

AGENDA

PLANNING BOARD REGULAR MEETING



Thursday, July 09, 2026 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. **APPROVAL OF MINUTES**

A. June 11, 2025

6. **SWEARING IN OF THE PUBLIC**

7. **UNFINISHED BUSINESS**

A. Proposed Ordinance regarding the encroachment of a hard surface beyond the property line in order to provide access to a seawall, dock or abutting Intracoastal Waterway beach area (**Recommendation to Town Commission**)

8. **NEW BUSINESS**

A. None

9. **ANNOUNCEMENTS**

August 13, 2026

9:30 AM

Planning Board Meeting

10. **ADJOURNMENT**

NOTICE: If a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim

record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript). There may be one or more Town Commissioners attending the meeting.

Pursuant to the provision of the Americans with Disabilities Act, any person requesting special accommodations to participate in these meetings, because of a disability or physical impairment, should contact the Town at 561-278-4548 at least five calendar days prior to the Hearing.

File Attachments for Item:

A. Proposed Ordinance regarding the encroachment of a hard surface beyond the property line in order to provide access to a seawall, dock or abutting Intracoastal Waterway beach area **(Recommendation to Town Commission)**

ADDENDUM



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Planning Board Meeting

MEETING DATE July 9, 2026

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, "DEVELOPMENT REVIEW," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, "OTHER REQUIREMENTS" TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, "SUPPLEMENTAL DISTRICT REGULATIONS," TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP;

At the June 11, 2026 Planning Board ("Board") meeting, the Board approved a motion to continue the above-referenced proposed ordinance to the July 9, 2026 meeting (motion carried 5-0).

At the May 14, 2026 Board meeting, the proposed ordinance was reviewed and considered. Discussion among the Board included whether a hard surface encroaching beyond the rear property line (for properties abutting a waterway, canal or lake) should be limited to "providing access" to a seawall or dock as proposed in the ordinance. The Planning Board approved a motion to continue the item to the June 11, 2026 meeting (motion carried 5-0).



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Planning Board Meeting

MEETING DATE June 11, 2026

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, "DEVELOPMENT REVIEW," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, "OTHER REQUIREMENTS" TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, "SUPPLEMENTAL DISTRICT REGULATIONS," TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP;

At the May 14, 2026 Planning Board ("Board") meeting, the above-referenced proposed ordinance was reviewed and considered. Discussion among the Board included whether a hard surface encroaching beyond the rear property line (for properties abutting a waterway, canal or lake) should be limited to "providing access" to a seawall or dock as proposed in the ordinance. The Planning Board approved a motion to continue the item to the June 11, 2026 meeting (motion carried 5-0).



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Planning Board Meeting

MEETING DATE May 14, 2026

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, "DEVELOPMENT REVIEW," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, "OTHER REQUIREMENTS" TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, "SUPPLEMENTAL DISTRICT REGULATIONS," TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP;

SUMMARY:

At the August 14, 2025 Planning Board ("Board") meeting, the Board made a motion to propose to the Town Commission an amendment to Section 30-66(c)(1)a. of the Town Code of Ordinances ("Town Code") to allow for hard surfaces past the property line to a dock and to put forth Greg Babij as the sponsor of the amendment (motion carried 6-0). *Note that Board Member Babij suggests in his narrative (see Attachment No. 1) to widen the scope of the Board motion to allow (for properties located on the Intracoastal Waterway) hard surfaces to a beach edge located outside the rear property line.* At this same Planning Board meeting, the Board approved a special exception request (see Attachment No. 2) to install a 105 linear foot seawall and seawall cap, a 275 square foot concrete dock, and a 33,000 pound capacity elevator boat lift for the property located at 2564 South Ocean Boulevard (Development Order No. PZ-25-28). The Board approved the request with the condition that sod or artificial turf shall be placed from the property line to the seawall cap. As a proactive effort, staff recommended the latter condition given Section 30-66(c)(1)a of the Town Code provides the following regulation:

(c)Encroachments into setbacks in the RE, RS, RML, RMM and RMH zoning districts:

(1)Unless otherwise provided in the Code, the following structures are allowed in the side or rear required setbacks as set forth herein.

*a. Walkways, patios **and other hard surfaces for walking, gathering, and sitting** shall be constructed of porous/pervious based materials, no closer than four (4) feet to the closest property line provided the height of the areas does not extend more than four (4) inches above the finished grade. **Notwithstanding the foregoing**, when such walkways, patios **and other hard surfaces abut a waterway, canal or lake, such hard surfaces may be constructed of nonporous/nonpervious based materials (although porous/pervious based materials are encouraged) and may encroach up to the property line or seawall abutting the water, whichever is further landward**, so long as adequate onsite drainage, as prepared by a registered design professional, is provided for such hard surfaces.*

The approved special exception, noted above, included a seawall cap located approximately two (2) feet from the rear property line . According to the Applicant's plans, existing rip rap was to be removed, and an existing retaining wall (located adjacent to an existing pool) would remain (see Attachment No. 2). During the development review process, staff comments to the Applicant included why the proposed seawall didn't commence at the rear property line given there is no existing seawall at the property, and the rip rap will be removed. The Applicant responded that the proposed seawall location is "consistent with preexisting, hurricane-damaged rock wall." It is worth noting that the Town Code requires a maximum combined seawall cap and dock width at eight (8) feet; however, the Code does not regulate the location of a seawall/seawall cap as it relates to the property line.

While there are various types of seawall designs existing in the Town, it is common to find older seawalls/seawall caps abutting their respective rear property lines while many newer seawalls installations are located within 18 inches of existing seawalls that remain (see Attachment No. 3). The Florida Department of Environmental Protection and the Army Corps of Engineers have been authorizing this 18-inch limit for new seawall installations. When the 18-inch limit is applied between remaining and new seawalls, typically a hard surface is provided at grade from the remaining seawall to the new seawall. It is reasonable to allow a hard surface for such cases where there is a minimal gap between seawalls.

The proposed amendment to Chapter 30 (Zoning Code) would allow a hard surface waterward of the property line (for properties abutting a waterway, canal or lake) in order to provide access to a seawall cap, corresponding dock or abutting Intracoastal Waterway beach area as follows (deleting is ~~stricken through~~ and adding is underlined):

Sec. 30-66 - Other requirements

* * *

(c)Encroachments into setbacks in the RE, RS, RML, RMM and RMH zoning districts:

(1)Unless otherwise provided in the Code, the following structures are allowed in the side or rear required setbacks as set forth herein.

a.Walkways, patios and other hard surfaces for walking, gathering, and sitting shall be constructed of porous/pervious based materials, no closer than four (4) feet to the closest property line provided the height of the areas does not extend more than four (4) inches above the finished grade. Notwithstanding the foregoing, when such walkways, patios and

other hard surfaces abut a waterway, canal or lake, such hard surfaces may be constructed of nonporous/nonpervious based materials (although porous/pervious based materials are encouraged) and may encroach up to the property line or seawall abutting the water, whichever is further landward, so long as adequate onsite drainage, as prepared by a registered design professional, is provided for such hard surfaces. Notwithstanding the foregoing, such hard surfaces may encroach waterward of the property line for properties immediately adjacent to a waterway, canal, or lake for the sole purpose of providing access to a seawall, dock, or abutting Intracoastal Waterway beach area so long as: (i) the hard surface is compliant with all applicable provisions of this Chapter; and (ii) the governmental agency that regulates the waterway, canal, or lake approves said encroachment. The property owner shall be responsible for the maintenance of all encroaching hard surfaces extending waterward of the property line.

* * *

The proposed amendment also revises Section 30-68(g)(6)c. of the Town Code as a means to clarify how the width or length of a dock is measured when access to a dock is via a hard surface located waterward of the property line. As noted above, Section 30-68(g)(6)b. of the Town Code allows a maximum combined seawall cap and dock width at eight (8) feet. Note that this provision intentionally does not provide where the eight (8) feet is measured from (Town Ordinance No. 2025-002, approved on January 21, 2025). Given the proposed amendment to Section 30-66(c)(1).a., as noted above, the following revisions to Section 30-68(g)(6)c. regarding how a dock is measured are proposed (deleting is ~~stricken through~~ and adding is underlined):

Section 30-68(g)(6)c. Measurement of the width or length of a dock, ~~as applicable~~, shall be made from the property line or, when combined with a seawall cap, from the landward edge of the seawall cap, as applicable.

ADDITIONAL ITEM HISTORY:

At the February 3, 2026 Town Commission meeting, an introduction to the proposed amendment (in concept), which included the above information, was considered by the Commission. The Commission made a motion to have the Planning Board take up the issue, to study and review it (motion carried 5-0).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Ordinance

Attachment No. 1 – Narrative provided by Greg Babij

Attachment No. 2 - Planning Board approved plan set (2564 S. Ocean Blvd.) – August 14, 2026

Attachment No. 3 – Sample seawall details

Town Commission minutes – February 3, 2026
Business Impact Estimate (BIE)
Ordinance Process flowchart

RECOMMENDATION:

At the discretion of the Planning Board.

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**TOWN OF HIGHLAND BEACH
ORDINANCE NO**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, “DEVELOPMENT REVIEW,” OF CHAPTER 30, “ZONING CODE,” OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, “OTHER REQUIREMENTS” TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, “SUPPLEMENTAL DISTRICT REGULATIONS,” TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

19 **WHEREAS**, the Town of Highland Beach, Florida, is a duly constituted municipality
20 having such power and authority conferred upon it by the Florida Constitution and Chapter 166,
21 Florida Statutes; and

22 **WHEREAS**, on August 14, 2025, the Planning Board approved a motion to the Town
23 Commission to consider an amendment to Section 30-66(c)(1)a. of the Town Code of Ordinances
24 to allow for hard surfaces to extend waterward from the property line to a dock; and

25 **WHEREAS**, on February 3, 2026, the Town Commission approved a motion to refer the
26 issue to the Planning Board and have the Board study and review it, and the Planning Board
27 provided its recommendation to the Town Commission; and

28 **WHEREAS**, the Town Commission wishes to amend Chapter 30, “Zoning Code,” of the
29 Town Code of Ordinances in order to allow a hard surface to encroach beyond the property line
30 for properties abutting a waterway canal or lake for the sole purpose of accessing a seawall, dock,
31 or Intracoastal beach area and to clarify how the length or width of docks will be measured when
32 the seawall cap is waterward of the property line; and

33 **WHEREAS**, the Town Commission has determined that the amendments to the Town
34 Code of Ordinances are in the best interest of the Town of Highland Beach.

35 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
36 **TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

- 1 b. Overhangs, pursuant to section 30-68(p).
- 2 c. Air conditioner condensers, pool heaters, pool equipment or heat
- 3 pumps, not to exceed five (5) feet in height, from the finished grade,
- 4 unless otherwise approved by the building official due to flood
- 5 elevation requirements, shall not extend any closer than seven (7)
- 6 feet to the closest property line.
- 7 d. Steps/stairways for the principal building shall not extend any closer
- 8 than seven (7) feet to the closest property line.
- 9 e. Electric meters, fuse boxes, generator control boxes and tankless hot
- 10 water heaters shall be allowed to be mounted on a wall or structure,
- 11 provided such attachments do not horizontally extend beyond the
- 12 roof overhang or two (2) feet from the exterior face of the wall,
- 13 whichever is less. Hose bibs shall be allowed to extend no further
- 14 than two (2) feet horizontally from the exterior face of the wall.
- 15 f. If the rear property line borders a body of water, screen enclosures
- 16 may extend to not less than five (5) feet from the right-of-way line
- 17 or bulkhead line, whichever is further landward.
- 18 (2) Unless otherwise provided in the Code, the following structures are allowed
- 19 in front, side or rear required setbacks as set forth herein.
- 20 a. All fences, walls, and hedges may be erected or maintained along or
- 21 adjacent to a lot line, and shall comply with the requirements of
- 22 subsection 30-68(e).
- 23 b. Permanently installed generators shall not extend any closer than
- 24 seven (7) feet to the closest property line.
- 25 c. Buried propane tanks, where the fillable portion of the tank is at or
- 26 below the adjacent natural grade shall not extend any closer than
- 27 seven (7) feet to the closest property line.
- 28 (3) Equipment allowed in setbacks that emit noise, odors or fumes shall be fully
- 29 shielded or screened via landscaping in such a way to minimize such noise,
- 30 odor or fumes as required by the building official prior to the issuance of a
- 31 permit.

- 1 (4) Repair and maintenance of existing equipment and structures within the
2 setback areas is allowed. Replacement is also permitted so long as the
3 equipment is being replaced in the same location and the replacement
4 equipment does not result in any additional encroachment into the required
5 setback.

6 * * *

7 **Section 3.** The Town of Highland Beach Code of Ordinances is hereby amended by
8 amending Section 30-68, “Supplemental district regulations,” to read as follows (deleting is
9 ~~stricken through~~ and adding is underlined):

10 * * *

- 11 (g) *Accessory marine facilities.*

12 * * *

- 13 (6) *Installation.* Accessory marine facilities shall comply with the installation
14 standards listed below:

15 a. In waterways regulated by the U.S. Army Corps of Engineers or other
16 governmental regulatory agency, docks and mooring facilities shall
17 not extend into the water more than twenty-five (25) feet or twenty-
18 five percent (25%) of the waterway width, whichever is less (excludes
19 docks and mooring facilities located along the Intracoastal Waterway),
20 measured from the wet face of the seawall or bulkhead.

21 b. The maximum combined seawall cap and dock width shall not exceed
22 eight (8) feet.

23 c. Measurement of the width or length of a dock, ~~as applicable~~, shall be
24 made from the property line or, when combined with a seawall cap,
25 from the landward edge of the seawall cap, as applicable.

26 d. Marine facilities shall comply with the side yard setbacks listed below.

- 27 1. Single-family zoning districts: Twenty-five (25) feet;
28 provided, however, the side yard setback shall be fifteen (15)
29 feet for any single-family lot with a lot width of fifty (50) feet
30 or more but less than seventy (70) feet. For those lots with less
31 than fifty (50) feet abutting the water, the planning board may

1 grant a special exception for the installation of a seawall
2 mounted davit type lifting device (but not a dock structure)
3 after being satisfied as to the protection of neighboring
4 property and no infringement of standard navigation practices.
5 2. Multifamily zoning districts: Five (5) feet, measured from the
6 perimeter property lines. In multifamily residential zoning
7 districts, marine facilities shall be exempt from side yard
8 setback requirements for all interior lot lines.

