damaged by catastrophe , the building may be repaired or reconstructed and used to house no greater than the number of dwelling units and no greater square footage or total living area in existence in the building prior to the damage , regardless of the extent of the damage.
Lantana	Should a nonconforming structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter; except in cases of fire or act of God, in which case the structure may be replaced as it was originally constructed.

Municipality	Current Code regulation
Manalapan	Any nonconforming building and/or structure which has less than 50 percent of its previous existing floor area made unsafe or unusable by lack of normal maintenance or by ordinary deterioration may be restored or reconstructed as before , provided that the floor area of such building and/or structure shall not exceed the floor area which existed prior to such damage. All repairs shall be completed within one year after damages occur or such building and/or structure shall not be rebuilt unless rebuilt as a conforming building and/or structure.
Lake Worth Beach	In the event of a natural disaster, explosion, fire, act of God or the public enemy , the development review officer may permit the reconstruction of any nonconforming legally permitted structure to the same or decreased nonconformity as existed immediately prior to the disaster , upon proof satisfactory to the development review officer of the configuration of the prior structure, and only in compliance with the FBC. An application for reconstruction of the structure shall be filed within 12 months of the event of its destruction, unless the city commission authorizes extending the 12-month time period city-wide.

Given the current maximum density regulations of the Town Code, redevelopment of multiple family housing in accordance with current Florida Building Code (FBC) and floodplain management regulations will result in fewer units (in most cases) than originally existed (as noted above, a Town-wide assessment has not been completed). It is worth noting that redevelopment in accordance with current FBC and floodplain management regulations may increase a new structure's resiliency from destruction or damage from a future catastrophic event. The Multi-jurisdictional Climate Change Vulnerability Assessment completed by the Coastal Resilience Partnership, states that the Town has a high vulnerability to storm surge and that residential properties have some vulnerability to current tidal flooding but this could increase significantly in future years.

Typically, for a property to increase its density, a rezoning of the property to a zoning district that allows more density is required. In addition, a change to a property's future land use map designation to one that allows more density would also be required. Any increase in density requires compatibility with adjacent properties as well as an analysis of public facilities and services, traffic, public education, fire and police services, natural resources, hurricane evacuation, etc. That said, Section 30-43(d)(4)e. of the Town Code states the following:

A change in the zoning classification of land shall not be considered which involves less than forty thousand (40,000) square feet of land area and two hundred (200) feet of street frontage. This limitation shall not apply to a request to extend the boundary of an existing zoning district, or unless otherwise provided for herein.

Many RML-zoned properties along Russell Drive, Bel Air Drive, Highland Beach Drive and South Ocean Boulevard are under 40,000 square feet of land area and therefore based on Section 30-43 cannot rezone. Therefore, some options the Town Commission may consider are as follows:

- Consider an option similar to Ocean Ridge whereby nonconforming structures can be redeveloped; however, the number of units must be reduced by at least 50%. In addition, add a density calculation methodology into the Code of Ordinances whereby if the density calculation results in a fraction that is 0.50 or greater, the number is

rounded up (e.g. 1.5 equals 2 units). Fractions lower than 0.50 are rounded down (e.g. 1.4 equals 1 unit).

- Change maximum density requirements for nonconforming structures in both the Town Code and Comprehensive Plan. This may be specific to the RML zoning district or include other zoning districts.
- “No action” whereby the redevelopment of nonconforming structures shall comply with the current property development regulations as provided in the Town Code.

ATTACHMENTS

Maps: RML zoned properties along the westside of State Road A1A, Russell Dr., Bel Air Dr. and Highland Beach Drive (*Note these maps represent a sample of existing low density structures in the RML zoning district*).

Letter from Matthew Scott (provided to Town Commission on March 1, 2022).

RECOMMENDATION

At the discretion of the Town Commission.