9 * * *

10 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable and
11 if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid
12 or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,
13 clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent
14 that this Ordinance shall stand notwithstanding the invalidity of any part.

15 **Section 5. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict
16 herewith are hereby repealed to the extent of such conflict.

17 **Section 6. Codification.** Section 2 of the Ordinance may be made a part of the Town
18 Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word
19 “ordinance” may be changed to “section,” “division,” or any other appropriate word.

20 **Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption
21 at second reading.

22 The foregoing Ordinance was moved by _____, seconded by
23 _____ and upon being put to the vote, the vote was as follows:
24

25 Mayor Natasha Moore _____
26 Vice Mayor David Stern _____
27 Commissioner Judith Goldberg _____
28 Commissioner Don Peters _____
29 Commissioner Jason Chudnofsky _____
30

31 PASSED on first reading at the Regular Commission meeting held on this _____ day of
32 _____, 2026.
33

34 The foregoing Ordinance was moved by _____, seconded by
35 _____ and upon being put to the vote, the vote was as follows:
36

1 Mayor Natasha Moore _____
2 Vice Mayor David Stern _____
3 Commissioner Judith Goldberg _____
4 Commissioner Don Peters _____
5 Commissioner Jason Chudnofsky _____
6
7

8 PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held
9 on this _____ day of _____, 2026.

10
11 _____
12 Natasha Moore, Mayor
13

14 ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

15
16
17
18 _____
19 Lanelda Gaskins, MMC
20 Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach

From: greg4hb@yahoo.com
To: [Marshall Labadie](#); [Ingrid Allen](#); [Jeff Remas](#); greg4hb@yahoo.com
Subject: Re: HB Code 30-66 (c)1(a)
Date: Saturday, November 22, 2025 6:45:49 PM

Marshall,

Ingrid and I met to discuss this further, and she suggested I email you about widening the scope a bit before I present. This issue isn't just related to "seawalls" as it would also be a potential issue for direct intracoastal properties with a west facing back yard and a beach edge opposed to a proper seawall. The same issue would apply. Specifically, if the elevated property extends past the edge of the property line, the existing code could result in an unintended restriction. I would think we would want a property owner to be able to complete a walkway to the edge of the land so they could use it to launch and retrieve kayaks, paddleboards etc opposed to having a strip of land that isn't as easily accessible.

I still believe the most simple fix is to change the language (**bolded**) as I stated below, however there could be a case like I just described, and the Building Debt team may want to brainstorm the best way for that to be adequately addressed in any revision to the code.

Happy to present to the commission and then if they agree, then create a small working group to work on revised language to be brought to the Commission and planning board at a later date via the stated ordinance change protocol.

Regards,
 Greg

On Saturday, September 27, 2025 at 08:32:28 PM EDT, greg4hb@yahoo.com <greg4hb@yahoo.com> wrote:

Marshall,

In the last planning board meeting, property 2564 S Ocean Blvd was granted the ability to install a new seawall 3 ft beyond the existing retaining wall. The planning board was unanimous in approving this request.

There was an oddity we uncovered however. Highland Beach code 30-66 (c) 1 (a) states that the owner can install a hardscape walkway to the dock/seawall or to the property line, whichever is further landward.

This actually creates an unsafe condition for this homeowners and any others that face the same issue.

The purpose of a hardscape walkway all the way to the seawall is so carts can be used to carry heavy objects to and from a boat. This may consist of simple equipment (ice, provisions etc which may weight 50-100 lbs) or may consist of replacement parts for repairs and equipment for maintenance (100 to as much as 1000 lbs).

Having a 3 ft section in this case where the walkway ends, and then there is either grass or artificial grass between the end of the walking path at the property line and the seawall is unsafe as heavy items will have to be removed from carts and be carried. I have a hard path at my house going to the dock. We use a cart multiple times a week to take items to/from the boat. When we try to run it on the grass next to the boat it sinks in.

Let's not forget that these seawalls do "breathe" as water seeps under them and when tides are very

high, the land can erode. A hard path stays in place particularly if it is properly build in pin piles. Grass or artificial grass "looks" firm until you step on it and can sink in as much as a foot. I see it all the time.

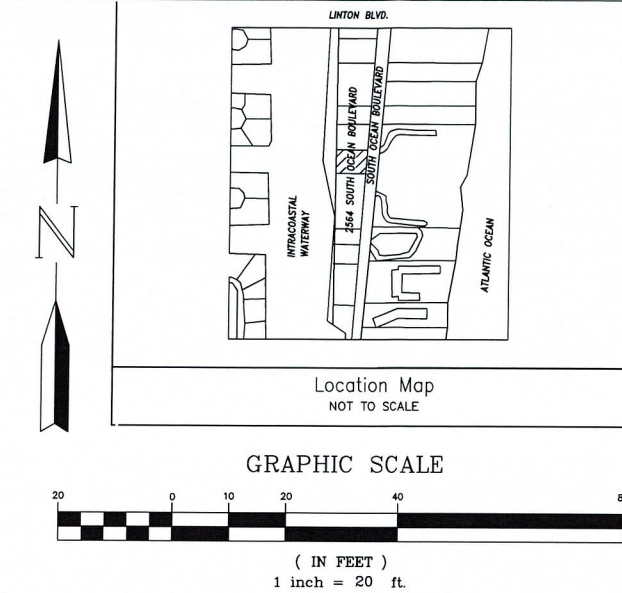
Ingrid suggested i email you about this to see if you think this should be an item for the commission to consider -> **specifically simply removing the language "whichever is further landward."** No other changes are necessary.

I am happy to present it to the commission and if you watch the last planning board meeting the Chair was comfortable with moving this forward for commission consideration.

If the commission sees fit, the planning board can then do a proper than thorough review of if the language should be removed. Based on the last planning board meeting, it seemed unanimous that every member present thought it should be.

Thanks,
Greg

RECEIVED
 JUL 24 2025
 HIGHLAND BEACH
 BUILDING DEPARTMENT



INTRACOASTAL WATERWAY - 300' R/W
 TIDAL WATERS SUBJECT TO EBB & FLOW

MOORING

DECK REMOVED PILING LOCATED

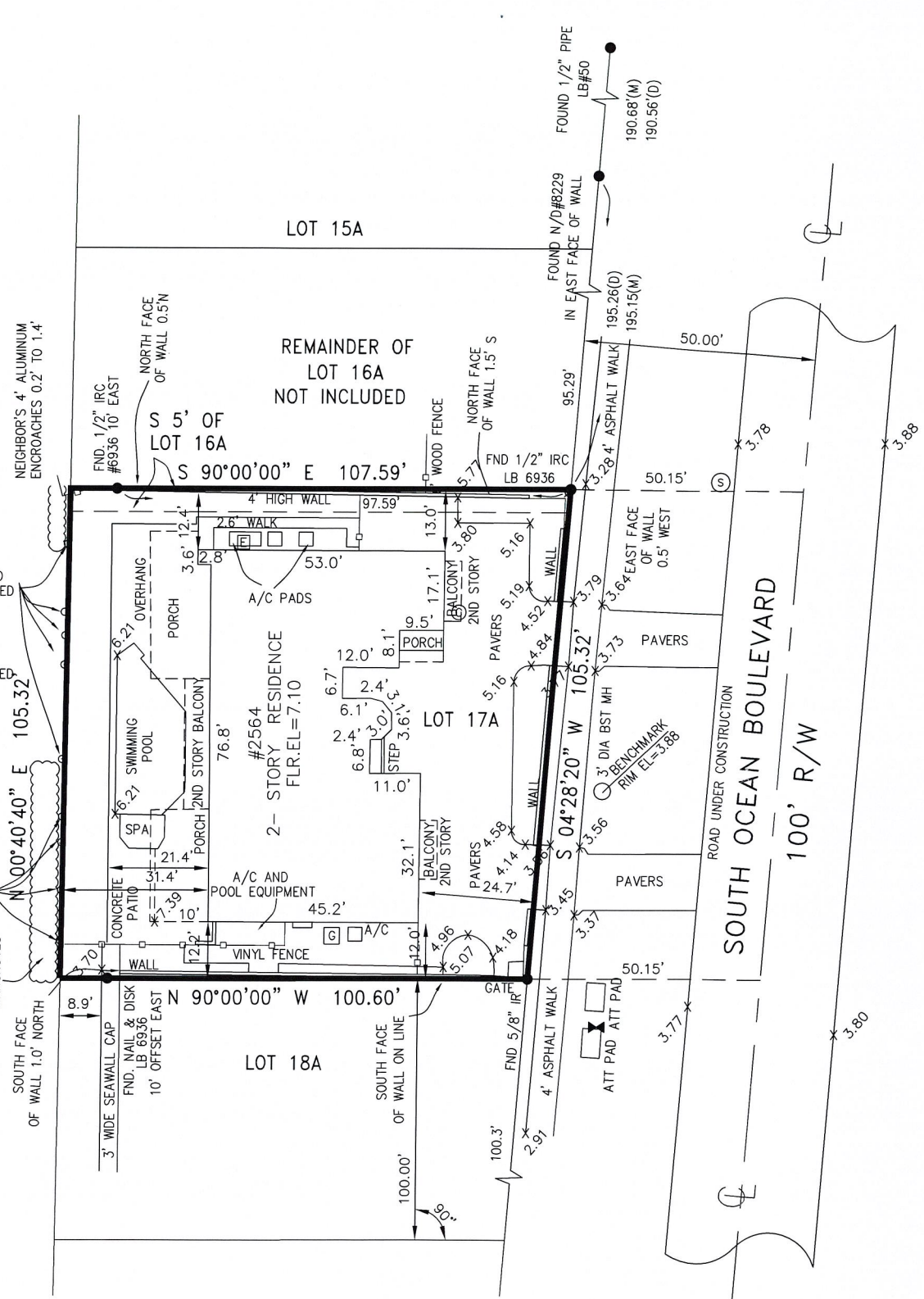
DOCK REMOVED PILING NOT LOCATED

CONC. PILING

DECK REMOVED PILING LOCATED

DECK REMOVED PILING LOCATED

- Legend**
- ⊕ Indicates Set 1/2" Iron Rod & Cap #LB6936
 - Indicates Found Iron Rod & Cap
 - Indicates Found Concrete Monument
 - BST Indicates Bell South
 - Indicates Water Meter
 - ⊙ Indicates Sanitary Cleanout
 - ⊕ Indicates Gas Meter
 - ⊙ Indicates Sewer Manhole
 - ⊕ Indicates Electric Meter



DESCRIPTION:

THE SOUTH FIVE (5) FEET OF LOT 16-A AND ALL OF LOT 17-A, BYRD BEACH, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 20, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SURVEYOR'S NOTES:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE POLICY OR ABSTRACT. THERE MAY EXIST EASEMENTS AND OTHER MATTERS WHICH MAY AFFECT THE USAGE OF THE LANDS AS SHOWN HEREON.
2. THIS BOUNDARY & TOPOGRAPHIC SURVEY MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODES. THIS SURVEY DOES NOT PURPORT TO DEFINE THE MEAN HIGH WATER LINE.
3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT ADDRESSED AS A PART OF THIS SURVEY. ONLY VISIBLE ABOVE GROUND IMPROVEMENTS HAVE BEEN SHOWN. THERE MAY EXIST UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER MATTERS WHICH HAVE NOT BEEN REFLECTED ON THIS SURVEY.
4. ADDITIONS AND/OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THIS OFFICE.
5. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS AND DISTANCES ARE NOT TO BE SCALED FOR CONSTRUCTION AND/OR DESIGN PURPOSES.
6. THIS MAP, AS DEPICTED IN ITS GRAPHIC FORM, BEARING THE SIGNATURE AND SEAL OF THE SURVEYOR, IS THE OFFICIAL DOCUMENT OF THE LANDS AS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCE BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE MAP.
7. THIS SURVEY IS PREPARED FOR THE PARTIES AS STATED HEREON AND IS NOT ASSIGNABLE TO OTHER PARTIES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.
8. THIS SURVEY DOCUMENT, AS AN INSTRUMENT OF SERVICE, IS INTENDED FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED AND CERTIFIED. REUSE AND/OR RELIANCE UPON THIS DOCUMENT FOR ANY OTHER PURPOSE WITHOUT WRITTEN AUTHORIZATION AND ADAPTION BY DEAN SURVEYING & MAPPING, INC., SHALL BE WITHOUT LIABILITY TO DEAN SURVEYING & MAPPING, INC.
9. ELEVATIONS AS SHOWN HEREON ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988, REFERENCE BENCHMARK IS A U.S.C.G.S BRASS DISK DESIGNATED "M-310" WHICH HAS AN ESTABLISHED ELEVATION OF 5.233.

REVISIONS	DATE

NOTE:
 This drawing is not valid without embossed seal or digital signature of surveyor

Richard N Dean
 Digitally signed by Richard N Dean
 Date: 2025.05.05 23:44:40 -04'00'

BOUNDARY & TOPOGRAPHIC SURVEY Prepared For:
 ELENA & MIKHAIL VESSELOV

Dean Surveying and Mapping, Inc.
 "The Measuring Line Shall Go Forth" Jeremiah 31:39
 4201 Westgate Ave.
 Suite A3
 West Palm Beach, Florida 33409
 Tel: (561) 625-8748 Facsimile (561) 626-4558

ADDRESS: 2564 SOUTH OCEAN BOULEVARD
 HIGHLAND BEACH, FL. 33487

PROPERTY LIES IN FLOOD ZONE AE, EL=7 AS PER NATIONAL FLOOD INSURANCE PROGRAM RATE MAP 12099C0987G

FIELD: R.N.D./L.J.	DATE: 5-2-25
DRAWN: M.R.	SCALE: 1" = 20'
SHEET: 1 of 1	JOB No.: 025-409

RECEIVED

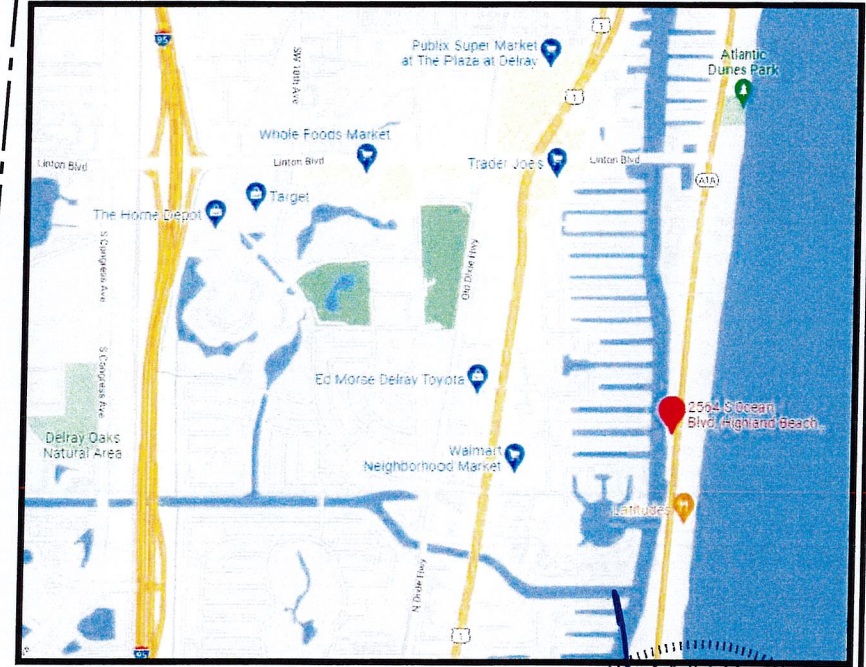
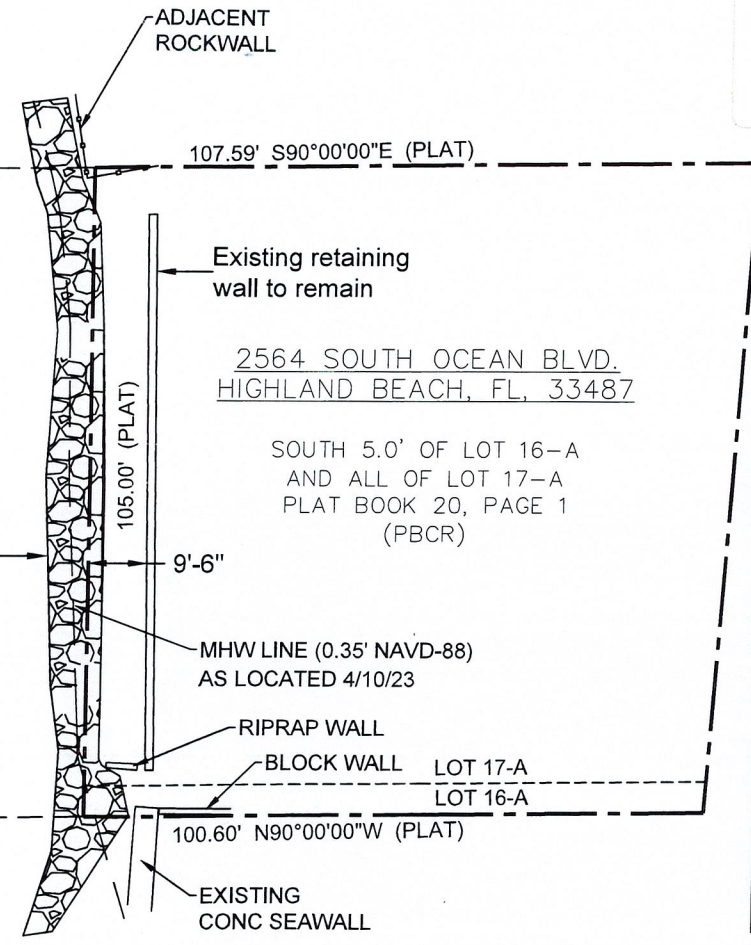
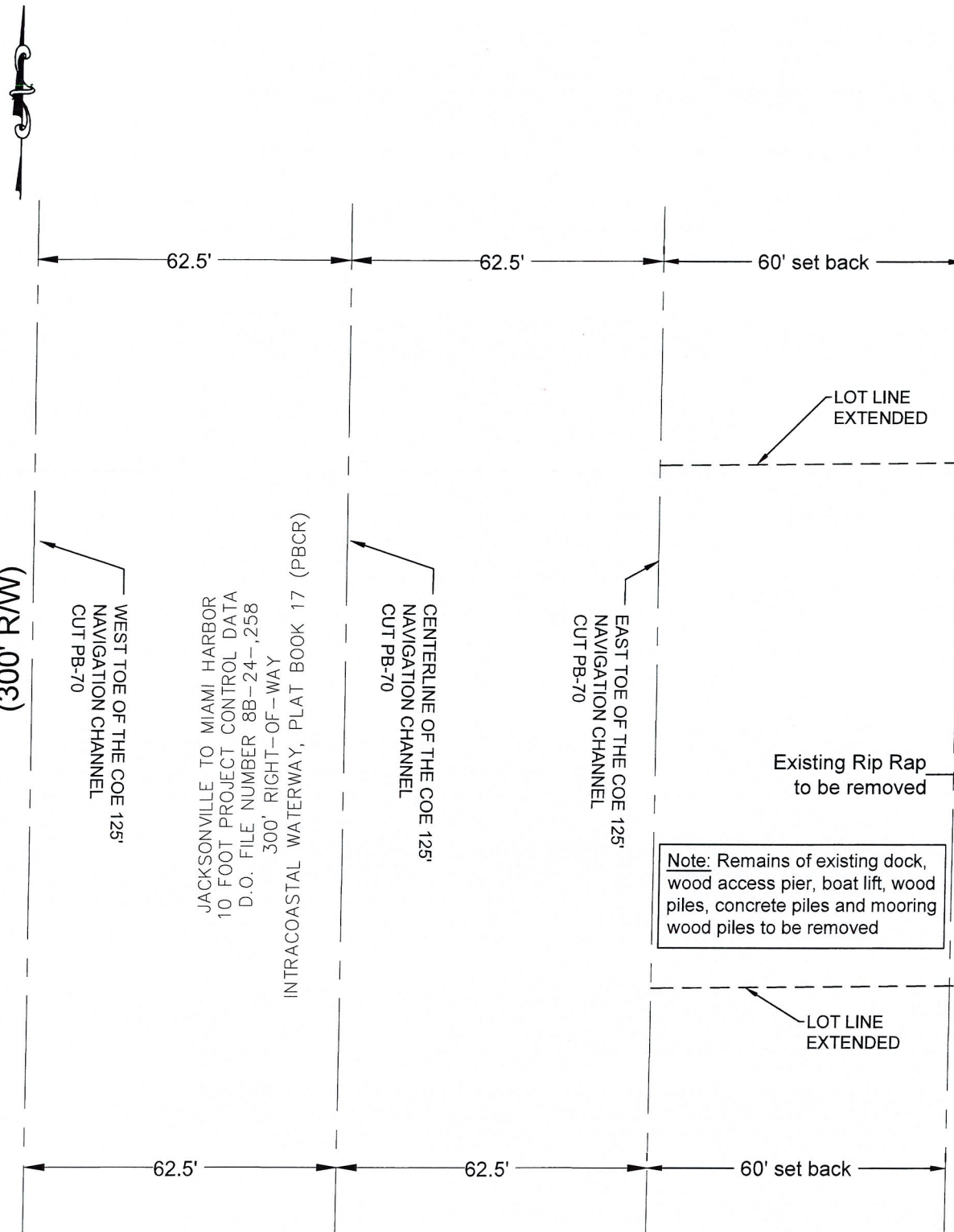
JUL 24 2025

HIGHLAND BEACH
BUILDING DEPARTMENT

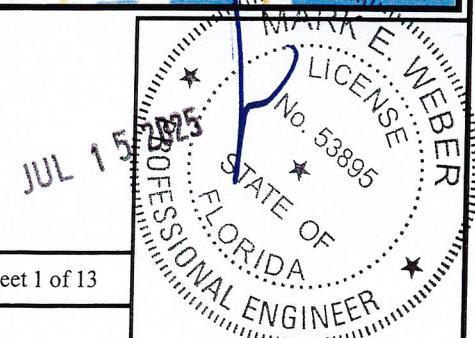
See attached survey supplied by
owner for exact property information.
No tree will be removed or
replanted as part of this permit

Location Address 2564 S OCEAN BLVD
Municipality HIGHLAND BEACH
Parcel Control Number 24-43-46-28-09-000-0161
Subdivision BYRD BEACH SUB IN
Official Records Book 28513 **Page**220
Sale Date AUG-2016
Legal Description BYRD BEACH S 5 FT OF LT 16-A & LT 17-A

INTRACOASTAL WATERWAY
(300' RW)



Location Map



Existing Site Plan

Scale: 1" = 30'

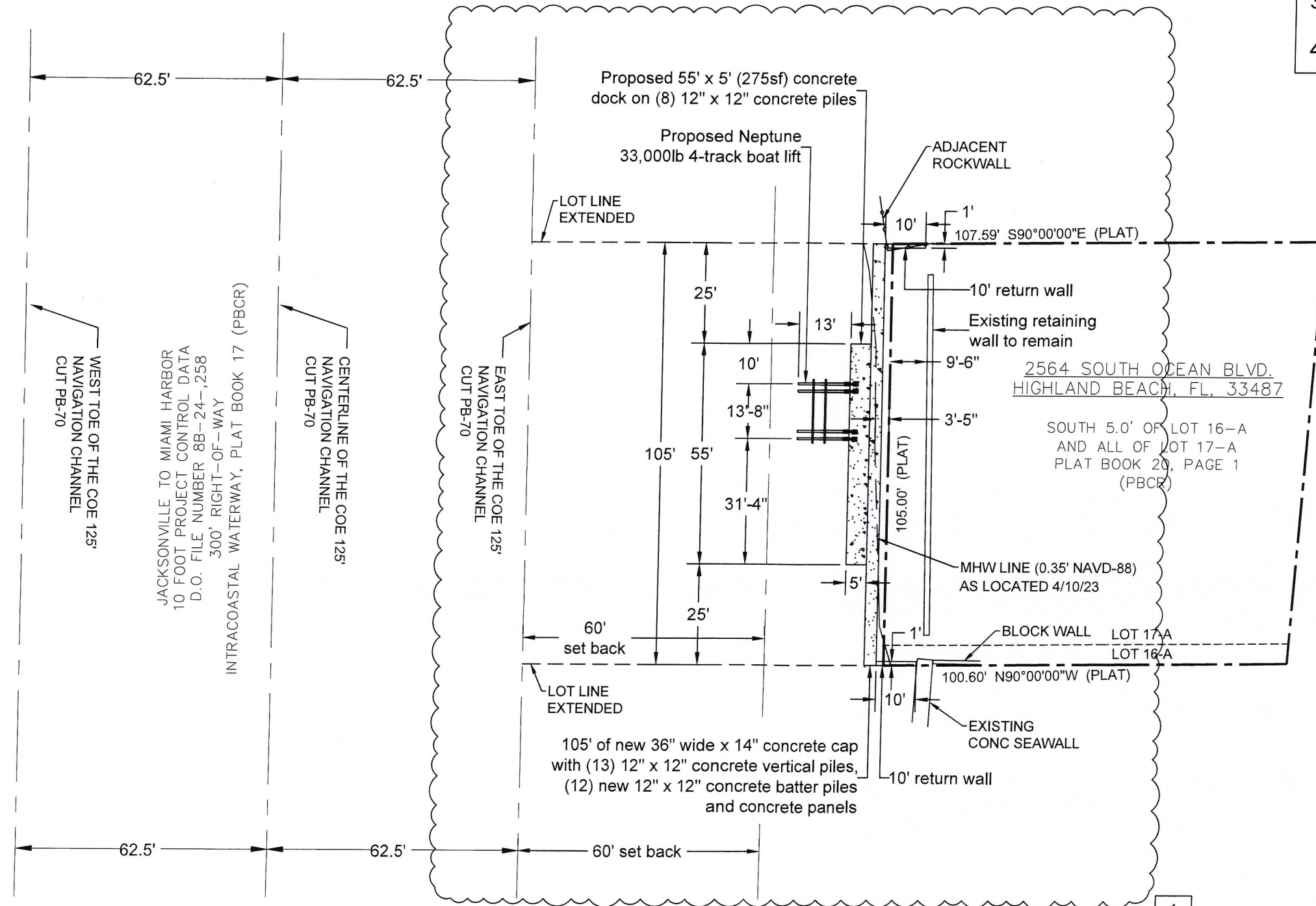
Sheet 1 of 13

PREPARED FOR:
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Project:
Proposed Dock / Seawall Repair
Mikhail Vesselov
2564 South Ocean Blvd.
Highland Beach, Florida 33487

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
WWW.MwEngineering.net

**INTRACOASTAL WATERWAY
(300' R/W)**



- Scope of Work:**
- Existing rip rap removed
 - Construct 105' of 36" x 14" of new seawall, cap, batter piles, vertical piles and panels
 - Install 55' x 5' (275sf) concrete dock on (8) concrete piles
 - Install 33,000lb 4-track boat lift

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Proposed Site Plan

Scale: 1" = 30'

1	05.20.25	City Comments
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Sheet 2 of 13

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EAST TOE OF THE COE 125' NAVIGATION CHANNEL CUT PB-70

EXTENDED LOT LINE

INTRACOASTAL WATERWAY (300' R/W)

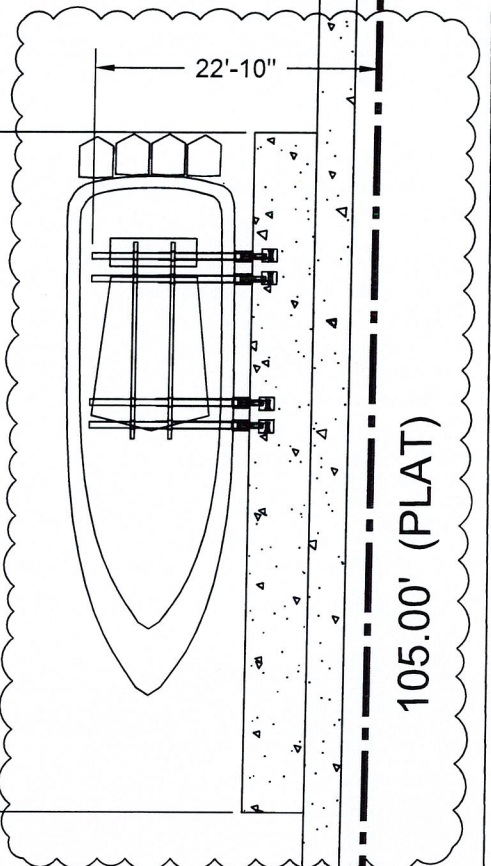
105'