RML zoning - No. of units/year built



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Zoning

RML Residential Multiple Family Low Density

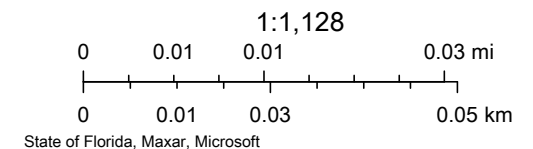
Highland Beach Boundary

Highland Beach Address Points

Highland Beach Parcels

Streets Centerline

Page 100



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RML zoning - No. of units/year built



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Zoning

RML Residential Multiple Family Low Density

RS Residential Single Family

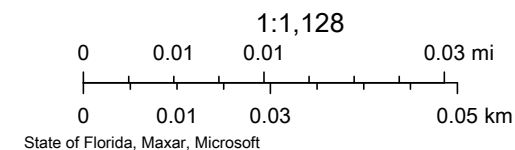
Highland Beach Boundary

Highland Beach Address Points

Highland Beach Parcels

Streets Centerline

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An aerial photograph of a residential development with yellow and red lot outlines and numbers. A central road is labeled "Tranquility Dr". Various lot numbers are visible, including 4410, 4416, 4420, 4425, 4426, 4430, 4400, 4323, 4326, 4320, 4324, 4404, 4400, 4408, 4404, 4408, 4315, 1019, 1023-C, 1023-A, 1101, 1105, 1109, 1121, 1123, and 1125. Some lots are labeled with unit counts and years, such as "4 units (1982)", "4 units (1981)", "4 units (1980)", and "(1990)". A large lot is labeled "15,000 sf approx.".

Town of Highland Beach
State of Florida, Maxar, Microsoft |

RML zoning - No. of units/year built



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Zoning

RML Residential Multiple Family Low Density

RS Residential Single Family

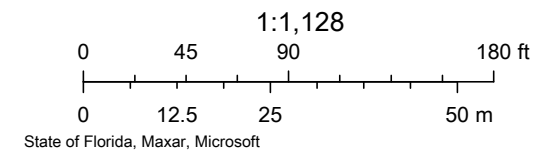
Highland Beach Boundary

Highland Beach Address Points

Highland Beach Parcels

Streets Centerline

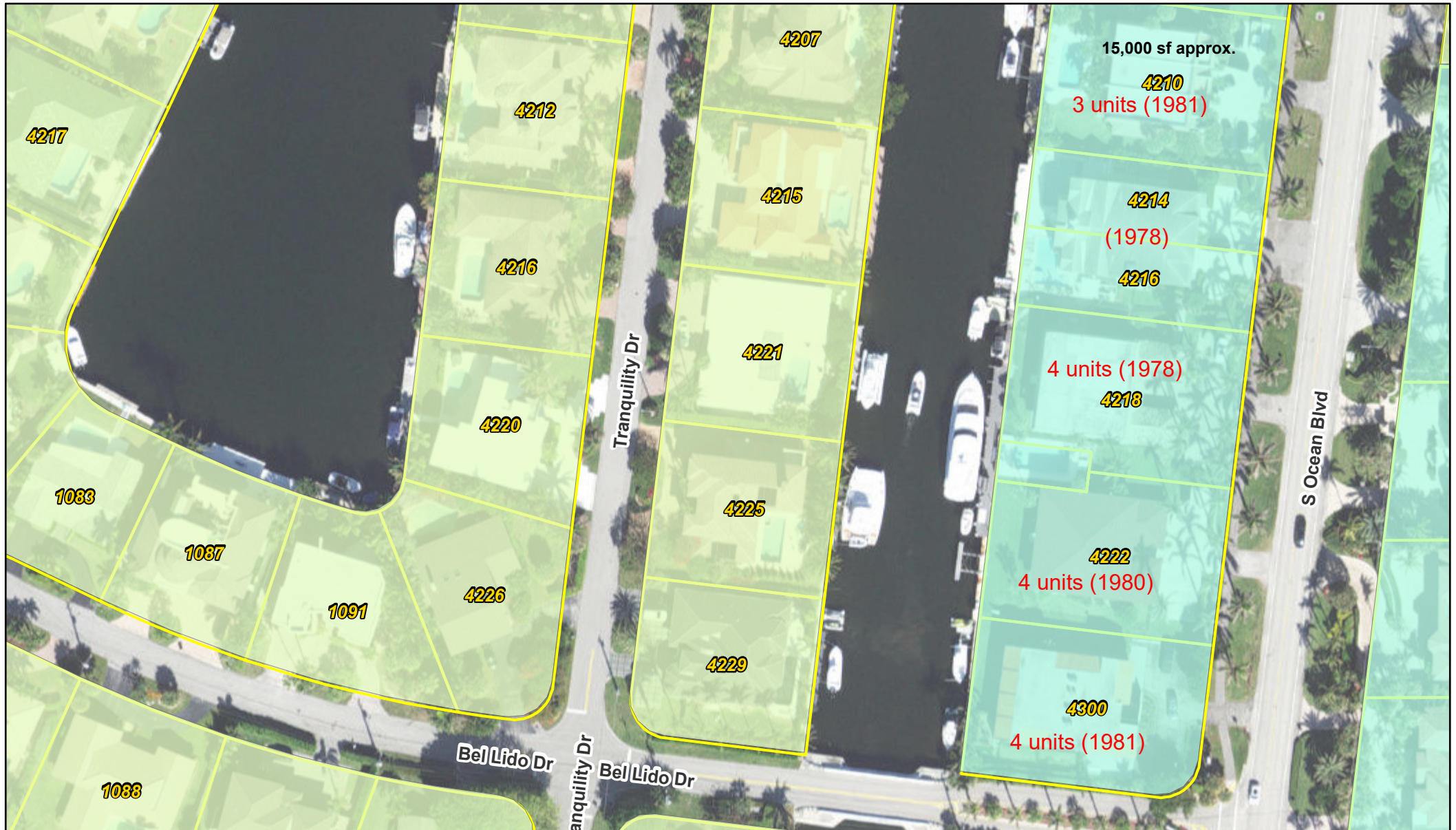
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State of Florida, Maxar, Microsoft

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RML zoning - No. of units/year built