25'

55'

25'

1



105.00' (PLAT)

107.59' S90°00'00"E (PLAT)



For Illustrative Purposes - Boat may Change

LOT 17-A
LOT 16-A

100.60' N90°00'00"W (PLAT)

LOT LINE EXTENDED

Plan View - Boat on Lift

Scale: 1" = 15'

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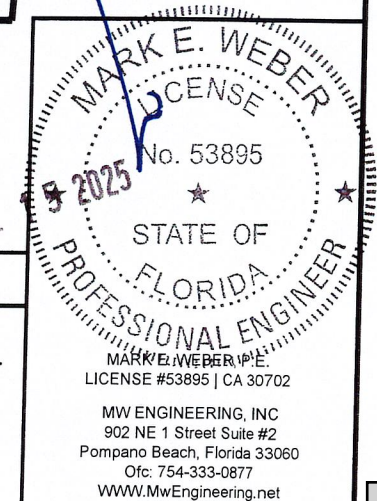
HIGHLAND BEACH BUILDING DEPARTMENT

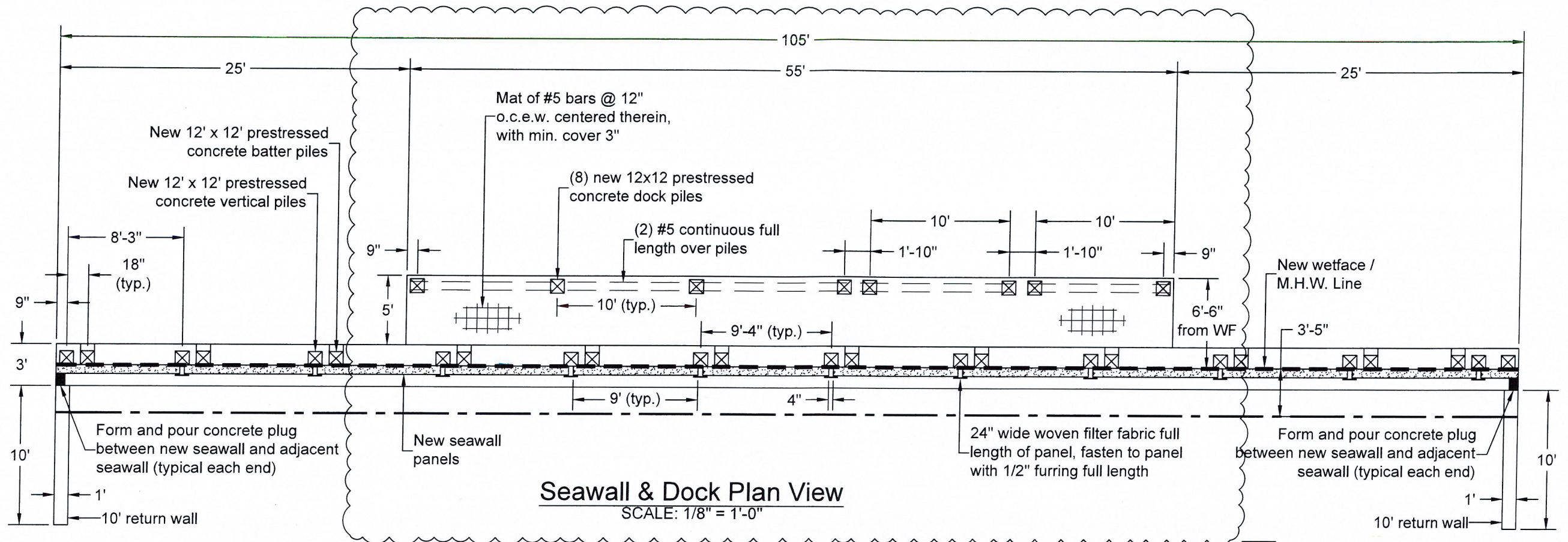
1	05.20.25	City Comments
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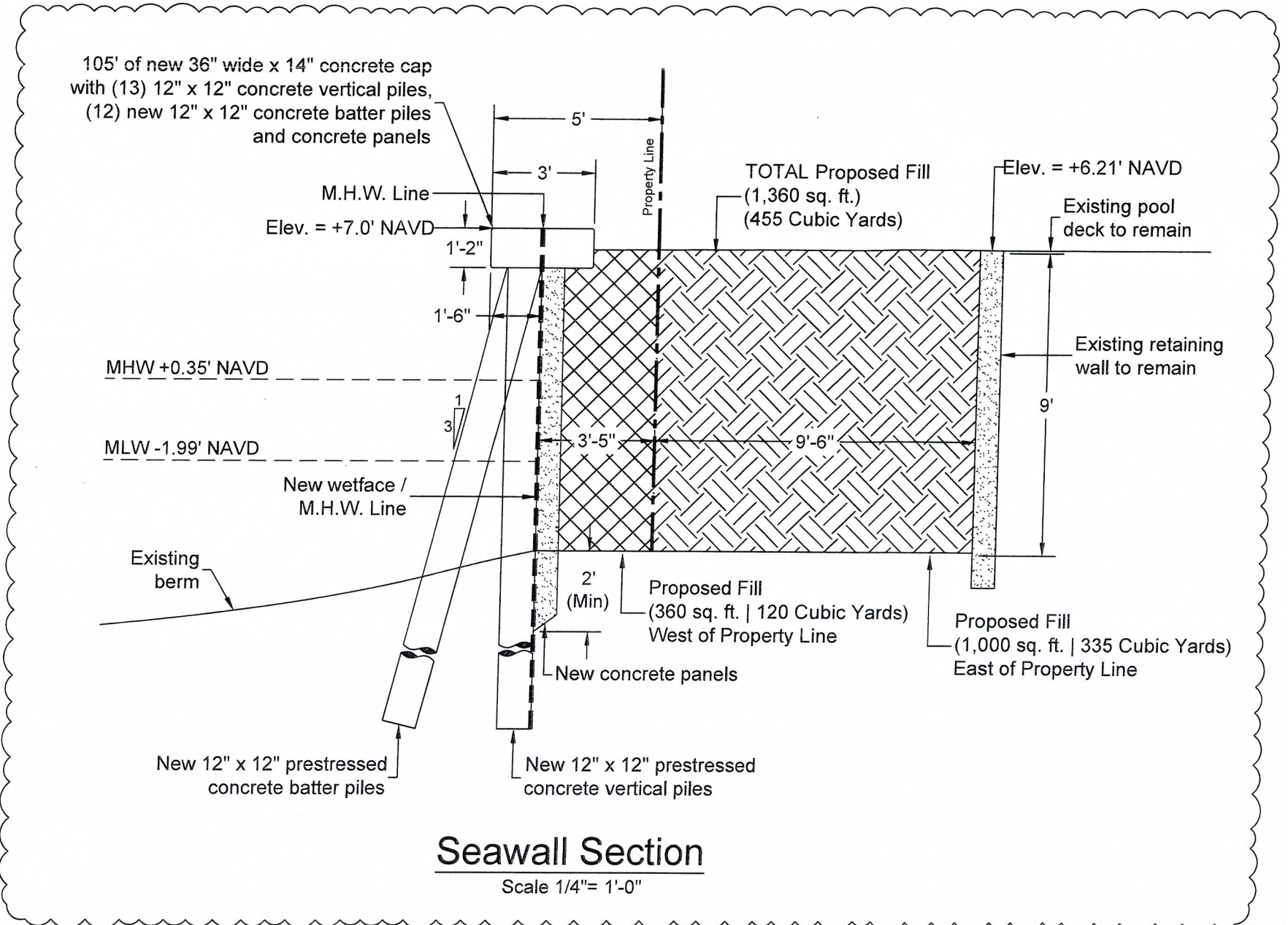
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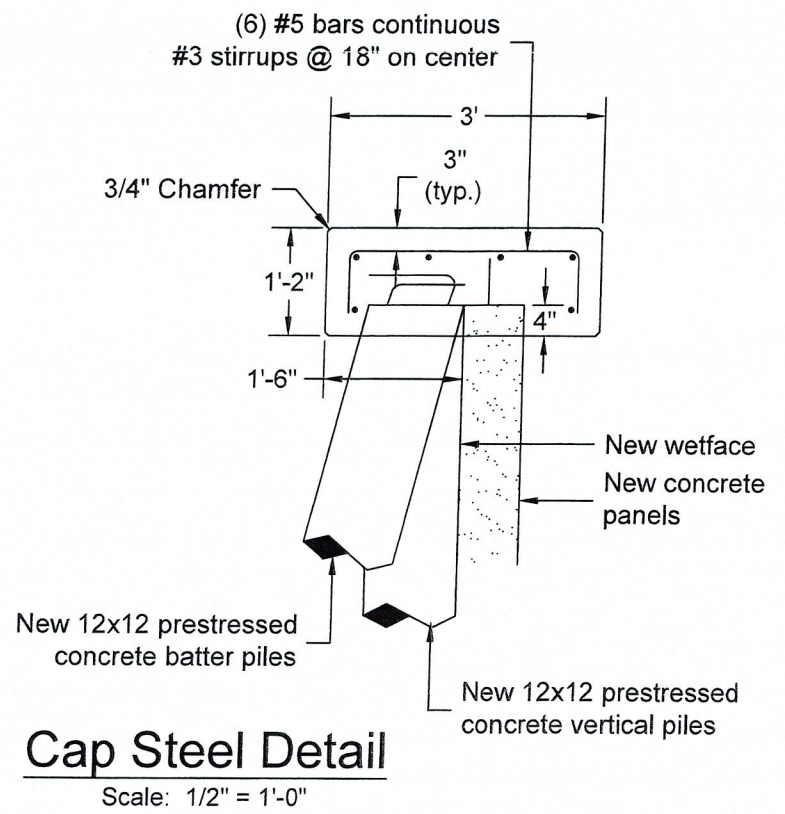
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Seawall Section
Scale 1/4" = 1'-0"



Cap Steel Detail
Scale: 1/2" = 1'-0"

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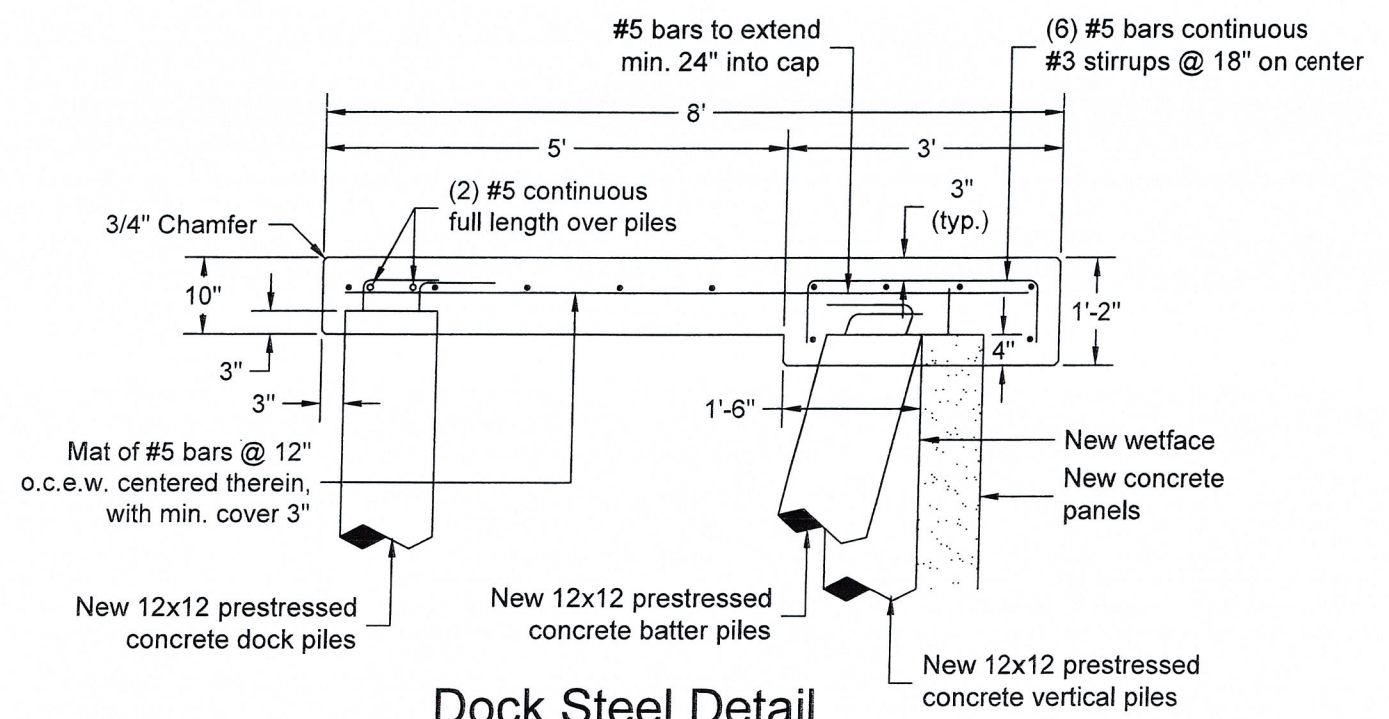
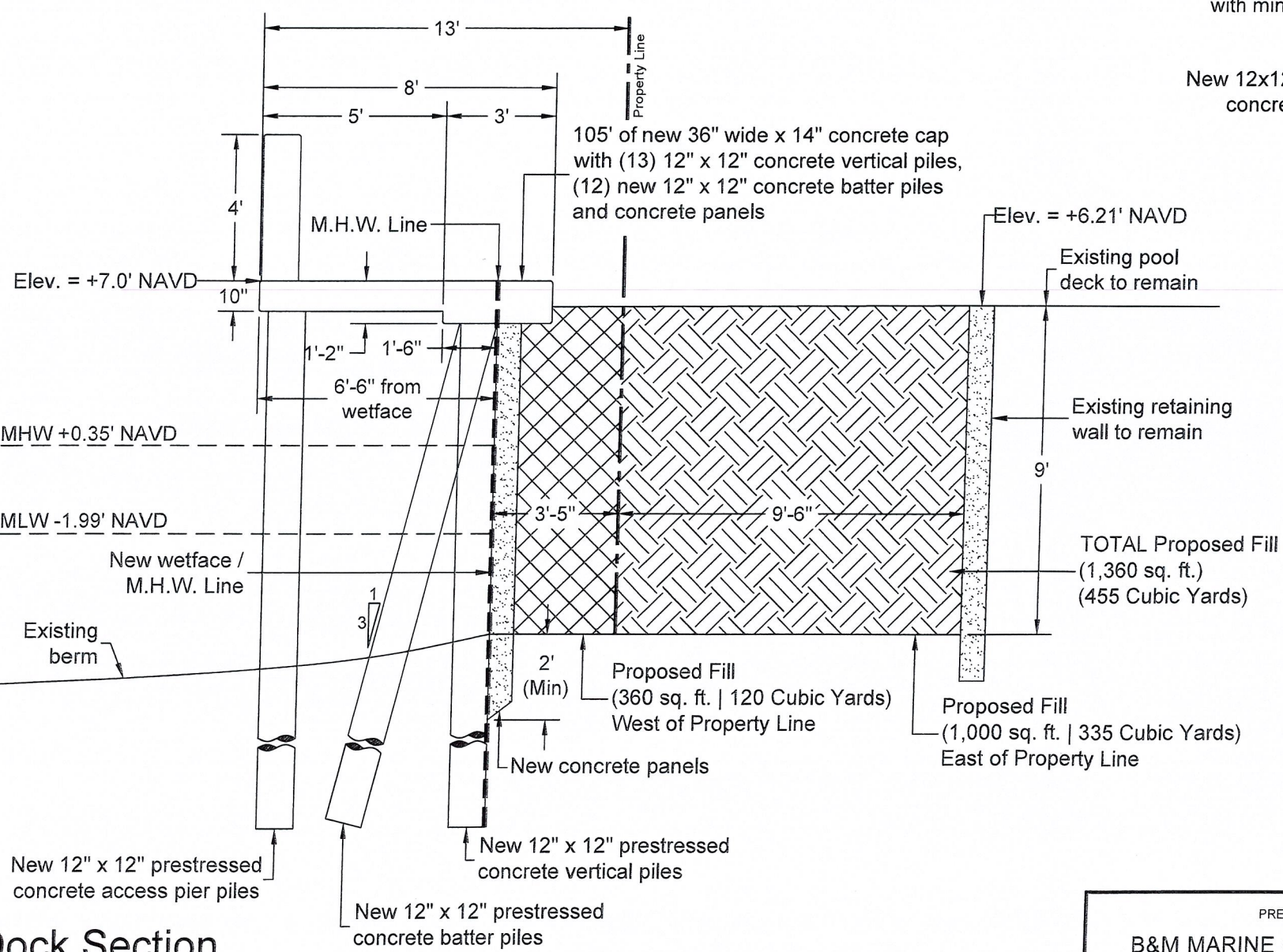
Project:
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Sheet 5 of 13