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Zoning

RML Residential Multiple Family Low Density

RS Residential Single Family

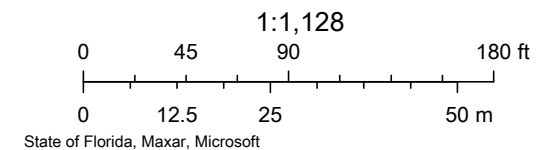
Highland Beach Boundary

Highland Beach Address Points

Highland Beach Parcels

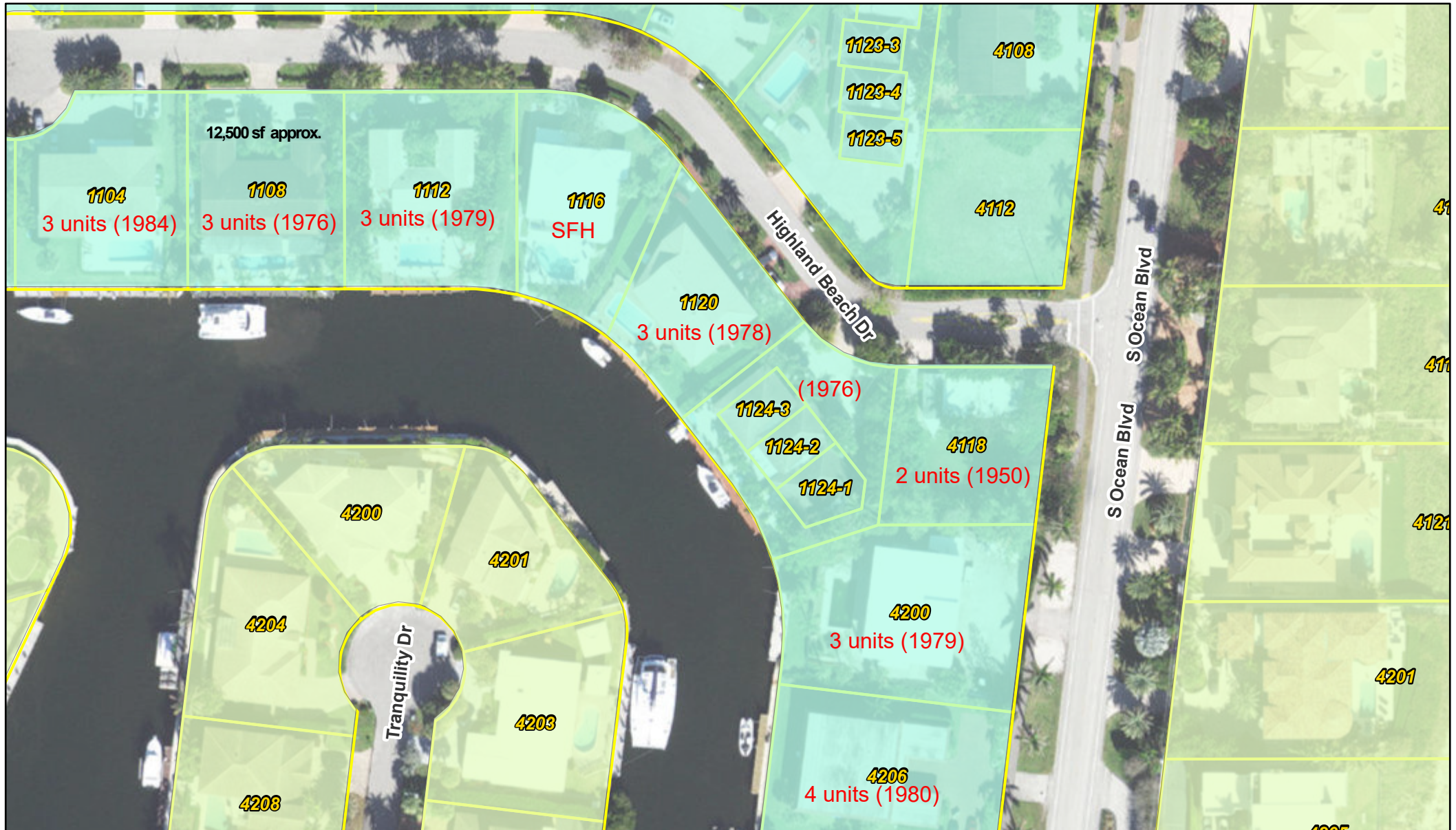
Streets Centerline

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RML zoning - No. of units/year built



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Zoning

RML Residential Multiple Family Low Density

RS Residential Single Family

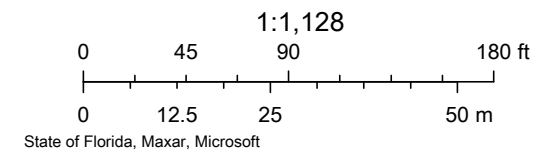
Highland Beach Boundary

• Highland Beach Address Points

Highland Beach Parcels

Streets Centerline

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RML zoning - No. of units/year built



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Zoning

• Highland Beach Address Points

RML Residential Multiple Family Low Density

Highland Beach Parcels

RS Residential Single Family

Streets Centerline

Highland Beach Boundary

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State of Florida, Maxar, Microsoft

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Memorandum Regarding Redevelopment Issue in Town of Highland Beach

Statement of the Issue

The Town of Highland Beach Zoning Code inadvertently has downzoned properties in the Multiple-Family Zoning Districts such that they cannot be redeveloped without losing currently existing density, thereby disincentivizing modernization and flood proofing of aging structures in these areas.