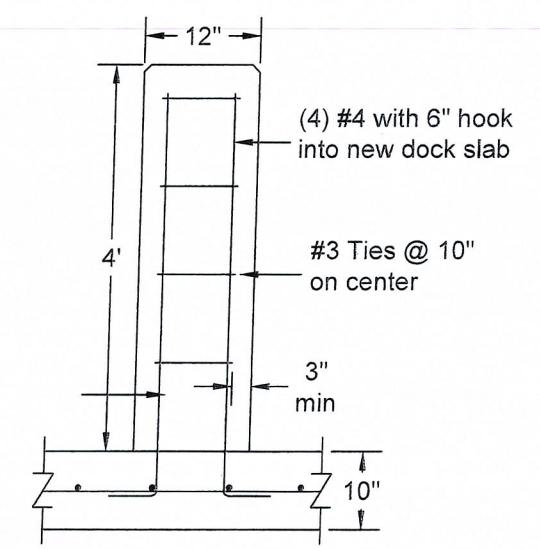
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Dock Steel Detail
Scale: 1/2" = 1'-0"



Column Detail
Scale: 1/4" = 1'-0"

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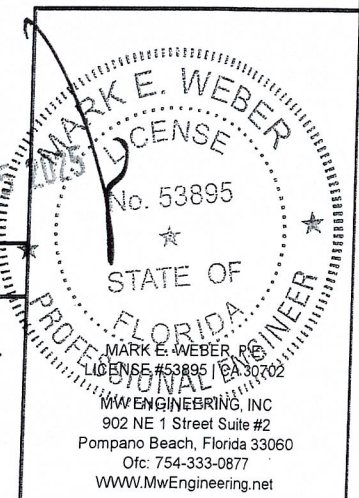
Dock Section
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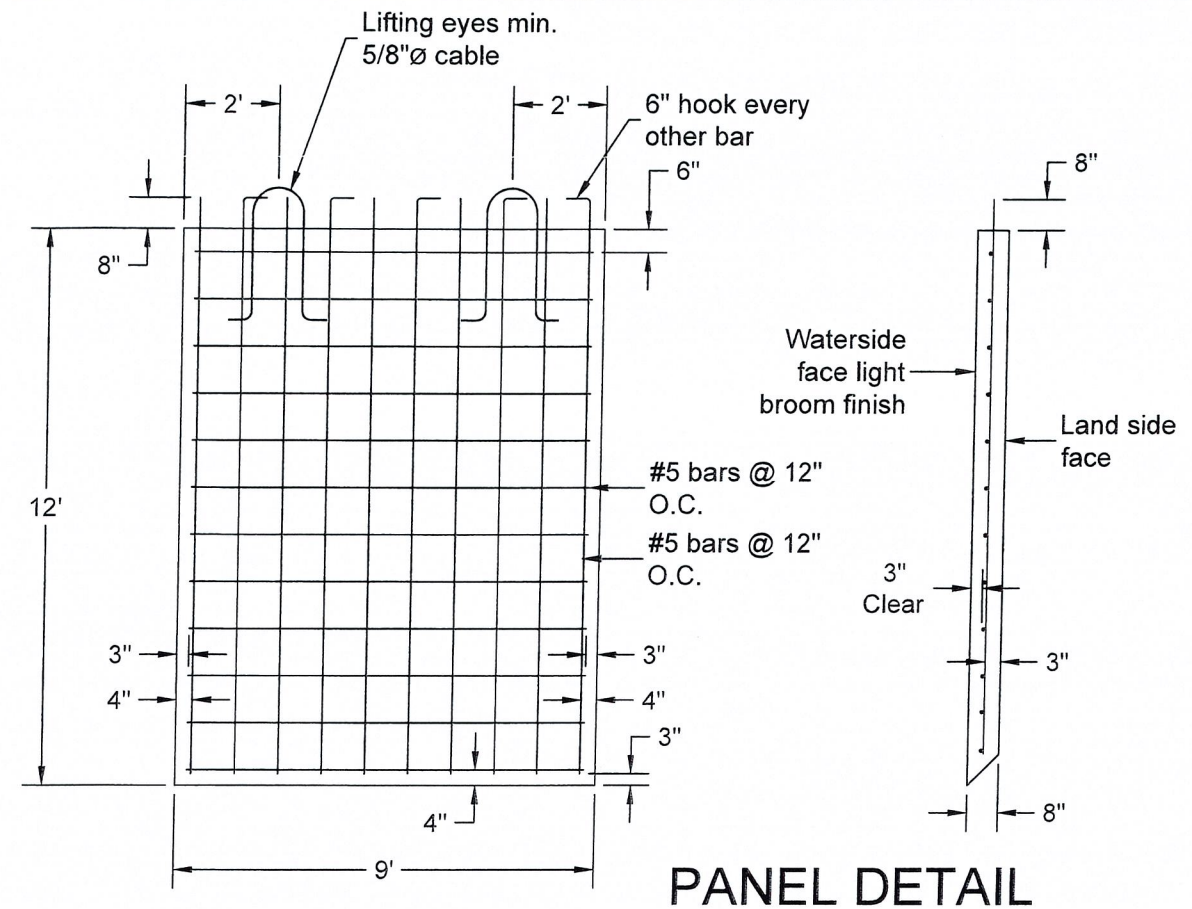
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Project:
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Highland Beach, Florida 33487

Sheet 6 of 13





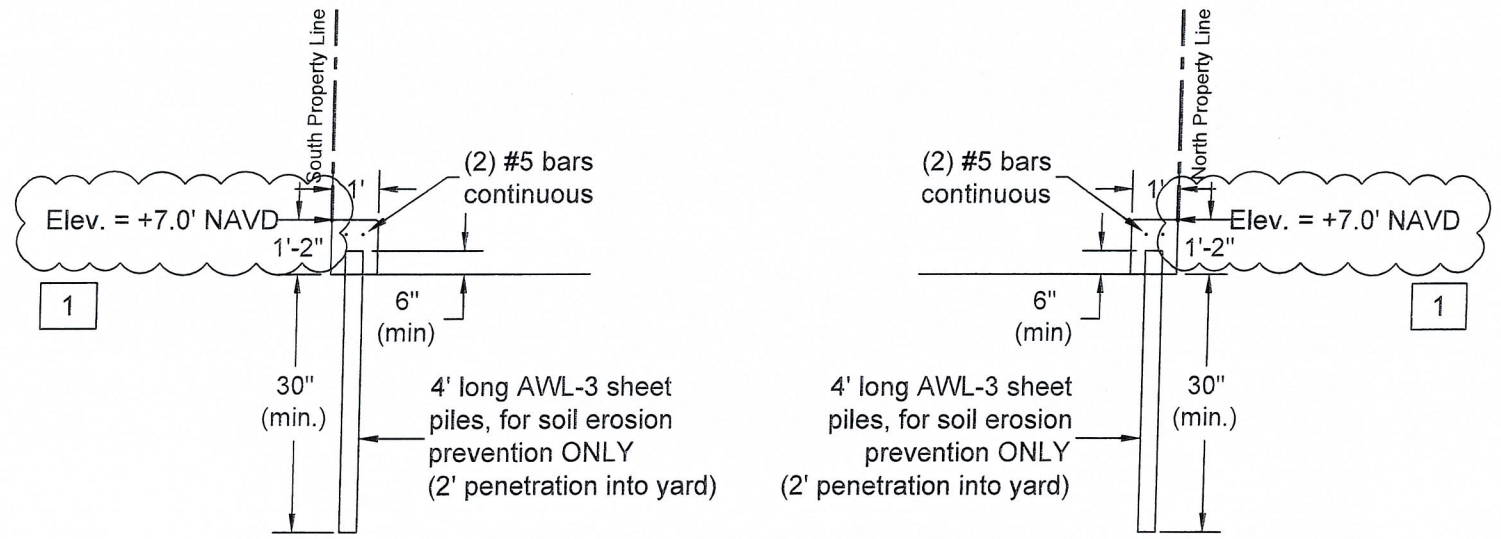
NOTE:
 PANEL HEIGHT TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE CONSTRUCTION, TO PROVIDE A MINIMUM OF 2' EMBEDMENT INTO EXISTING GRADE.

PANEL DETAIL
 Scale 1/4" = 1'-0"

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 BUILDING DEPARTMENT



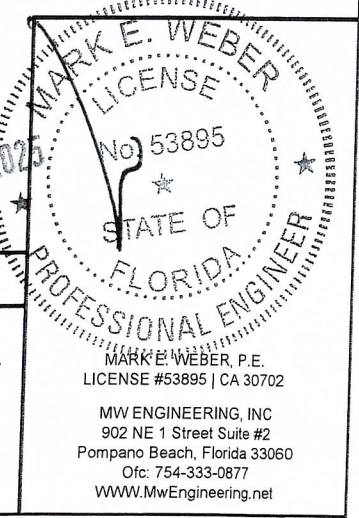
Return Wall Detail
 Scale 1/4" = 1'-0"

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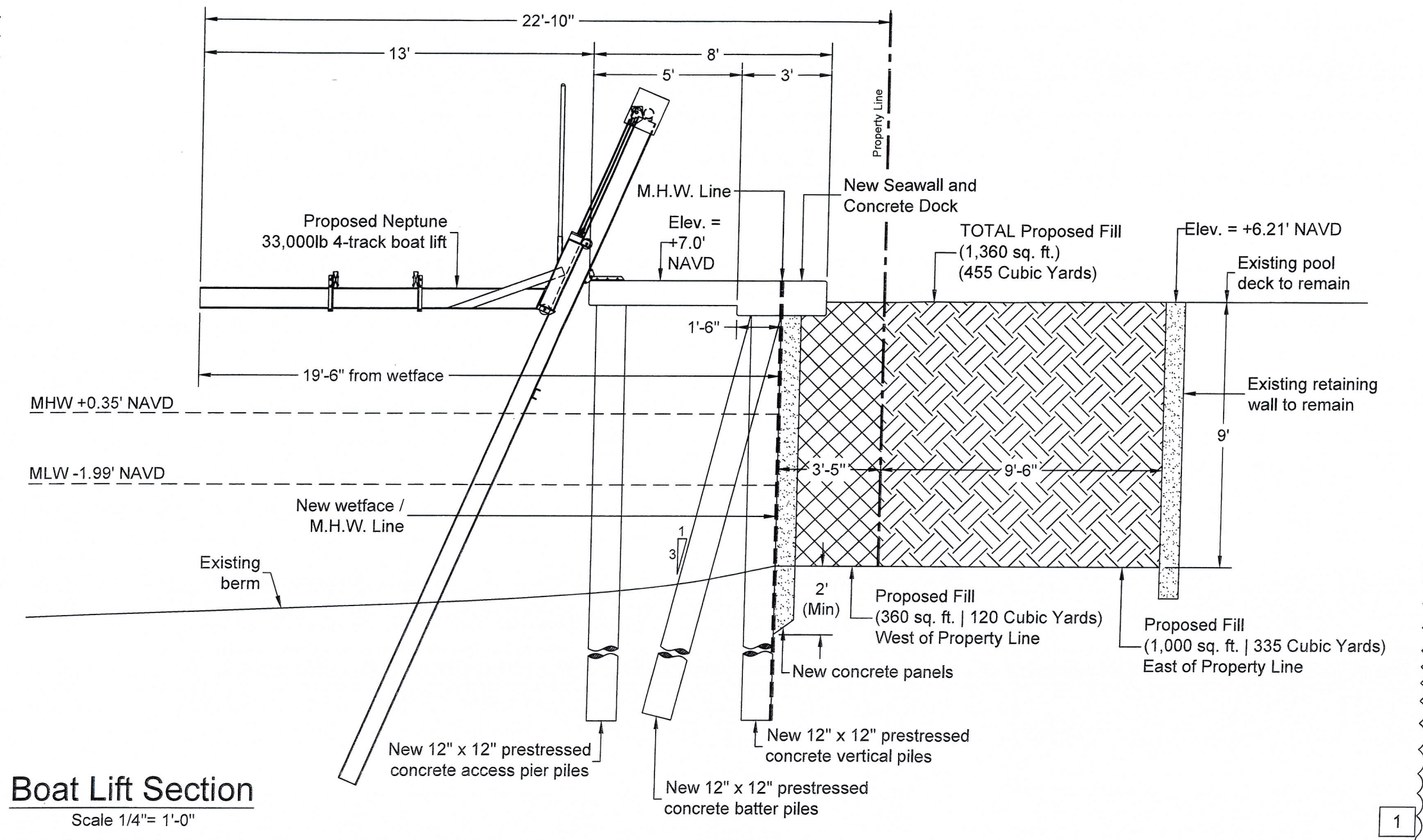
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HIGHLAND BEACH
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Boat Lift Section

Scale 1/4" = 1'-0"

1

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MARK E. WEBER
 LICENSE #53895
 STATE OF FLORIDA
 PROFESSIONAL ENGINEER
 JUL 2025

MARK E. WEBER, P.E.
 LICENSE #53895 | CA 30702
 MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, Florida 33060
 Ofc: 754-333-0877
 WWW.MwEngineering.net

BOAT KEEL NOTE:

Boat Keel to be a maximum of one foot above the minimum seawall elevation when lifted.

Boat lift 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.

NOTE:

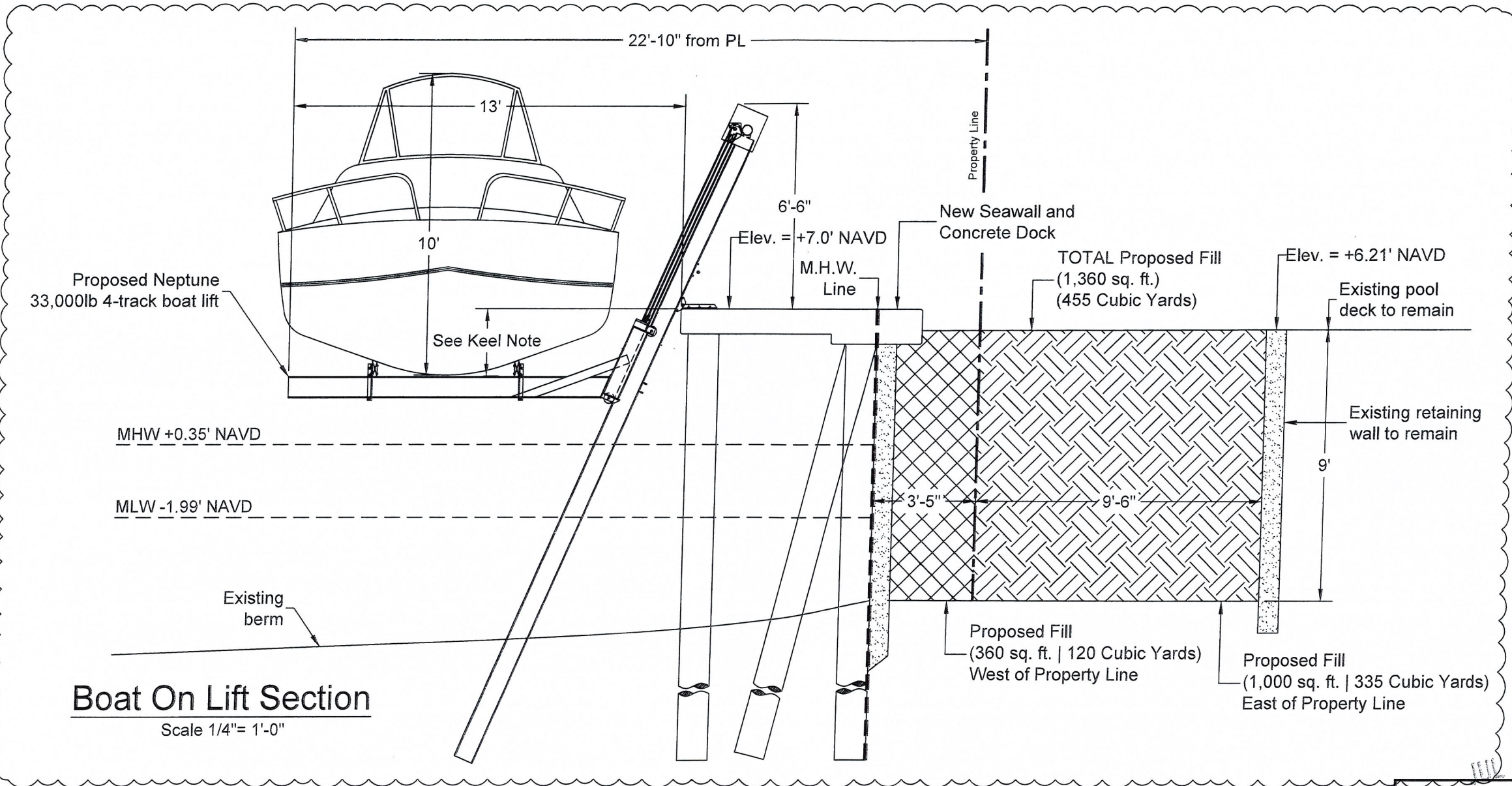
Height of superstructure of boat when lifted shall be compliant with boatlift definition is Sec. 30-131 - Definitions of terms.

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.

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Boat On Lift Section

Scale 1/4" = 1'-0"

1

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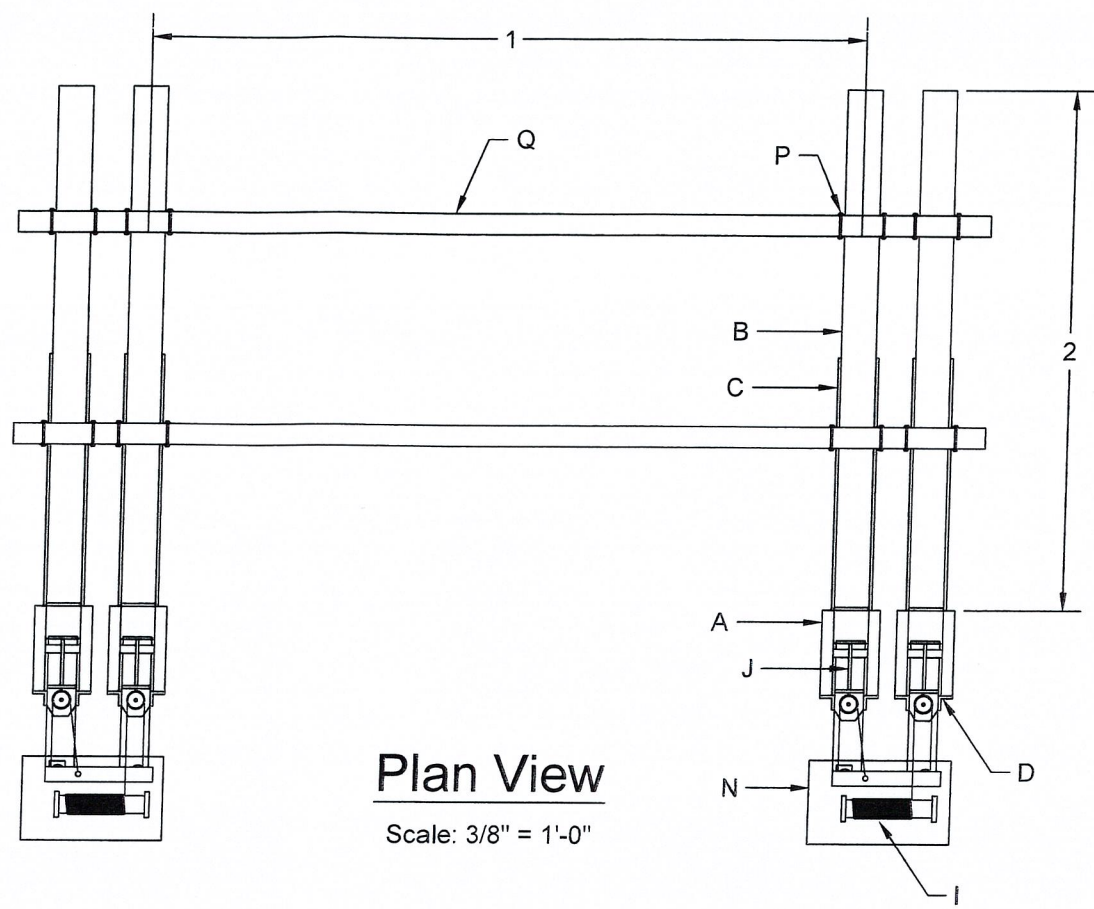
Project:
Proposed Dock / Seawall Repair
 Mikhail Vesselov
 2564 South Ocean Blvd.
 Highland Beach, Florida 33487

Professional Engineer Seal for Mark E. Weber, License #53895, State of Florida. The seal includes the text: MARK E. WEBER, LICENSE No. 53895, STATE OF FLORIDA, PROFESSIONAL ENGINEER. Below the seal is contact information for MW ENGINEERING, INC: 902 NE 1 Street Suite #2, Pompano Beach, Florida 33060, Ofc: 754-333-0877, WWW.MwEngineering.net.

Components

	Lift Capacity (In Pounds)	33,000
A	Carriage Boom (2 Required per Lift Arm)	AS C 12"x7.4x60"
B	Cradle Arm	AA I 12"x11.7
C	Gusset Plate (2 Required per Lift Arm)	1/2"x6" Flat Bar
D	Upper Carriage Angle (2 Required per Lift Arm)	3/8"x3"x4" Angle
E	Lower Carriage Angle (2 Required per Lift Arm)	3/8"x4"x6" Angle
F	Pulley Plate (2 Required per Lift Arm)	1/2"x8" Flat Bar
G	Upper Guide Wheel (4 Required per Lift Arm)	6" Diameter
H	Lower Guide Wheel (1 Required per Lift Arm)	6" Diameter
I	Cable Size (Stainless Steel)	7/16" Diameter 7x19 SS 304
J	Guide Track	AA I 12"x11.7
K	Guide Track To Guide Track Brace	AA CS 6"x2.8
L	Attachment Bracket	(1) 3/8"x3"x3" Angle and (1) 3/8"x3"x4" Angle Welded Together with Welded 1/2" Thick Inner Plate
M	Track Mount Connector (2 Required per Lift Arm)	1/2"x3"x6" Angle & 3/4" Bolts
N	Motor Size (Horse Power/Voltage)	Aluminum Housing
O	Guide Post Socket	3" Diameter Schedule 80 Pipe
P	Bunk Bracket Support (2 Each Side of Lift Arm)	1/4"x2"x2"
Q	Bunk Boards**	3"x12" Pressure Treated Southern Yellow Pine #1

** Placement of bunk boards depends on beam of boat



Dimensions		
Lift Capacity (In Pounds)		33,000
Dimension Mark	1	10'
	2	12.5'
	3	-
	4	6'
	5**	1'-6"
	6	-
	7	-
	8	70"
	9	38"

** Placement of bunk boards depends on beam of boat

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HIGHLAND BEACH
BUILDING DEPARTMENT

Sheet 10 of 13

PREPARED FOR:
B&M MARINE CONSTRUCTION INC
1211 South Military Trail, Suite 200
Deerfield Beach, Florida 33442
(954) 421-1700

Project:
Proposed Dock / Seawall Repair
Mikhail Vesselov
2564 South Ocean Blvd.
Highland Beach, Florida 33487

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MARK E. WEBER
LICENSE
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STATE OF FLORIDA
PROFESSIONAL ENGINEER

MARK E. WEBER, P.E.
LICENSE #53895, CA 30702

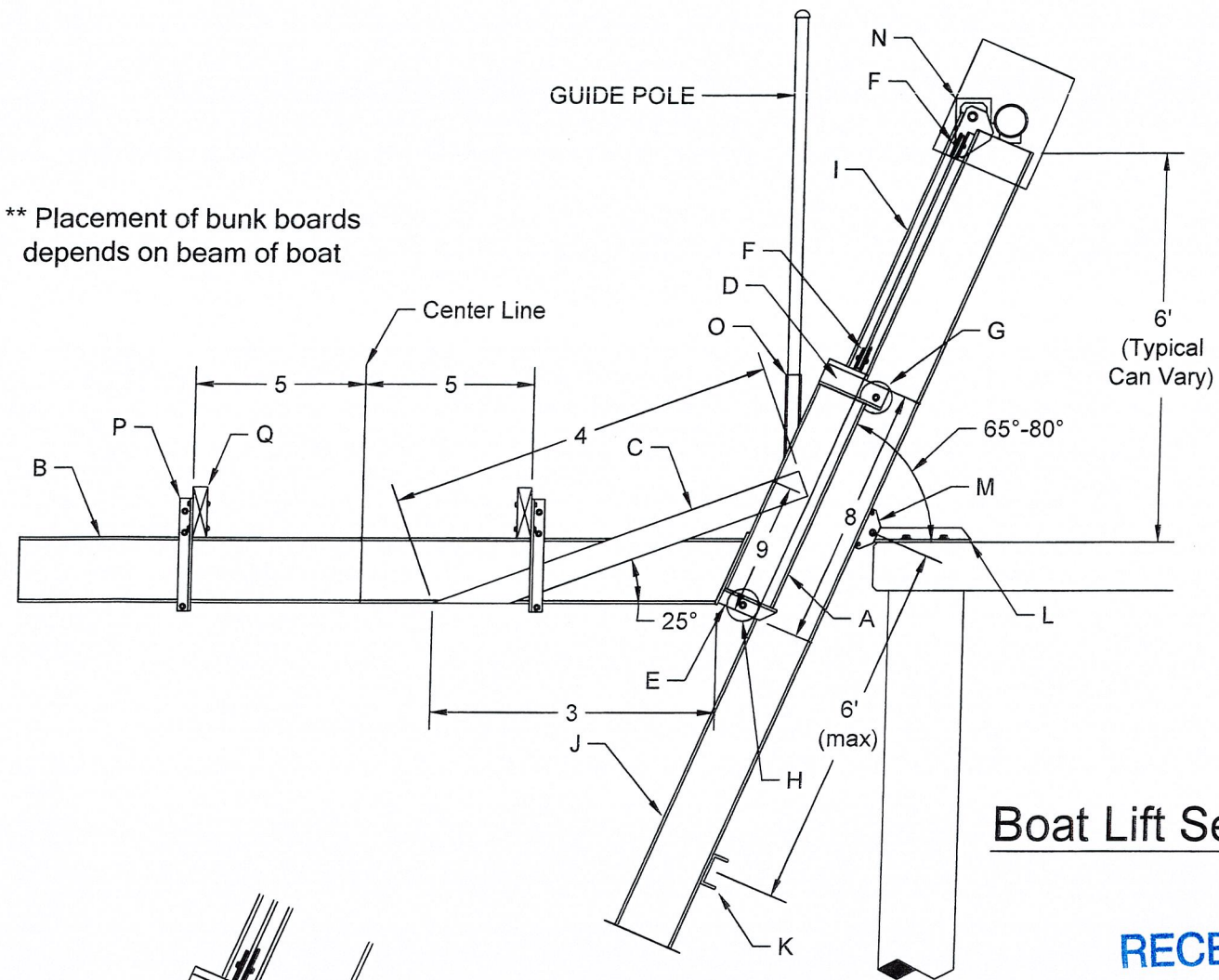
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
WWW.MwEngineering.net