Executive Summary

The Town is a highly desirable place to live with its strong residential focus and location on the barrier island in south Palm Beach County. The Town's Zoning Code, as it should, seeks to preserve the Town's character with regulations aimed at discouraging large commercial and high-density residential development. However, the Code's density regulations unintentionally have created a situation where properties in Multiple-Family Zoning Districts cannot be redeveloped without reducing the number of units currently existing on the properties.


For example, condominium buildings along Ocean Boulevard and townhomes on Russell Drive, Bel Air Drive, and Highland Beach Drive could not be rebuilt without reducing the number of units permitted on the properties. 1023 Russell Drive demonstrates the problem. It is currently improved with 3 townhomes, which were built around 50 years ago. The townhomes, which could benefit from rehabilitation, are below current FEMA elevation requirements and at risk of flooding during a storm event. However, raising the elevation of the structure would require tearing it down. If the structure was demolished, the Town's Code would dictate only 1 residence could be built on site where 3 currently exist. In effect, the Town's Code discourages redevelopment of properties at a time when most southeast Florida municipalities are actively promoting climate change resiliency efforts.

This issue does not appear to be intentional. Russell Drive, Bel Air Drive, and Highland Beach Drive are all zoned "RML," Residential Multiple-Family Low Density. The Code states, "It is the purpose of this residential zoning district to encourage alternative housing styles, such as townhouses and patio house(s)" Most, if not all, of the properties on these streets could not be developed today with townhomes due to the Code's density regulations, and the problem is more extreme in the RMM and RMH districts.

Potential Solutions

The Town does not want to encourage an increase in density in these areas. Rather, the Town should amend the Code to create a path for property owners to modernize their properties without losing existing density. One simple solution would be to amend Article VI of the Code, relative to Nonconformities, to allow for maintenance of existing density on sites which are being reconstructed to raise the elevation of the structures for flood proofing purposes, provided the new construction meets all other Code requirements. Another option is amending the Comprehensive Plan and Code to marginally increase the allowed density in these areas so the properties can keep their existing density. However, this latter option is more complicated, expensive, and time

consuming. There are a variety of ways to solve this problem. The undersigned attorney has been retained by Ellemar Luxury Construction, which is actively looking to redevelop 1023 Russell Drive and potentially other properties in the Town. In the event the Commission is amenable to pursuing solutions to the issue, Ellemar through undersigned counsel would be happy to spearhead this effort in collaboration with Town Staff.

A handwritten signature in blue ink that reads "Matthew H. Scott". The signature is fluid and cursive, with the first name "Matthew" and last name "Scott" clearly legible.

Dated: March 1, 2022

Matthew H. Scott, Esq.
Dunay, Miskel & Backman, LLP



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING MINUTES

Town Hall / Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: October 18, 2022
Time: 1:30 PM

1. CALL TO ORDER

Mayor Hillman called the meeting to order at 1:30 P.M.

2. ROLL CALL

Commissioner John Shoemaker
Commissioner Evalyn David
Commissioner Peggy Gossett-Seidman
Vice Mayor Natasha Moore (arrived at 1:31 P.M.)
Mayor Douglas Hillman
Town Attorney Glen Torcivia
Town Manager Marshall Labadie
Town Clerk Lanelda Gaskins

3. PLEDGE OF ALLEGIANCE

The Town Commission led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: David/Gossett-Seidman - Moved to approve the agenda as presented, which passed unanimously 5 to 0.

5. PRESENTATIONS / PROCLAMATIONS

A. Resolution No. 2022-025

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustments and Appeals; and providing for an effective date.

Mayor Hillman read the title of Resolution No. 2022-025.

The Town Commission interviewed Mr. Fred Rosen, followed by a motion to reappoint Mr. Rosen to serve as a member of the Board of Adjustment and Appeals Board for a three-year term ending October 18, 2026.

MOTION: David/Gossett-Seidman - Moved to approve Resolution No. 2022-025, which passed unanimously 5 to 0.

B. Lightening Protection Presentation by Cole Newman and Mike Dillion

Mayor Hillman read the title of Item 5.B.

Mr. Mike Dillion, Lightning Safety Alliance Corporation, provided a comprehensive PowerPoint presentation highlighting elements of the lightning protection systems.

Mayor Hillman opened the item for public comments:

Mr. David Newman asked if the Town maintained records related to lightning strikes on condominiums or residential properties. He was informed that the Town does not possess such documents.

Ms. Judith Goldberg inquired about grants or tax credits for lightning prevention. She was informed that there were none.

6. PUBLIC COMMENTS

Mr. Paul Resnick from Braemar Isle commented about the Town and the City of Delray Beach's fire code related to the use of grills or electrical appliances on condominium balconies.

Mr. David Newman spoke about the negative impact of using gas leaf blowers.

Mr. Fred Rosen talked about research he had completed on gas leaf blowers.

7. ANNOUNCEMENTS

Mayor Hillman read the following announcement:

Board Vacancies

Board of Adjustment and Appeals - One vacancy for a three-year term

Meetings and Events

October 27, 2022 - 11:30 A.M. Financial Advisory Board Regular Meeting

October 27, 2022 - 5:00 - 7:00 P.M. Food Truck Event

November 01, 2022 - 1:30 P.M. Town Commission Meeting

November 02, 2022 - 9:30 A.M. Natural Resources Preservation Advisory Board
Regular Meeting

November 09, 2022 - 1:00 P.M. Code Enforcement Board Regular Meeting

November 10, 2022 - 9:30 A.M. Planning Board Regular Meeting

Board Action Report

None.

8. ORDINANCES

A. None.

9. CONSENT AGENDA

A. None.

10. UNFINISHED BUSINESS

A. Fire Rescue Implementation Update

1. Discussion on Fire Station Construction

Town Manager Labadie presented PowerPoint slides displaying renderings of the new fire station building. Afterward, there were conversations about additional parking, the flow of traffic, and the demand for construction materials and labor costs. Town Manager Labadie advised that the next steps are to dress up the renderings for public display at the October 27, 2022, Food Truck event. In addition, he hopes to have more detailed renderings for the next Town Commission meeting.

Mayor Hillman asked Town Manager Labadie to share the timeline for the Town Commission to decide on the fire rescue building plans. Town Manager Labadie mentioned that the drop-dead date is Thanksgiving.

Fire Chief Glenn Joseph provided background information about acquiring fire rescue vehicles. He is currently looking at a preowned 2017 fire rescue vehicle.

11. NEW BUSINESS

A. Introduction of the proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

Mayor Hillman read the title of Item 11.A.

Town Manager Labadie introduced this item. Town Planner Ingrid Allen described the proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards. After that, Building Official Jeff Remas commented on the complaints that Town staff received during turtle season and the continuous enforcement by staff.

The Town Commission suggested that Town staff include additional language to Section 4-8(c)(4) - Lighting restrictions for the protection of sea turtles regarding wavelength colors definition. Besides, it was the consensus of the Town Commission to refer the proposed amendment to the Natural Resources Preservation Advisory Board for review.

MOTION: David/Gossett-Seidman - Moved to send the turtle lighting statute to the Natural Resources Preservation Advisory Board and invite the Turtle Permit Holder, a Gumbo Limbo representative, and the Florida Fish and Wildlife Conservation Commission to the meeting. The motion passed unanimously 5 to 0.

B. Introduction of Zoning District density review.

Town Planner Allen presented the zoning district density review. The Town Commission discussed the complexity of the zoning district density and suggested that public participation and, input from the Planning Board was necessary.

Additionally, the Town Commission referred this matter to the Planning Board. The Planning Board must look at the density by category and district, modify the code and take a long, careful look at the issue, the history of changes to the code, and the footprint.

Mayor Hillman suggested a joint meeting with the Planning Board after their review of the zoning district density.

Mayor Hillman opened this item for public comments:

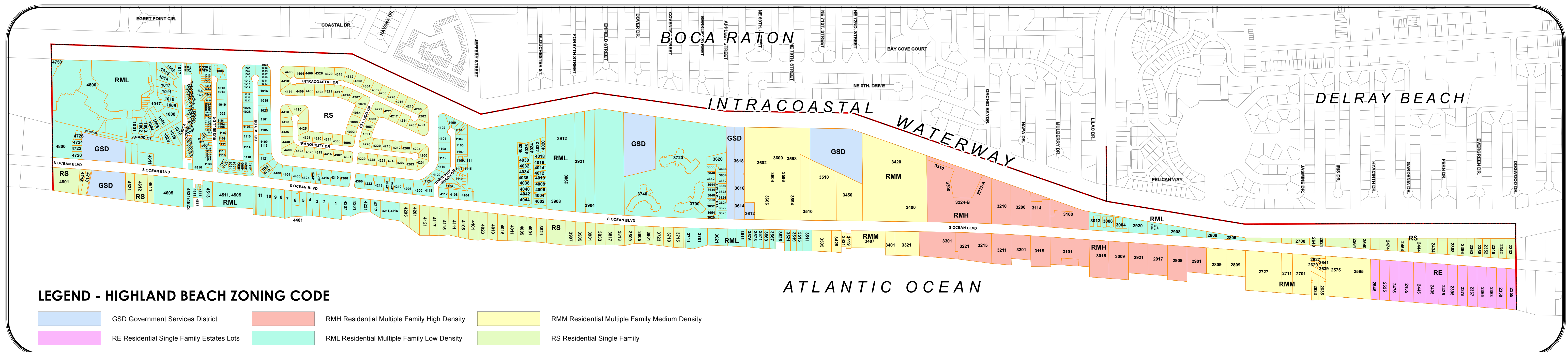
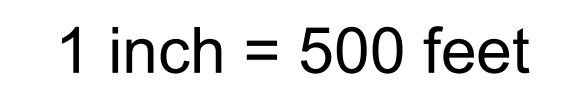
Mr. David Gunther from Boca Raton commented on Residential Multiple-Family Low-Density Zoning District (RML) and the comprehensive plan.

Mr. Matthew Scott spoke about the use of zoning codes in various municipalities.

C. Consideration of a Right of Way Permit for AT&T to work along State Road A1A.

Mayor Hillman read the title of Item 11.C.

Town Manager Labadie presented this item. He encouraged the resident to be careful because subcontractors are performing the work on behalf of AT&T.



THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWN OF HIGHLAND BEACH AS ADOPTED BY ORDINANCE NO. 594, AND IS AN AMENDMENT OF THE OFFICIAL ZONING MAP REFERRED IN SECTION ONE OF ORDINANCE NO. 503 OF THE TOWN OF HIGHLAND BEACH, FLORIDA.

TOWN COMMISSION

BERNARD FEATHERMAN, Mayor

WILLIAM WEITZ, PhD, Vice Mayor

LOUIS P. STERN, Comm.

CARL FELDMAN, Comm.

RHODA ZELNIKER, Comm.

PLANNING BOARD

CAROL STERN, Chair

 ILYNE MENDELSON, Vice Chair

RONALD CLARK

STEPHEN GOLDING

HARVEY MART

CHARLES SHANE

WILLIAM SVENSTRUP

ATTESTATION

VALERIE OAKES, Town Clerk

ADOPTED

ORDINANCE NO--

Future Land Use Map

Year 2030

Legend

- Government
- Multi Family High Density
- Multi Family Low Density
- Multi Family Medium Density
- Recreational Open Space
- Single Family
- Conservation