Components

	Lift Capacity (In Pounds)	33,000
A	Carriage Boom (2 Required per Lift Arm)	AS C 12"x7.4x60"
B	Cradle Arm	AA I 12"x11.7
C	Gusset Plate (2 Required per Lift Arm)	1/2"x6" Flat Bar
D	Upper Carriage Angle (2 Required per Lift Arm)	3/8"x3"x4" Angle
E	Lower Carriage Angle (2 Required per Lift Arm)	3/8"x4"x6" Angle
F	Pulley Plate (2 Required per Lift Arm)	1/2"x8" Flat Bar
G	Upper Guide Wheel (4 Required per Lift Arm)	6" Diameter
H	Lower Guide Wheel (1 Required per Lift Arm)	6" Diameter
I	Cable Size (Stainless Steel)	7/16" Diameter 7x19 SS 304
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L	Attachment Bracket	(1) 3/8"x3"x3" Angle and (1) 3/8"x3"x4" Angle Welded Together with Welded 1/2" Thick Inner Plate
M	Track Mount Connector (2 Required per Lift Arm)	1/2"x3"x6" Angle & 3/4" Bolts
N	Motor Size (Horse Power/Voltage)	Aluminum Housing
O	Guide Post Socket	3" Diameter Schedule 80 Pipe
P	Bunk Bracket Support (2 Each Side of Lift Arm)	1/4"x2"x2"
Q	Bunk Boards**	3"x12" Pressure Treated Southern Yellow Pine #1

** Placement of bunk boards depends on beam of boat

** Placement of bunk boards depends on beam of boat

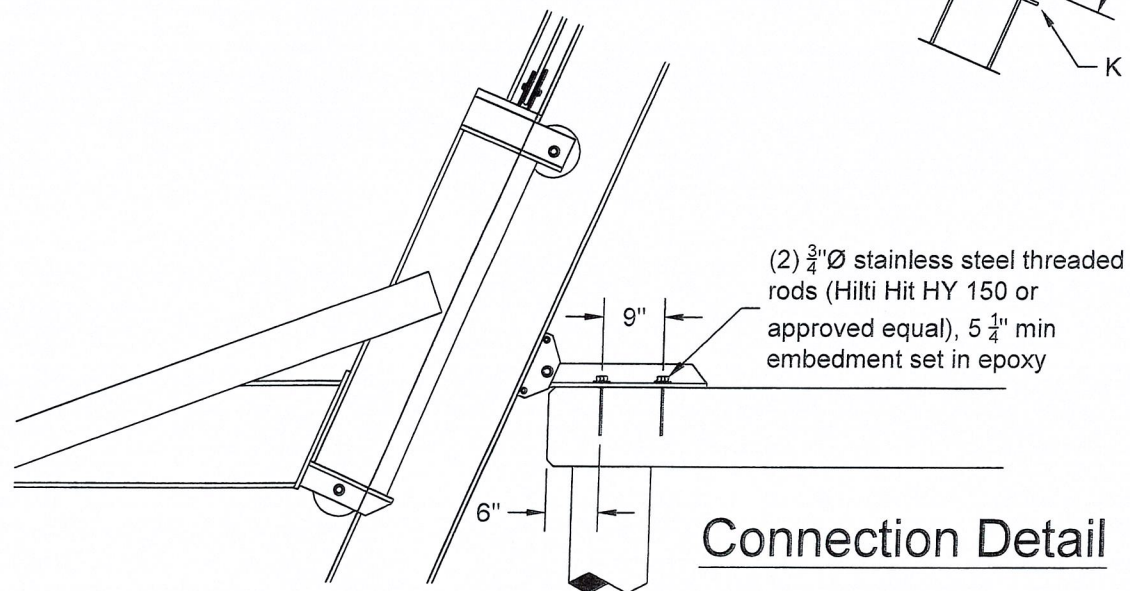


Boat Lift Section

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Connection Detail

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 WWW.MwEngineering.net

Boat Lift Notes:

- Design in accordance with Florida Building Code, 8th Edition (2023).
- This lifting structure has been designed to withstand wind loads associated with speeds of $V(ult) = 180$ MPH, (3 Second Gust) Exposure 'D' without a boat on the lift per ASCE 7-22 using above ground sign/wall method. The lifting structure including boat has been designed to withstand wind speeds of $V(sustained) = 73$ MPH, remove boat when winds approach this speed or for any named storm event. Boat shall not be stored on lift during high wind events.
- Do not scale drawings for dimensions. Licensed Contractor to verify location of existing utilities prior to commencing work. The Licensed contractor shall install and remove all shoring and bracing as required for the proper installation of the work. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
- Aluminum: Material 6061 T6 Aluminum, all welds are minimum full fillet weld using 5556 filler 1/4 full fillet weld using 5556 filler alloy, all welding must conform to AISC steel construction manual currently adopted edition as inspected and verified by others. The contractor is responsible for insulating aluminum members from dissimilar metals to prevent electrolysis. Aluminum members in contact with concrete and wood shall be protected by "Koppers Bituminous Paint" or Polyethylene Tape UHMW (ultra-high molecular weight). 11.7 mils (0.30 mm) min. total thickness in accordance with current Florida Building Code.
- All anchors to be Hilti Brand or Approved Equal. All bolts shall be hot dipped galvanized or stainless steel & meet the requirements of ASTM A304 with hardened washers and hex nuts. Washers shall be used between wood & bolt head & between wood & nut. Where generic fasteners are labeled, capacities shall be equal to or greater than Hilti Kwik Bolt II or Red Head thru bolts SAE Grade 5 or better. Embedment depths specified herein are depths into solid substrate and do not include thickness of other finishes.
- MW Engineering Inc. has no control of the manufacturing, performance, or installation of this product. These generic plans were engineered in accordance with accepted engineering practices and data provided by the manufacturer. Use of this specification by contractor and permit holder Et al. indemnifies and saves harmless the engineer for all costs and damages from material fabrication, system erection, and construction practices beyond that which is called for by codes and from deviations from this design. Intellectual property of MW Engineering, Inc. All rights reserved. No part of this publication may be reproduced without prior written authorization.
- Piles shall be driven to minimum allowable bearing capacity of 10 tons minimum 8-foot or refusal and sufficiently penetrated sand or rock strata in pre-drilled or punched holes to support lift capacity, weight and loads. Each pile to carry commensurate load (Factor of Safety of 2). Sub-surface conditions can vary greatly.
- The contractor of record shall verify pile type, installation, and driving in compliance with FBC 8th ED (2023). Wood piles shall be a minimum diameter of 8", Miami Dade County requires minimum diameter of 12", 2.5 lb. ACQ treated in accordance with Florida Building Code. Concrete piles shall be 12" x 12" square, attain 6000 psi compressive strength in 28 days and shall be reinforced with four - 7/16" diameter lo-lax strands, 270 kips, and 5 ga. spiral ties.
- Pilings described herein are considered to be part of the host structure and are not part of this certification. The pilings and existing host structure, if any, must be capable of supporting the loaded system as verified by the permit holder and contractor of record. No warranty, either express or implied is contained herein.

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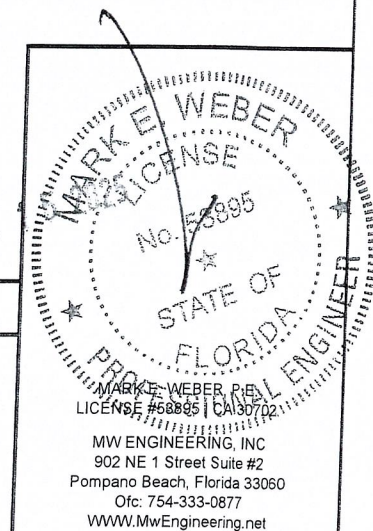
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HIGHLAND BEACH
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Sheet 12 of 13

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GENERAL NOTES:

1. Construction to follow the Florida Building Code 8th Edition (2023) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

PILE DRIVING:

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than 1/4 inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318-19 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
7. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of epoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Concrete piles shall attain 6000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four - 7/16"Ø lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 8"x12" hook bars 6" into pile.

RECEIVED

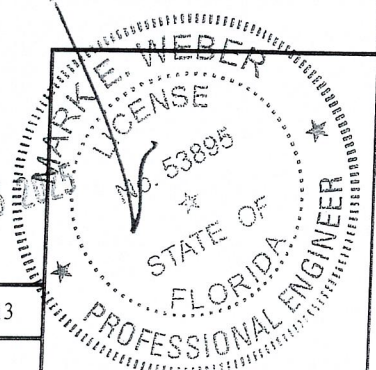
JUL 24 2025

HIGHLAND BEACH
BUILDING DEPARTMENT

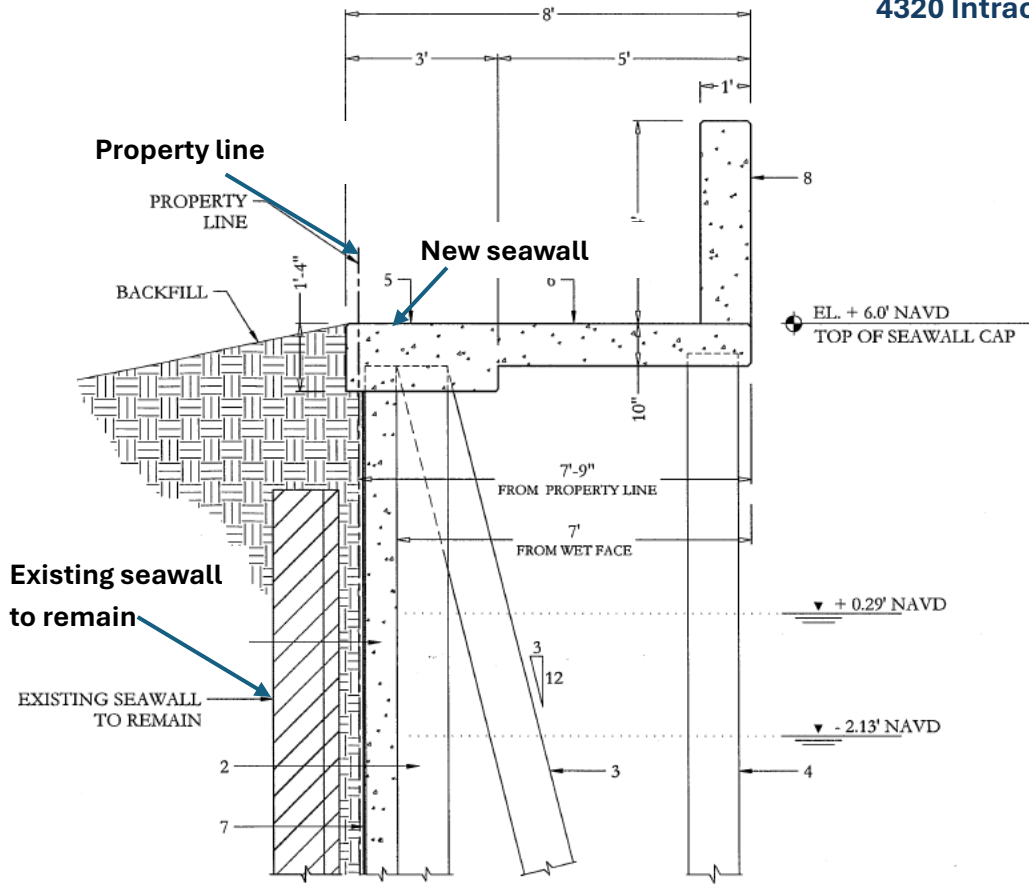
Sheet 13 of 13

PREPARED FOR:
B&M MARINE CONSTRUCTION INC
 1211 South Military Trail, Suite 200
 Deerfield Beach, Florida 33442
 (954) 421-1700

Project:
Proposed Dock / Seawall Repair
Mikhail Vesselov
 2564 South Ocean Blvd.
 Highland Beach, Florida 33487



MARK E. WEBER, P.E.
 LICENSE #53895 | CA 30702
 MW ENGINEERING, INC
 902 NE 1 Street Suite #2
 Pompano Beach, Florida 33060
 Ofc: 754-333-0877
 WWW.MwEngineering.net



B SECTION B
SHT-4 SCALE: 3/8" = 1'-0"

RECEIVED
DEC 22 2022

C. Continued discussion of Fiscal Year (FY) 2025-2026 Strategic Priorities Plan

Town Manager Labadie presented the updated Strategic Priorities Plan based on the Commission's comments from the January 6 meeting. He noted that he reorganized and re-ranked priorities, added roughly five new projects based on Commission comments, and removed completed projects like the A1A project.

He explained that once the rankings are accepted, he will bring back the full strategic priorities plan for approval at the next meeting. The plan will then be used to build the five-year forecast for the budget. He confirmed that larger projects like the fire annex, police reconstruction, and marine dock would require Commission authorization for final amounts.

Regarding the Bel Lido Bridge project, Town Manager Labadie explained this project would begin the following Monday and might cause some traffic interruptions during the day, though efforts would be made to avoid rush hours and school times. He also addressed the inquiry regarding the Police Marine Docking and securing the annual FIND grant.

It was suggested to regularly include one or more items on the agenda to update the Commission on strategic priorities and CIP projects throughout the year. Town Manager Labadie agreed to implement this suggestion moving forward. He will bring back strategic priorities plan for Commission final approval at the next meeting.

Overall, the Town Commission was satisfied with the strategic priorities plan and capital improvement project list.

Mayor Moore opened public comments, and the following individuals provided comments:

Mr. Timothy Routolo
Mr. David Newman
Mr. Richard Greenwald

11. NEW BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

→ A. Introduction to a proposed amendment to the Town Code of Ordinances regarding hard surfaces (for walking, gathering or sitting) as they pertain to seawalls, etc.

Mayor Moore read the title of Item 11.A.

Town Planner Ingrid Allen explained that this proposed amendment stemmed from a Planning Board motion on August 14, 2025. The issue arose when reviewing a special exception for a property at 2564 South Ocean Boulevard that

included installing a 105-foot seawall and seawall cap, along with a boat lift and dock. She provided visual illustrations showing that the current code only allows hard surfaces up to the property line, but in cases where seawalls are beyond the property line, property owners need a path to access their docks and boats. The Planning Board's proposal would allow hard surfaces to extend from the property line to seawalls when necessary for access.

Mr. Greg Babij, a Planning Board member and sponsor of the proposed amendment, explained that the issue is straightforward: allowing residents to have a walking path all the way to their dock, even when the seawall extends beyond their property line. He noted this is not just for aesthetics but also for safety, as it is difficult to transport items on a cart across mixed surfaces.

The Commission discussed several aspects of the proposal, including liability questions, maintenance responsibilities, and potential limitations on pathway width. Town Attorney Rubin clarified that while property lines do not automatically extend, the municipality still has permitting authority over the area.

Mayor Moore opened public comments, and the following individual provided comments:

Mr. Richard Greenwald.

Town Manager Labadie mentioned that a related request regarding controlling outward seawall movement over time was also under consideration, but regulatory changes could not be implemented until 2027 due to state statutes.

MOTION: Goldberg/Peters – A motion was made and seconded refer to the Planning Board to take up this issue to study and review. The motion passed unanimously, 5 to 0.

B. Introduction of a proposed ordinance revising Town's Platting Procedures.

Mayor Moore read the title of Item 11.B.

Town Attorney Rubin explained that this ordinance addresses another mandate from the recent legislative session requiring plats to be administratively approved rather than through public hearings. He noted that plats are straightforward and either meet statutory requirements or do not, making them suitable for administrative approval.

The proposed changes would designate the Building Department to receive applications and the Town Manager as the administrative official with final authority. Given the age of Highland Beach's planning regulations and the unlikelihood of new subdivisions, Town Attorney Rubin recommended minimal changes to comply with the law rather than completely redrafting the plotting regulations. He suggested this matter go to the Planning Board for review.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, "DEVELOPMENT REVIEW," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, "OTHER REQUIREMENTS" TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, "SUPPLEMENTAL DISTRICT REGULATIONS," TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law¹ for the proposed Ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.
 - c. Sections 190.005 and 190.046;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

¹ See Section 166.041(4)(c), Florida Statutes.

- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Summary of the proposed ordinance including a statement of the public purpose to be served, such as serving the public health, safety, morals and welfare of the municipality. This Ordinance includes an amendment to the encroachments permitted into setbacks regulations provided in Chapter 30 (Zoning Code) of the Town Code of Ordinances to allow hard surfaces to encroach beyond the property line (for properties abutting a waterway, canal or lake) in order to provide access to a seawall, dock, or abutting Intracoastal Waterway beach area. On August 14, 2025, the Planning Board (“Board”) made a recommendation that such concept be considered by the Town Commission. On February 3, 2026, the Town Commission agreed to refer the issue to the Planning Board so that they can study/review it and provide their recommendation to the Town Commission. As part of the Town’s Ordinance Process Flowchart, once a proposal for a new Ordinance is introduced and approved (in concept) by the Town Commission, Town staff then researches and drafts an Ordinance. The Town Code currently allows hard surfaces abutting a waterway, canal, or lake to encroach up to the property line or seawall abutting the water, whichever is further landward so long as there is adequate onsite drainage. The proposed Ordinance would allow a hard surface beyond the property line in order to access a seawall, dock, or abutting intracoastal waterway beach area. Such a hard surface will allow for a more easily accessible walkway surface from the property line.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur if the Ordinance is enacted;

(b) Identification of any new charge or fee on businesses, or for which businesses will be financially responsible; and

(c) An estimate of the Town’s regulatory costs, including estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The Ordinance will have no direct economic impact on the one (1) existing private, for-profit business in the Town.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The Town has one (1) existing private business (Delray Sands Resort).

4. Additional information the governing body deems useful (if any):

ORDINANCE INITIATION

The initiation of a new ordinance may originate from several different sources:

- Commissioner/Staff initiative
- Citizen concerns expressed through public comments
- Response to state and federal actions
- Advisory Board Initiative

INTRODUCTION TOWN COMMISSION

A proposal for a new ordinance is presented to the commission for consideration. If approved in concept, the commission directs Town Manager and Town Attorney to research the subject matter and create a draft ordinance. Draft ordinance forwarded to the appropriate Advisory Board for recommendation.



ADVISORY BOARD(S)

The appropriate advisory board reviews and proposes any edits to draft ordinance. This process may involve multiple meetings for review and to solicit public comments. Once a draft is settled upon, the advisory board provides a recommendation with the final draft to the commission for consideration for a First reading.

TOWN COMMISSION -- 1st READING

Commission discusses the public merits of the ordinance along with the recommendations of the assigned advisory board(s). Public input provided. Commission may move forward to 2nd Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

TOWN COMMISSION -- 2nd READING/PUBLIC HEARING

After public hearing and final discussion, the commission votes to approve and enact ordinance. The Commission may request additional modifications.

TOWN STAFF -- ADOPTION & IMPLEMENTATION



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, May 14, 2026 at 9:30 AM* in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following and provide a recommendation to the Town Commission:

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, “DEVELOPMENT REVIEW,” OF CHAPTER 30, “ZONING CODE,” OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, “OTHER REQUIREMENTS” TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, “SUPPLEMENTAL DISTRICT REGULATIONS,” TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

All interested parties may appear at the public hearing and be heard with respect to the ordinance.

The proposed ordinance may be inspected by the public at the Town Clerk’s Office. Information on the ordinance may also be obtained by emailing the Town Clerk’s Office at townclerk@highlandbeach.us. A copy of the ordinance will be available on the on the Town’s webpage at <https://highlandbeach-fl.municodemeetings.com/> no later than Friday, May 7, 2026.

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

Highland Beach Legal Notice

05/04/2026 11:43 AM (EDT)

Submitted by Jaclyn Dehart (jdehart@highlandbeach.us)

Legal Notice

Please choose a category

Planning Board Public Hearing Notices - Highland Beach

Title

May 14, 2026 Planning Board Meeting PROPOSED ORDINANCES AMENDING ARTICLE III, "DEVELOPMENT REVIEW," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66

Publish Date

05/04/2026

Publish Time

11:40 AM (EDT)

Description

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For additional information, please contact the Town Planner at (561) 278-4540.

Attach Files (Optional)

 AD_PB 5-14-26 mtg.docx

Submitted by (Email Address)

jdehart@highlandbeach.us

Notifications

No

Signature





Affidavit of Legal Notice submission and publication

Highland Beach Legal Notice

Submission Time: **05/04/2026 11:43 AM (EDT)**

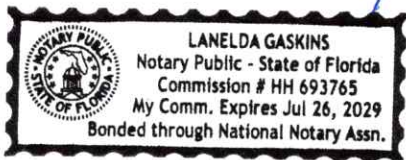
Please find a PDF of your submission details attached to this email.

The attachments included in your submission are listed below. This Legal Notice along with the attachments is now published on the web portal.

- AD_PB 5-14-26 mtg.docx
- signature.png

Signature of Affiant 

Signature of Notary Public  5/4/26

Notary Stamp 

Highland Beach Legal Notice Submission

Highland Beach Planning Board Meeting

June 11, 2026

Greg Babij Comments:

Topic A – Unfinished Business: Hard Surface to Encroach Beyond the Property Line

First Principles:

Let's start with the purpose of a seawall. It is NOT to keep the water out of a property. That is impossible. Water leaks into the land below a seawall. When sea level rises, the water table on the landward side of the seawall rises commensurate with the water level outside of the wall

The purpose of a seawall is to stop land (dirt) from eroding into the body of water. That is it. Contain the land.

The BIGGEST risk in replacing a seawall is removing the old seawall. By removing the old seawall, the subject property can collapse into the water AND the NEIGHBORING properties can collapse into the water as well, even if they have a seawall in place. Collapse meaning dirt, pools, decking, trees, etc. into the sea water.

The Best way to **significantly** increase a seawall elevation (height) is to replace it with a NEW seawall, and the safest way to replace a seawall is to build a new seawall outside of an existing seawall.

Many of the existing seawalls are from the 1970s/1980s. Old seawalls can NOT safely hold a very tall new cap on top of the existing wall/cap. (seawall cap raise). Even with foam inside the new cap to lighten the load, a cap raise is not an obvious way to raise a wall. Highland Beach requires the HIGHEST seawalls - higher than ALL of the surrounding towns, and that rule essentially REQUIRES new walls to get installed, instead of cap raises.

So the current town seawall elevation requirements, which are higher than other towns, is what is forcing more new walls to be installed instead of simple cap raises.

A) Illustrations Related to the Proposed Language for Discussion.

Illustration 1:

Subject property has a property line edge further landward (i.e. Set Back) than the surrounding properties.

If a Subject property is extended out into the waterway to match the distance of surrounding properties, there is no privacy issue, and no navigation issue. This is simply a quality of life issue. There is no need to be excessively restrictive and not allow hardscape up to the waterward edge of the new land that has been created.

Illustration 2:

When a homeowner replaces a deteriorating seawall, the new wall is commonly installed a short distance waterward of the original. This is not enough extension into the waterway to become a privacy issue (more on this below). If it is believed there could be a navigation issue, the current code addresses this through the opinion of a marine expert.

Illustration 3:

If a new seawall is installed in front of an existing seawall, there may be a very thin strip of land between the walls. MOST of this thin strip of land created will be covered by the new seawall cap, so that is already hard scape.

Example Math in Illustration 3:

New seawall centerline distance outside of existing seawall: 18 inches

New seawall cap width (centered on new seawall): 24 inches

The actual amount of new dirt exposed between the original wall and the new seawall cap landward edge that is NOT covered by the seawall cap: 6 inches (math is 18 inches – (24 inches / 2)).

So to be clear, we are discussing the regulation of a zero to a 6 inch strip of land in most cases, that is relatively far landward vs the seawall cap outer edge.

It is silly to allow hardscape to go up to property line and then have a small strip of land be artificial turf, between the property line and the landward edge

of the new seawall cap. This 6 inch strip of land itself is not causing a privacy issue (perhaps the cap outside of the land strip could be, but that is by definition hard scape)

B) Lets review how surrounding Towns deal with regulating the additional land created between a new and an existing seawall

Generally surrounding towns don't have specific language because this most of this debate is "a solution in search of a problem."

There have not been any issues between neighbors in terms of privacy or navigation on the water solely because a new seawall was extended further into the waterway in front of an existing seawall.

Again, the current town code already allows for the opinion of an outsourced Marine Expert to determine if any additional waterfront development (seawall location, dock, boatlift etc.) creates a navigational hazard.

The town of Jupiter which has very significant water frontage does have specific language related to this topic.

How Jupiter handles this

The Town of Jupiter Building Department permit checklist for seawalls and bulkheads, citing Town Code § 27-2624, requires plans to:

*"Show Proposed bulkhead up to 18" waterward of existing bulkhead or landward of the MHW line... **NOTE: One Time ONLY allowance.**"*

The Jupiter code is worth the Board's attention.

First, supposedly the 18-inch limit matches the Florida DEP and Army Corps short-form authorization that drives most seawall replacements (Town Attorney please verify).

Second, the "one time only" rule is the key innovation: a property owner can move the seawall waterward once, but future replacements must match the

new location. This prevents cumulative drift that would, over decades, narrow the waterway generation by generation.

Here is a Summary of Jupiter's Code:

Aspect	Jupiter
How far can a new seawall move?	Within 18 inches of existing, one time only
Reference point for measuring yard / setbacks	Recorded property line (seawall must be at or near it)
What goes on the strip between property line and seawall?	Strip is small ($\leq 18"$) and unregulated as separate
Hard surface attached to seawall?	Effectively allowed in the gap

C) My recommendation is to revise the draft language to take into account the following:

1. Current code is applied to any additional property added up to 18 inches of additional land created beyond the property line. No more restrictive, no less restrictive. (This is addressing the 6 inch strip of new dirt in Illustration 3).
2. Match Jupiter's language and allow **up to** 18 inches of additional "property created" through the installation of a new seawall outside of

an old seawall, on a **One Time Only** basis. Measure it related to surrounding property corners, meaning illustration 1 can go out to 18 inches beyond the property line corners of neighboring properties. So if the subject property is set back, they can add more than 18 inches as there is no privacy risk (Revisit Illustration 1)

3. Simply don't allow any further extension into the waterway than 18 inches just like the Jupiter code describes (If we are allowed to do so – subject to Senate Rule 180)
4. If the board really wants to be cautious and minimize privacy related issues then make the “One Time” 18 inches maximum distance **as measured to the outer (waterward) edge** of the new seawall cap on top of the new seawall. Since seawall caps are 18 to 24 inches wide, that would effectively eliminate any excess strip of land.
5. Don't penalize subject properties that are set back relative to surrounding neighbor properties. This is an unintended consequence of the proposed language reviewed in the past meeting.

ILLUSTRATION 1:

Current code



Subject lot is simply set back further than both neighbors. No privacy or navigation issue present.

Proposed code



Catch-up to neighbors' waterfront
Current Code should apply to new land created.

ILLUSTRATION 2:



ILLUSTRATION 3:

