

# AGENDA

## PLANNING BOARD REGULAR MEETING



**Thursday, August 10, 2023 AT 9:30 AM**

**TOWN OF HIGHLAND BEACH, FLORIDA**

3618 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: [www.highlandbeach.us](http://www.highlandbeach.us)

### **LIBRARY COMMUNITY ROOM**

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**

A. July 13, 2023

8. **NEW BUSINESS**

A. Development Application No. 23-0003 / Le Sanctuaire Condominium Association

Application by Mark Rothenberg, Ellemar Enterprises LLC, for a major modification to an existing building, as provided in section 30-39 of the town code of ordinances, including but not limited to changes to the exterior façade and balconies for the property located at 3425 South Ocean Boulevard.

9. **UNFINISHED BUSINESS**

A. Ongoing discussion of proposed changes ("amendment concepts") to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code

**10. ANNOUNCEMENTS**

August 30, 2023	11:00 AM	Natural Resources Preservation Advisory Board Meeting
September 05, 2023	1:30 PM	Town Commission Meeting
September 12, 2023	1:00 PM	Code Enforcement Board Meeting
September 14, 2023	9:30 AM	Planning Board Regular Meeting

**11. ADJOURNMENT**

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*Any person that decides to appeal any decision made by the Board of Adjustment & Appeals 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 record. 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.*

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**File Attachments for Item:**

A. July 13, 2023



## TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

Library Community Room  
3618 South Ocean Boulevard  
Highland Beach, Florida 33487

Date: July 13, 2023  
Time: 9:30 AM

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### 1. CALL TO ORDER

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

### 2. ROLL CALL

Board Member Jason Chudnofsky  
Board Member David Powell (joined via Zoom)  
Board Member Roger Brown (joined via Zoom)  
Board Member Brian DeMoss  
Board Member Harry Adwar  
Vice Chairperson Ilyne Mendelson  
Chairperson Eric Goldenberg  
Town Attorney Leonard Rubin  
Deputy Clerk Jaclyn DeHart

### 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:** DeMoss/Mendelson - Moved to approve the agenda as presented which passed unanimously 7 to 0.

### 5. SWEARING IN OF THE PUBLIC

Deputy Clerk Jaclyn DeHart swore in those giving testimony.

### 6. PUBLIC COMMENT

There were no public comments.

## **7. APPROVAL OF MINUTES**

### **A. June 08, 2023**

**Motion:** Adwar/Mendelson - Moved to approve the minutes as presented which passed unanimously 7 to 0.

## **8. NEW BUSINESS**

### **A. Development Application No. 22-0012 / John Zessin**

**Application by Gregory Bonner, B1 Architect LLC, requesting site plan approval for a new three-story, 9,397 square foot single family residence with pool/spa and a dune walkover located at 3805 South Ocean Boulevard.**

Chairperson Goldenberg read the title of the item and asked the Board members if they had any ex parte communications to disclose. The members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs, the proposed site plans, and renderings of new-three story, 9,397 square foot single family residence with the pool, spa and a dune walkover. She mentioned that the driveway configuration and landscaping plans were approved by FDOT. The property owner will be required to maintain the landscaping in the right of way and have to get Town Commission approval.

She advised that if the request receives the Planning Board approval, the applicant will be required to obtain a building permit, prior to initiation of construction, 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.

Vice Chairperson Mendelson inquired about the driveway in reference to flooding. Member DeMoss asked about recourse for the Town if the drainage plan does not work. Town Planner Allen mentioned that the drainage and pavement plan was reviewed and approved by a licensed drainage engineer.

Chairperson Goldenberg asked about lightning in regard to sea turtles.

Gregory Bonner, B1 Architect LLC, provided comments about the project in regard to sea turtle lightning and drainage.

Chairperson Goldenberg opened the hearing for public comments.

Arora Segal, 3809 S. Ocean Blvd, was sworn in by Deputy DeHart and inquired about how long the project would take to be completed and if there was a provision made for sea oats or dune vegetation.

Josh Corey, Blue Ocean Building, was sworn in by Deputy DeHart and provided comments in regard to the timeline.

Town Planner Allen explained that the applicant would be maintaining the existing dune vegetation and that she had advised the applicant about the Town's initiative on dune restoration.

The public hearing was closed and followed by a motion.

**Motion:** Mendelson/Chudnofsky - Moved to approve Development Application No. 22-0012 as presented. Based upon a roll call, Vice Chairperson Mendelson (Yes); Member Chudnofsky (Yes); Member Powell (Yes); Member DeMoss (Yes); Member Adwar (Yes); Member Brown (Yes); and Chairperson Goldenberg (Yes). The motion passed on 7 to 0.

**B. Development Application No. 22-0017 / 3519 South Ocean Boulevard LLC.**

**Application by Mark Hunley, Charette International Architecture, requesting site plan approval for a new three story, 3,997 square foot single family residence located at 3521 South Ocean Boulevard.**

Chairperson Goldenberg read the title of the item and asked the Board members if they had any ex parte communications to disclose. The members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs, the proposed site plans, and renderings of new-three story, 3,997 square foot single family residence. She displayed the new configuration of the driveway and mentioned that it was approved by FDOT, and the property owner will be required to maintain the landscaping in the right of way and have to get Town Commission approval.

She advised that if the request receives the Planning Board approval, the applicant will be required to obtain a building permit, prior to initiation of construction, 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.

Mark Hunley, Charette International Architecture, was present and provided comments on the property in regard to it being a narrow lot.

Chairperson Goldenberg opened the hearing for public comments.

The public hearing was closed and followed by a motion.

**Motion:** DeMoss/Mendelson - Moved to approve Development Order No. 22-0017 as presented. Based upon a roll call Member DeMoss (Yes); Vice Chairperson Mendelson (Yes); Member Adwar (Yes); Member Brown (Yes); Member Powell (Yes); Member Chudnofsky (Yes); and Chairperson Goldenberg (Yes). The motion passed 7 to 0.

## **9. UNFINISHED BUSINESS**

### **A. Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code**

Chairperson Goldenberg read the title of the item and referred the item to Town Planner Allen.

Town Planner Allen briefly referred to the last meetings discussion and then introduced Marine Expert with ATM (Applied Technology & Management) Michael Jenkins.

Michael Jenkins engaged in extensive discussion with the Board about seawall heights in regard to risks, costs, base flood elevation, flanking, grading, and maximum seawall height. He recommended raising the sea walls to protect properties.

Jeffery Remus, Building Official, provided comments on height elevations in regard to our current ordinance.

The Board discussed maximum sea wall height in regard to base flood elevation and agreed on a draft recommendation that Town Planner Allen will compile with previous recommendations to be reviewed at a later date.

Chairperson Goldberg closed the seawall discussion and opened a discussion about ladders. Michael Jenkins provided comments about dock and seawall ladders in regard to safety.

The Board also discussed ladders in regard to the distance between ladders, location, costs, and the depth of ladders. Town Planner Allen displayed information showing the proposed amendment concept, requiring a ladder for every 50 feet of dock, versus other municipalities codes. The discussion was tabled for a future meeting.

The Board discussed side setbacks for docks in regard to the current town code regulations. Town Planner Allen clarified the difference between building setbacks and accessory marine setbacks. The discussion will be continued at the next meeting. Chairperson Goldberg requested Town Planner Allen to create a list using bullet points on what was already discussed.

## 10. ANNOUNCEMENTS

Chairperson Goldenberg read the announcements as follows.

July 27, 2023	11:30 A.M.	Financial Advisory Board Meeting
August 01, 2023	1:30 P.M.	Town Commission Meeting
August 08, 2023	1:00 P.M.	Code Enforcement Board Meeting
August 10, 2023	9:30 A.M.	Planning Board Meeting

## 11. ADJOURNMENT

The meeting adjourned at 11:21 A.M.

**APPROVED** on August 08, 2023, Planning Board Regular Meeting.

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Eric Goldenberg, Chairperson

**ATTEST:**

Transcribed by: Jaclyn DeHart

08/08/2023

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Jaclyn DeHart  
Deputy Town Clerk

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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. 23-0003 / Le Sanctuaire Condominium Association

Application by Mark Rothenberg, Ellemar Enterprises LLC, for a major modification to an existing building, as provided in section 30-39 of the town code of ordinances, including but not limited to changes to the exterior façade and balconies for the property located at 3425 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:** August 10, 2023

**TO:** PLANNING BOARD

**FROM:** INGRID ALLEN, TOWN PLANNER

**SUBJECT:** APPLICATION BY MARK ROTHENBERG, ELLEMAR ENTERPRISES LLC, FOR A MAJOR MODIFICATION TO AN EXISTING BUILDING, AS PROVIDED IN SECTION 30-39 OF THE TOWN CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO CHANGES TO THE EXTERIOR FAÇADE AND BALCONIES FOR THE PROPERTY LOCATED AT 3425 SOUTH OCEAN BOULEVARD (DO#23-0003).

### I. GENERAL INFORMATION:

**Applicant (Property Owner):** Le Sanctuaire Condominium Association, Inc.  
3425 South Ocean Boulevard  
Highland Beach, FL 33487

**Applicant's Agent:** Mark Rothenberg  
Elleamar Enterprises LLC  
6810 North State Road 7  
Coconut Creek, FL 33073

**Property Characteristics:**

**Comprehensive Plan Land Use:** Multi Family Medium Density

**Zoning District:** Residential Multiple Family Medium Density (RMM)

**Parcel PCN#:** 24-43-46-33-41-000-0010, 24-43-46-33-41-000-0020,  
24-43-46-33-41-000-0030, 24-43-46-33-41-000-0040.

**Site Location:** 3425 South Ocean Boulevard



### **Property Background:**

On April 7, 1992, the Board of Adjustment held a Workshop Meeting whereby the Board considered a request for relief from side setbacks from 20 feet to 16 feet 6 inches, and height requirements from 40 feet to 50 feet 10 inches for a proposed four (4) unit condominium at 3425 South Ocean Boulevard. The Chairman of the Board announced the Public Meeting for the item to be held on April 21, 1992.

On April 21, 1992, the Board of Adjustment approved a variance allowing side setbacks for the parking garage to be reduced from 20 feet to 16 feet 6 inches and denying a variance request to increase the building height from 40 feet to 50 feet 10 inches (motion carried 7-0).

On June 10, 1992, the Planning Board considered a preliminary review for a four (4)-unit condominium at 3425 South Ocean Boulevard. The Planning Board gave final approval (motion carried 5-0).

On June 30, 1992, the Town Commission held a Workshop Meeting whereby the Commission reviewed “the proposal” for the property located at 3425 South Ocean Boulevard. The Town Commission moved the matter to the July 7, 1992 Town Commission Regular Meeting consent agenda for consideration.

On July 7, 1992, the Town Commission approved a proposal for 3425 South Ocean Boulevard (motion carried 5-0).

### **Request and Analysis:**

The Applicant is proposing a major modification to an existing four (4) unit condominium (Le Sanctuaire) located at 3425 South Ocean Boulevard. Pursuant to Section 30-39 of the Town Code, major modifications to existing buildings are described as follows:

*“...that alter existing principal or accessory structures, including but not limited to the building footprint, number of square feet, building height, number of dwelling units, parking requirements, change in exterior facade, change of use, change of roof line, change of elevation, all exterior walls, balconies, foundations, accessory structures, and similar substantial improvements as determined by the building official.*

The proposed major modification consists of the following:

- Replacement of existing balcony railings with glass.
- Exterior façade changes that include modification to architectural style consisting of the addition of pilasters to the front of the building, decorative fins to the front and side of the building, as well as the addition of wall/eyebrow architectural features.
- Replace existing Spanish roof tiles with a metal roof.

The Applicant is also proposing new landscaping on the property (there are no proposed changes to the landscaping in FDOT’s right-of-way along State Road A1A), changes to the configuration of the existing pool, changes to windows and doors, the addition of a waterfall feature at the front

of the building as well as additional hardscape changes including the replacement of pavers along the driveway, pool and north terrace all of which are attained via the building permit process. It is worth noting that while part of the existing structure as well as some of the proposed major modifications are located east of the Coastal Construction Control Line (CCCL), the Florida Department of Environmental Protection (FDEP) has determined that such proposed changes are exempt activities and therefore do not require a FDEP permit.

According to Section 30-39(b) and Section 30-31 of the Town Code, major modifications are to be approved in the same manner as the original structure/application. As noted above, the Town Commission approved a proposal for the property on July 7, 1992, and therefore the proposed major modification requires the approval of the Town Commission. Pursuant to Section 30-22 of the Town Code, when acting in an advisory capacity, the Planning Board shall recommend approval, approval with conditions, or denial of an application for development approval (Note that the Town Commission is scheduled to consider the request on September 5, 2023).

Following an approval by the Town Commission 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 of the approved major modification shall be initiated within two (2) years following the date of approval by the Town Commission.

Staff has reviewed the Applicant's proposed request including plans date stamped received by the Building Department on July 25, 2023 and finds that the project is consistent with the Code of Ordinances.

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

**Ingrid Allen  
Town Planner**

**Attachments: Application**

**Aerials**

**FDEP correspondence (dated February 1, 2023)**

**Town Commission Workshop Meeting minutes (June 30, 1992).**

**Town Commission Regular Meeting minutes (July 7, 1992).**

**Applicant proposed Plans (11X17)**



# TOWN OF HIGHLAND BEACH

Application # DO 23-0003

PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION	
Address: <u>3425 S Ocean Blvd</u>	PCN: <u>24-43-46-23-41-000-0010, 0020, 0030, 0040</u>
Full Legal Description of the Property [as described in the deed] or reference to an attachment: <u>Le Sanctuaire Condo</u>	
Zoning District: <u>Density (24-Highland Beach</u>	What is the location of the installation? <input type="checkbox"/> Intracoastal Waterway (ICW) <input type="checkbox"/> Interior Canal/Basin <input checked="" type="checkbox"/> N/A
PROPERTY OWNER (APPLICANT) INFORMATION	
Name: <u>Le Sanctuaire Condominium Association</u>	Phone: <u>954-603-0500</u> Fax: <u>954-603-0501</u>
Mailing Address: <u>6810 N. State Road 7 Coconut Creek, FL 33073</u>	
Email Address: <u>Joan@ellemar.com</u>	
APPLICANT'S AGENT INFORMATION	
Name: <u>Mark Rothenberg</u>	Phone: <u>954-554-7777</u> Fax: <u>954-603-0501</u>
Company Name: <u>ElleMar Enterprises LLC</u>	
Mailing Address: <u>6810 N. State Road 7 Coconut Creek, FL 33073</u>	
Email Address: <u>Joan@ellemar.com</u> <u>MARK@ELLEMAR.COM</u>	

**Provide a detailed description of the proposed project (use additional pages if necessary):**  
 The scope of work is cosmetic in nature. Replacing existing balcony railings. Adding some decorative material to front elevation of Building. Adding a water feature to west face of Building.  
Replacing Spanish roof tiles with metal.

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:  Date: 5-5-23

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*Received by the Town Clerk's Office:*

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Date Public Notices Mailed: \_\_\_\_\_

Date Legal Advertisement Published: \_\_\_\_\_





Created by: Palm Beach County

August 1, 2023

3425 South Ocean Boulevard

1:576  
0 0.00425 0.0085 0.017 mi  
Palm Beach County  
None 0 0.005 0.01 0.02 km



# 3425 South Ocean Boulevard (front)





# 3425 South Ocean Boulevard (rear)



**From:** Mark Powell <[mpowell@coastal-engineers.com](mailto:mpowell@coastal-engineers.com)>

**Date:** February 1, 2023 at 3:43:11 PM EST

**To:** Mark <[mark@ellemar.com](mailto:mark@ellemar.com)>

**Cc:** Carlos Linares <[Carlos@stofft.com](mailto:Carlos@stofft.com)>

**Subject:** FW: 3425 South Ocean Boulevard, Highland Beach - Request for Confirmation of Exemption

Mark,

Please see email below from DEP. I believe this will satisfy the Town but let me know if you need anything else.

Thank you,  
Mark A. Powell, P.E.



Isiminger & Stubbs Engineering, Inc.

Registry Number: 8114

649 US Highway 1, Suite 9

North Palm Beach, FL 33408

561-881-0003

e-mail: [mpowell@coastal-engineers.com](mailto:mpowell@coastal-engineers.com)

[www.coastal-engineers.com](http://www.coastal-engineers.com)

Attention:

This email and any files transmitted with it from Isiminger & Stubbs Engineering, Inc., are preliminary unless signed and sealed and are confidential and intended solely for use by the individual or entity to whom they are addressed. If you have received this email in error, please immediately notify the sender.

**From:** Kieckbusch, David <[David.Kieckbusch@FloridaDEP.gov](mailto:David.Kieckbusch@FloridaDEP.gov)>

**Sent:** Wednesday, February 1, 2023 3:37 PM

**To:** Mark Powell <[mpowell@coastal-engineers.com](mailto:mpowell@coastal-engineers.com)>

**Subject:** 3425 South Ocean Boulevard, Highland Beach - Request for Confirmation of Exemption

Mark,

No permit is necessary for the repair/replacement of the seaward portion of the dune walkover since it will occur in the original footprint and the installation/improvement of the façade as it does not include any foundation work. These are exempt activities according to 62B-33.004 F.A.C.

The proposed fountains do not require a CCCL permit because they are considered non-jurisdictional since they are landward of the 1997 CCCL.

This is for residence at 3425 S. Ocean Blvd., Highland Beach.

Let me know if you have any questions.

Thank you,

David





**David Kieckbusch**

**Environmental Specialist II**

Florida Department of Environmental Protection

Southeast District – West Palm Beach

3301 Gun Club Road, MSC 7210-1

West Palm Beach, FL 33406

[David.Kieckbusch@floridadep.gov](mailto:David.Kieckbusch@floridadep.gov)

Office: 561.681.6646

Cell: 561.313.9007

Town Boards and Committees are urged to complete Talent Bank Applications, submit same to Town Hall, and attend Board Meetings in order to help in determining what Board/Committee they may be interested in.

Mayor Boulay acknowledged receipt of a memo from Charter Review Board Chairman Ray Murphy transmitting the proposed Charter amendments to the Town Commission. It was the consensus to schedule a Special Workshop Meeting of the Town Commission for the purpose of reviewing the proposed Charter amendments.

92.3      PROPOSED ORDINANCES AND RESOLUTIONS

1. A RESOLUTION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REPEALING RESOLUTIONS NO. 483 AND 516 IN THEIR ENTIRETY AND ADOPTING A NEW RESOLUTION SETTING POLICE FINES AND OTHER ADMINISTRATIVE FEES.

Following discussion of the proposed resolution, it was the consensus to move this matter to the July 07, 1992 Regular Meeting Agenda for consideration.

2. A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, SUPPORTING A COOPERATIVE EFFORT OF GOVERNMENT ENTITIES TO AMEND FLORIDA'S SUNSHINE LAW TO PERMIT CONFIDENTIAL AND PRIVATE MEETINGS BETWEEN ELECTED OFFICIALS AND THEIR LEGAL ADVISORS; DIRECTING THE TOWN CLERK TO FORWARD THE RESOLUTION TO APPROPRIATE GOVERNMENTAL OFFICIALS; AND, PROVIDING FOR AN EFFECTIVE DATE.

A discussion of the proposed resolution resulted in Section 2 being amended. It was the consensus to include this matter on the July 07, 1992 Regular Meeting Agenda for further discussion and possible approval.

\* 92.9      Discussion re proposal for Lot 90E (3425 S. Ocean Blvd.)  
submitted by Mark Rothenberg of Highland Park Assocs.

The Town Commission reviewed the proposal for Lot 90E (3425 S. Ocean Blvd.), submitted by Mark Rothenberg of Highland Park Associate. The Commission moved this matter to the July 07, 1992 Regular Meeting Consent Agenda for consideration.

MISCELLANEOUS - ITEMS LEFT OVER

Status of Building Development in Town

The Town Commission Members received and reviewed a copy of the Status of Building Development in Town submitted by the Building Department.

Minutes for approval at July 1992 Regular Meeting

Following review of two sets of Town Commission Meeting Minutes, it was the consensus to move same to the July 07, 1992 Regular Meeting for consideration.

REPORTS - TOWN COMMISSION

Vice Mayor Bill Paul

Vice Mayor Bill Paul, under his report, extended congratulations to Town Manager Mary Ann Mariano on her election as Chairman of the Palm Beach County Fire/Rescue Advisory Board. The Vice Mayor noted this is a very important Committee for our Town.

Commissioner Arlin Voress

Commissioner Arlin Voresss, noting he commented during Public Comments and Requests, stated his activity has been to provide developing information with regard to the Coastal Construction Control Line issue.

Commissioner Arthur Eypel

Commissioner Arthur Eypel, under his report, congratulated the Town Manager on her Palm Beach County Fire/Rescue Advisory Board appointment as well as Town Attorney Thomas E. Sliney who was appointed Chairman of the Palm Beach County Republican Party.

Commissioner Eypel, alluding to newspaper articles regarding the Supreme Court's decision in the Lucas (South Carolina) land-use lawsuit, noted he was reminded why it is a privilege and honor to be a citizen of the U.S.A.

Commissioner John F. Rand

Commissioner John F. Rand was absent - no report.

Chief of Bureau of Coastal Data Acquisition, Tallahassee responded on June 25, 1992 noting extensions will only be granted for objections which are technical in nature and which pertain to the methodology or material facts used by the Division of Beaches and Shores in establishing the line or in cases where a qualified professional was retained by the objector for the purpose of evaluating the Division's methodology or facts, and only for the minimum time reasonable for such professional to perform the evaluation; however, no extension shall be granted beyond September 15, 1992.

Mr. Echeverria noted Chairman Walker of the Palm Beach Countywide Beaches and Shores Council drafted a letter on July 7, 1992 for submittal to Mr. Hal Bean in Tallahassee, subject to the Town Commission's approval, again requesting a time extension as well as specific and complete computer input data, historical records that were used, and a copy of the computer model so that a qualified coastal engineer may evaluate it. Mr. Echeverria stated they are working with technical people at Beaches and Shores Council who want to help in the CCCL issue.

When Commissioner Voress, noting the Town requested and was provided with data by Tallahassee, questioned Mr. Echeverria as to whom would be doing the technical data, the response was that several communities along the coast are hiring an engineer. Mr. Echeverria said the Council will be meeting on Monday, July 13, at 1:30 P.M. at the County Engineering Department Building, 5th floor Conference Room, 160 Australian Avenue, West Palm Beach and all are invited to attend.

Commissioner Eypel, noting he was pleased to see that the Beaches and Shores Council is taking steps in this matter, stated 'we need to coordinate our efforts unless Beaches and Shores has retained an engineer to do the study'. Mr. Echeverria, noting the Council has not retained an engineer, advised there will be a coordinated effort and it would behoove all our Commissioners to attend the July 13, Beaches and Shores Meeting to give their comments.

#### CONSENT AGENDA

Items Left Over - None

#### Consent Agenda

- \* 1. Approval of proposal for Lot 90E (3425 S. Ocean Blvd.) submitted by Mark Rothenberg of Highland Park Associates

2. Approval of rollback of smoke alarm electric fee to \$1.00 per smoke alarm unit

Noting both items on the Consent Agenda were discussed at the last Workshop Meeting, Mayor Boulay entertained a MOTION at this time. VICE MAYOR PAUL/COMMISSIONER VORESS MOVED to adopt the Consent Agenda. The MOVE received unanimous approval.

REPORTS - TOWN COMMISSON

Vice Mayor Bill Paul

No report.

Commissioner Arlin Voress


Commissioner Voress, as requested at the Workshop Meeting, researched what would be involved regarding cost, timing, and obtaining an extension of the CCCL hearing comment period to allow an engineering firm to review and understand the information used by the DNR in their study relating to their proposal to reestablish the CCCL. The Commissioner spoke with Erik Olsen of Olsen Associates (the engineering firm engaged by Duval County) who advised it would take his firm 2/3 months at a cost of \$5,000 to \$10,000 to do a study for Highland Beach and he sees no problem with getting an extension to September 15, if we engage a professional engineer. Mr. Olsen indicated that, essentially, the report his firm would prepare for Highland Beach would be similar to that submitted for Duval County (because the model is out of date) which in summary states:

"In conclusion, we agree that the establishment of the CCCL, based upon the 100 year dune impact, is sensible and it is in the state's best interest to establish a line conservatively. Our concern, however, is that there is an inordinate number of implied conservative allowances in the state's dune erosion methodologies (that's the erosion model) and that, when superimposed, potentially result in a "grossly over conservative prediction of dune erosion". We feel that Atlantic and Neptune Beach is a case when this over simplification (over conservatism) is applied and is particularly evident. The roots of this layered conservatism include:



prepared by:  
**McLAUGHLIN ENGINEERING COMPANY (LB#285)**  
 1700 N.W. 64th STREET, SUITE 400  
 FORT LAUDERDALE, FLORIDA 33309  
 WEB: [www.MECO400.com](http://www.MECO400.com), EMAIL: [INFO@MECO400.COM](mailto:INFO@MECO400.COM)  
 PHONE: (954) 763-7611

**GRAPHIC SCALE**



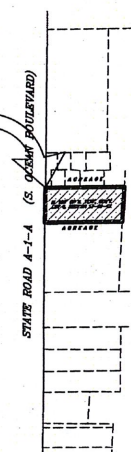
( IN FEET )  
1 inch = 30 ft.

REDUCED  
COPY NOT TO  
SCALE

**RECORD LAND SURVEY**  
**THE N. 100' OF THE S. 1,170' OF**  
**GOVERNMENT LOT 4,**  
**SECTION 33-46-43**  
**PALM BEACH COUNTY, FLORIDA**

93 89 A21  
N: 757103.7580  
E: 962589.5740 /

## THIS SURVEY



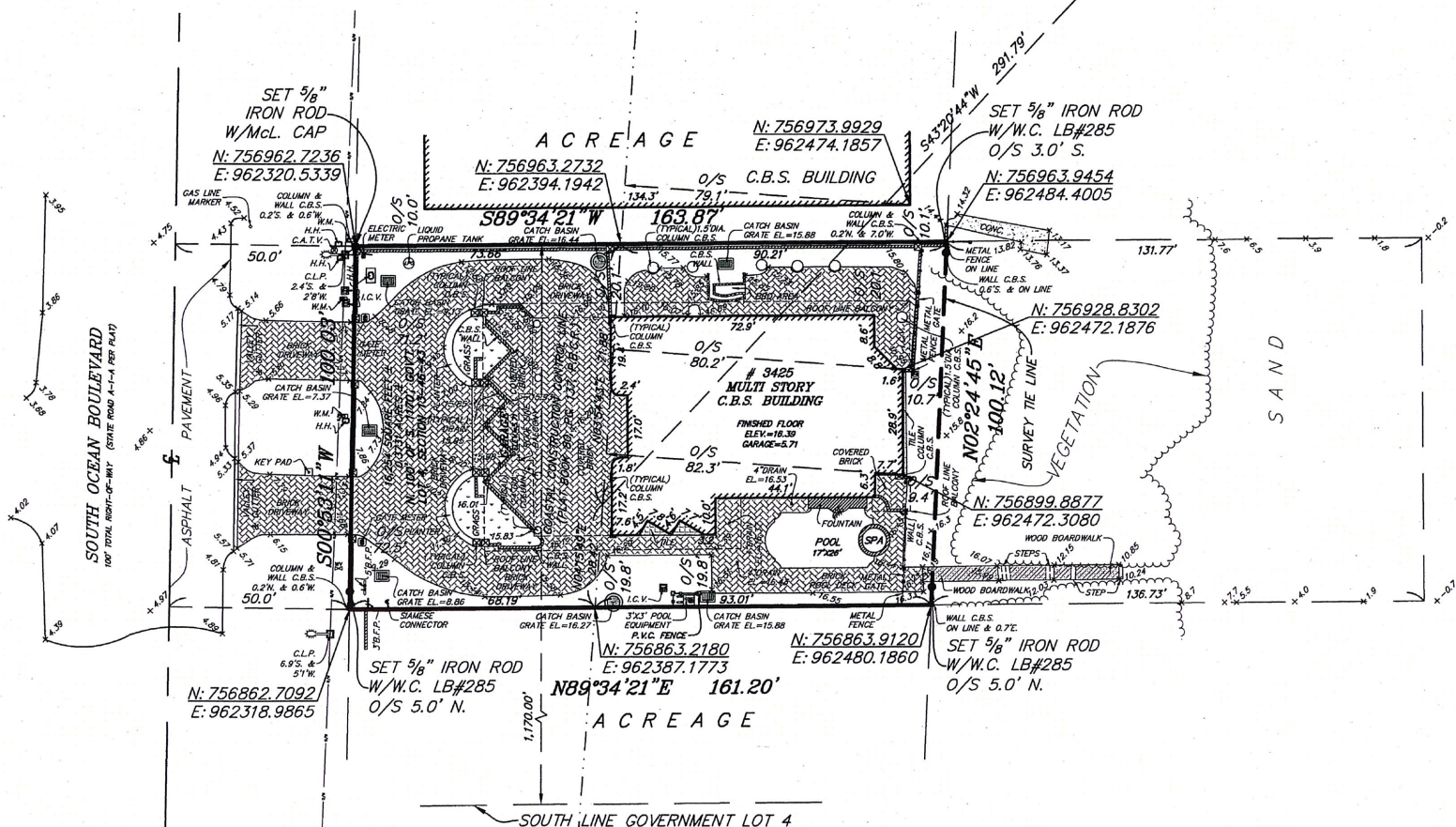
Location Sketch  
Not To Scale

RECEIVED  
JUL 25 2023  
HIGHLAND BEACH  
BUILDING DEPARTMENT

### Legal Description

*The North 100 feet of the South 1,170 feet of Government Lot 4,  
a portion of Section 33, Township 46 South, Range 43 East,  
Palm Beach County, Florida.*

Said land situate, lying and being in the Town of Highland Beach, Palm Beach County, Florida and containing 16,254 square feet or 0.3731 acres, more or less.



NOTES:

- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Underground improvements if any not located.
- 3) This drawing is not valid unless sealed with an authorized surveyors seal.
- 4) Boundary survey information does not infer Title or Ownership.
- 5) All iron rods 5/8", unless otherwise noted.
- 6) Reference Bench Mark: Palm Beach County Engineering Department, Bench Mark # A-1-A 9303 B12 Elevation= 20.167 (NAVD88).
- 6) Elevations shown refer to North American Vertical Datum (1988), and are indicated thus: 9.8', Elev. = 9.87
- 8) This property lies in Flood Zones "VE", Elev.=10.0 and 13.0 Per Flood Insurance Rate Map No. 12099C0989 F, Community Panel No. 125111. Dated: September 11, 2009.
- 9) Underground Utility locations shown hereon, if any, are based upon paint marks on the ground provided by others. McLaughlin Engineering Company did not confirm the accuracy of this data. The exact location of all utilities should be confirmed prior to design or construction.
- 10) Bearings shown hereon refer to an assumed datum and assume the East R/W line of S. Ocean Boulevard (State Road A-1-A) as South 00°53'11" West.
- 10) Elevations per North American Vertical Datum (1988) derived from National Geodetic Vertical Datum (1929) data and converted using U.S. Army Corps of Engineers software (Corpscan 6.0.1) obtained from <http://www.tech.army.mil/>

**LEGEND**

A = CENTRAL ANGLE (DELTA)  
A/C = AIR CONDITIONING  
A.K.A. = ALSO KNOWN AS  
A.L.P. = ALUMINUM LIGHT POLE  
A.L.T.A. = AMERICAN LAND TITLE ASSOCIATION  
A OR L.R. = ARC LENGTH  
B.C.R. = BROWARD COUNTY RECORDS  
B.F.P. = BAY FLOW PREVENTOR  
B.H. = BULKHEAD  
B.E. = BASE LINE  
B.O.S. = BOTTOM OF STRUCTURE  
C.A.T.V. = CABLE TV TERMINAL OR BOX  
CAL.C. = CALCULATED  
C.B.S. = CONCRETE, BLOCK AND STUCCO  
C.E. = CENTERLINE OF RIGHT-OF-WAY  
CH. = CHORD  
CH.BRG. = CHORD BEARING  
C.C.G.L. = COASTAL CONSTRUCTION CONTROL LINE  
C.L.F. = CHAIN LINK FENCE  
C.L.R. = CONCRETE LIGHT POLE  
C.P.L.P. = CONCRETE POWER LIGHT POLE  
C.P.P. = CONCRETE POWER POLE  
CQ. = COMPANY  
CONC. = CONCRETE  
C/O = CLEAN OUT  
D.B. = DEER BOOK  
DESC. = DESCRIPTION FROM FORMER DESCRIPTION  
DIA. = DIAMETER  
D.B.H. = DIAMETER AT BREAST HEIGHT  
ELEC. = ELECTRIC  
EV. OR ELEV. = ELEVATION  
F. = FEET  
F.H. = FIRE HYDRANT  
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION  
F.N.D. = FLORIDA INLAND NAVIGATION DISTRICT  
F/K/A. = FORMERLY KNOWN AS  
F.P.L. = FLORIDA POWER AND LIGHT CO.  
G. = GAS VALVE  
G.T.M. = GREASE TRAP MANHOLE  
H.H. = HAND HOLE  
I.C.V. = IRRIGATION CONTROL VALVE  
I.N. = INVERT  
L.P.G. = LIQUID PROPANE GAS  
L.B. = LICENSED BUSINESS  
MAG. = MAGNETIC  
M.D.C.R. = MIAMI DADE COUNTY RECORDS  
MEAS. = FIELD MEASURE  
[ 8 ] = PARKING SPACES  
M.H.W. = MEAN HIGH WATER  
MISC. = MISCELLANEOUS  
M.L.P.( $\phi$ ) = METAL LIGHT POLE  
M.R. = MORE OR LESS  
M.W. = MOUNTING WALL  
N.S.G. = NATIONAL GEODETTIC SURVEY  
NPS = NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS  
N.T.S. = NATIONAL GEODETTIC VERTICAL DATUM (1988)  
NAD83 = NORTH AMERICA VERTICAL DATUM (1983)  
N.S.I.D. = NORTH SPRINGS IMPROVEMENT DISTRICT  
NO. = NUMBER  
O.R.B. = OFFICIAL RECORDS BOOK  
O/S = OFFSET  
O/W = OVERHEAD UTILITY LINES  
PAD. = PAD  
P.B. = PLAT BOOK  
P.B.C.R. = PALM BEACH COUNTY RECORDS  
P.C. = POINT OF CURVE  
P.C.D. = POLLUTION CONTROL DEVICE  
P.I. = POINT OF INTERSECTION  
P.I.V. = POST INDICATOR VALVE  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
P.R.C. = POINT OF REVERSE CURVE  
R = RADIIUS  
R.C.M. = REINFORCED CONCRETE PIPE  
R/W = RIGHT-OF-WAY  
S.B.T. = SOUTHERN BELL TELEPHONE  
S.S. = SEWER VALVE  
S.H.W. = SEASONAL HIGH WATER LINE  
S.P. = STATE PLANE  
S.Q.T. = SQUARE FEET  
S.T. = SURVEY THE LINE  
S.W. = SEWER  
TAN.BRG. = TANGENT BEARING  
T.O.B. = TOP OF BAFFLE  
T.W. = WATER METER  
W.M. = WATER VALVE  
W.B.H. = WET FACE OF BULKHEAD  
W.F. = WET FACE OF WAP  
W.L.P. = WOOD STREET LIGHT POLE  
W.P.L.P. = WOOD POWER STREET LIGHT POLE  
W.P.P. = WOOD POWER POLE  
W.W.E.C. = WATKINS ENGINEERING CO. CAP  
W.W.K.C. = WITH WITNESS CAP # 285  
[ 8 ] = HANDICAPPED PARKING SPACE  
[ 8 ] = NON-VEHICULAR ACCESS LINE

### CERTIFICATION

*We hereby certify that this survey meets the "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.*

Dated at Fort Lauderdale, Florida, this 7th day of November, 2022.

**McLAUGHLIN ENGINEERING COMPANY**

JERALD A. McLAUGHLIN  
Registered Land Surveyor No. 5269  
State of Florida

FIELD BOOK NO. EFB, Print, GPS  
JOB ORDER NO. V-7331

\\server2021\D\\Drive-Sync\\V7000s\\V7331\\V7331.dwg, I, 12/12/2022 1:09:43 PM  
\\PRINTED BY KForce\\

FILE NO.: 22-2-

CHECKED BY: \_\_\_\_\_  
DRAWN BY: KT





JUL 25 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT

**Le Sanctuaire**  
3425 South Ocean Boulevard  
Highland Beach, Florida

07/13/2023 Rev. Per Comments  
06/14/2023 REVISED  
05/02/2023 Rev. Per Comments  
02/28/2023 FOR SUBMITTAL  
02/17/2023 PROGRESS REVIEW

**ISSUE HISTORY**

COMM NO.	22031A
PROJ MGR:	KDW
DRAWN BY:	AMH, EL
CHECKED BY:	KW

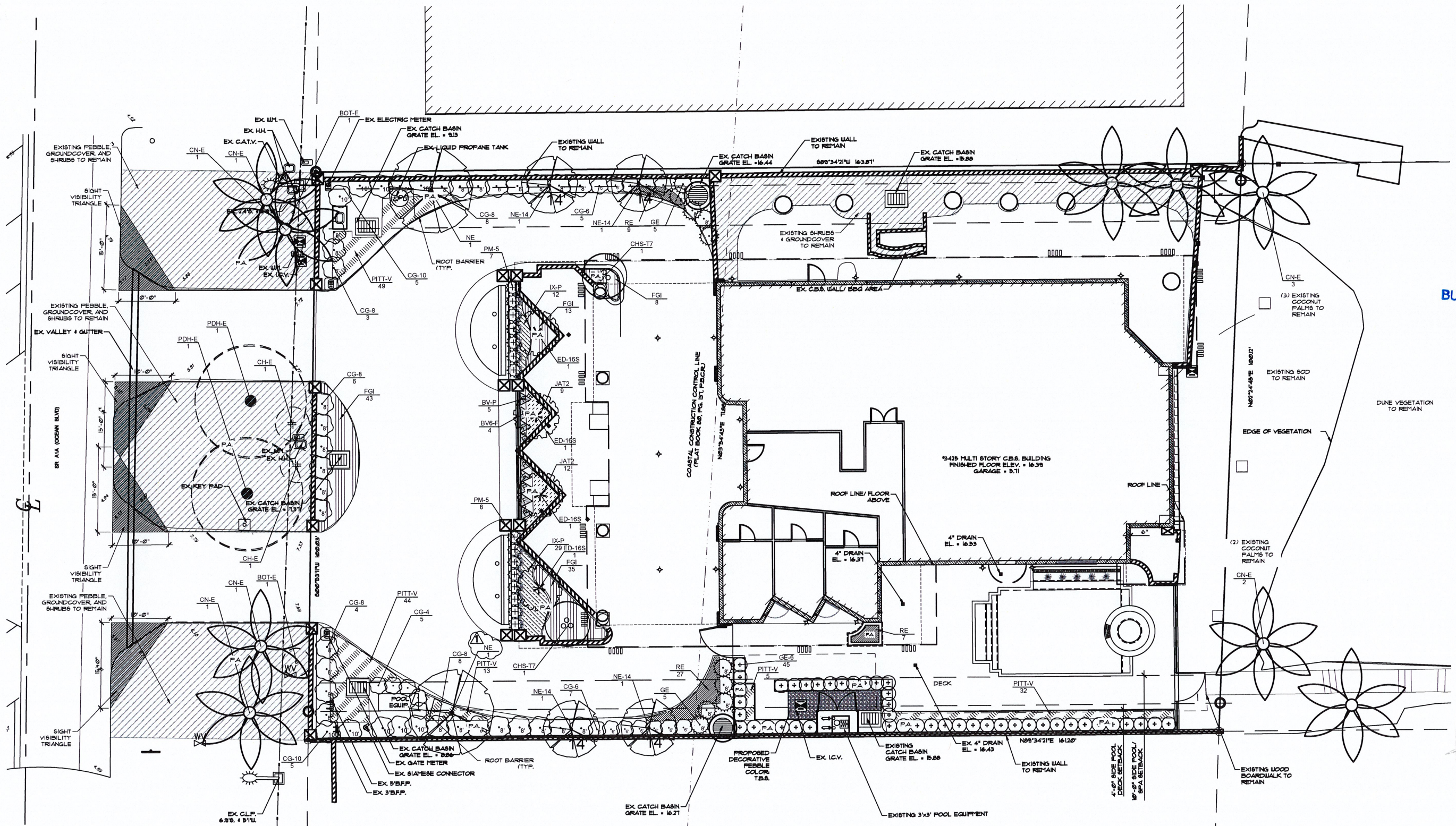
**DRAWING TITLE:**

**PROPOSED  
LANDSCAPE  
PLAN**

Sheet

L-1

Page 25

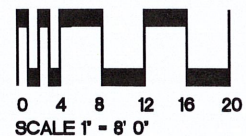


Contractor shall secure all permits required for the work from any state or local departments, utility companies or jurisdiction affected by the work. The Contractor shall have permits "in hand" prior to starting work. The Landscape Architect and/ or Owner shall bear no responsibility for work performed without permitted drawings. The Contractor shall be responsible for all changes to Work, at no additional cost to Owner as a result of unauthorized work prior to receipt of permit.

EXISTING PAVING		PROPOSED PAVING	
DRIVEWAY PORTE COCHERE/PARKING	3,022 S.F. 2,092 S.F.	DRIVEWAY PORTE COCHERE/PARKING	3,022 S.F. 2,060 S.F.
POOL DECK	1,585 S.F.	POOL DECK	1,114 S.F.
NORTH TERRACE	1,038 S.F.	NORTH TERRACE	1,038 S.F.
TOTAL PAVING AREA	7,737 S.F.	TOTAL PAVING AREA	7,234 S.F.

SITE AREA	16,254 S.F.
LAND USE	MULTI-FAMILY MED. DENSITY
ZONING CLASSIFIC.	RMM

EXISTING PRESERVATION AREA	5,041 S.F.
EXISTING L/S TO REMAIN	2,827 S.F.
PROPOSED LANDSCAPE	1,749 S.F.
TOTAL LANDSCAPE AREA	8,886 S.F.
EXISTING SOD	2,012 S.F.
PERIMETER TREES REQUIRED	6
PERIMETER TREES PROVIDED	6
OTHER TREES PROVIDED	3
TOTAL TREES =	9
EXISTING PALMS TO REMAIN	15
PALMS PROVIDED	2
TOTAL PALMS =	17





NOTE: ALL TREES SHALL BE FLORIDA #1

PROPOSED LANDSCAPE SCHEDULE (EXCEPT WHERE INDICATED "EXISTING TO REMAIN")

PLANT SCHEDULE PLANT SCHEDULE								
DT	TREES ED-16S	BOTANICAL / COMMON NAME Elaeocarpus decipiens / Japanese Blueberry-Standard Full Dense Heads, PROVIDE PHOTOS TO LANDSCAPE ARCHITECT FOR APPROVAL	CONT B & B	CAL. IN. 3"	SIZE 14"	SPREAD 5'-6"	QTY 4	
DT	NE	Noronhia emarginata / Madagascar Olive Full Dense Heads, Straight Unscarred Trunks, MATCHING, PROVIDE PHOTOS TO LANDSCAPE ARCHITECT FOR APPROVAL	B & B	4"	16'-20' O.A.	10'-12'	2	
DT	NE-14	Noronhia emarginata / Madagascar Olive Full Head, Intact Fronds, Undamaged, Clean Trunk	Containerized	3"	14' OA	6'	4	
DT	EXISTING TO REMAIN CH-E	BOTANICAL / COMMON NAME Chamaerops humilis / Mediterranean Fan Palm EXISTING TO REMAIN	CONT EXISTING TO REMAIN	CAL. IN.	SIZE	SPREAD	QTY 2	
DT	CN-E	Cocos nucifera / Coconut Palm EXISTING TO REMAIN	EXISTING TO REMAIN				9	
DT	BOT-E	Hyophorbe lagenicaulis / Bottle Palm EXISTING TO REMAIN	EXISTING TO REMAIN				2	
	PDH-E	Phoenix dactylifera 'Medjool' / Medjool Date Palm EXISTING TO REMAIN	EXISTING TO REMAIN				2	
DT	PALMS CHS-T7	BOTANICAL / COMMON NAME Chamaerops humilis cerifera / Silver Mediterranean Fan Palm - Triple Full, Dense Foliage, Silver, Staggered Heights, Triple	CONT B & B	CAL. IN.	SIZE 3' HT.	SPREAD 8'	QTY 2	⚠
DT, N	SHRUBS CG-10	BOTANICAL / COMMON NAME Clusia guttifera / Small Leaf Clusia Dense foliage, full to base	CONT Containerized	HEIGHT 10' OA	SPREAD 4'-5'	NATIVE	QTY 10	
DT, N	CG-4	Clusia guttifera / Small Leaf Clusia Dense Foliage, Full To Base	Containerized	4'	3'		5	
DT, N	CG-6	Clusia guttifera / Small Leaf Clusia Full, Dense Foliage To Base	Containerized	6'	36"		12	
DT, N	CG-8	Clusia guttifera / Small Leaf Clusia Dense foliage, full to base	Containerized	7'-8' OA	4'-5'		29	
DT	GE	Garcinia spicata / Mangosteen Full, Dense Foliage To Base	45 Gal.	8'	3'-4'		10	
DT	GE-6	Garcinia spicata / Mangosteen Full, Dense Foliage To Base, Multi	Containerized	5'-6' OA	2'-3'		45	
DT	PM-5	Podocarpus macrophyllus maki / Shrubby Yew Full dense foliage to base, shear to 4' OA	Containerized	6'	2'-3'		15	
DT	VINES BV-P	BOTANICAL / COMMON NAME Bougainvillea 'Purple' / 'Purple' Bougainvillea Vine Vine on Trellis, Min 4 Runners, Remove from Trellis and Drape over Railing	CONT Containerized	HEIGHT 5'-6'	SPREAD 24"	NATIVE	QTY 5	
DT	BV6-F	Bougainvillea 'Fuschia' / 'Fuschia' Bougainvillea Vine Full dense foliage to base, min. 5 runners, Remove from Trellis and Drape over Railing	Containerized	5'-6' OA	24"		4	
DT	SHRUB AREAS FGI	BOTANICAL / COMMON NAME Ficus microcarpa 'Green Island' / Green Island Ficus Full, Dense Foliage To Base	CONT Containerized	HEIGHT 18"	SPREAD 18"	NATIVE	SPACING 18" o.c.	QTY 99
	IX-P	Ixora taiwanensis 'Dwarf Pink' / Dwarf Pink Ixora Full dense foliage to base, in bloom, available from Black Olive East	3 Gal.	24"	24"		18" o.c.	41
DT	JAT2	Liriope muscari / Lily turf Full, Dense Foliage To Base	Containerized	18"	18"		18" o.c.	21
DT	PITT-V	Pittosporum tobira 'Variegata' / Variegated Pittosporum Full, Dense Foliage	3 gal	14"	16"		18" o.c.	143
	RE	Russelia equisetiformis 'Coral' / Coral Firecracker Plant Full, Dense Pots	3 gal	12"-14"	16-18"		16" o.c.	43

MULCH - 'B' GRADE CYPRESS MULCH - verify c.y. in field  
ROOT BARRIER - 36" deep Bio Barrier or equal - as shown on plans  
N = NATIVE  
DT = DROUGHT TOLERANT

CAUTION: PLEASE NOTE

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JUL 25 2023

HIGHLAND BEACH BUILDING DEPT

Le Sanctuaire 3425 South Ocean Boulevard Highland Beach, Florida

07/13/2023 Rev. Per Comments  
06/14/2023 REVISED  
05/01/2023 Rev. Per Comments  
02/28/2023 FOR SUBMITTAL  
02/17/2023 PROGRESS REVIEW  
ISSUE HISTORY  
COMM NO. 22031A  
PROJ MGR: KDW  
DRAWN BY: AMH, EL  
CHECKED BY: KW

DRAWING TITLE:

PROPOSED LANDSCAPE SCHEDULE

Sheet

L-2







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JUL 25 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT

NOTE:  
PER SEC. 30-33, ALL HARDSCAPE  
CHANGES SHOWN ON THESE PLANS  
ARE NOT PART OF THE MAJOR  
MODIFICATION SITE PLAN  
APPROVAL

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PER SEC. 30-33, ALL HARDSCAPE  
CHANGES SHOWN ON THESE PLANS  
ARE NOT PART OF THE MAJOR  
MODIFICATION SITE PLAN  
APPROVAL

REFER TO VENDORS FOR ALL INSTALLATION  
MATERIALS AND PROCEDURES/FOLLOW ALL  
MANUFACTURERS INSTALLATION INSTRUCTIONS

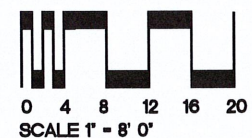
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BY A STRUCTURAL ENGINEER  
VERIFY WITH STRUCTURAL ENGINEER  
PRIOR TO CONSTRUCTION

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**Le Sanctuaire**  
3425 South Ocean Boulevard  
Highland Beach, Florida



DRAWING TITLE:  
**PROPOSED  
HARDSCAPE  
LAYOUT**

Sheet  
**H-1**

Page 28

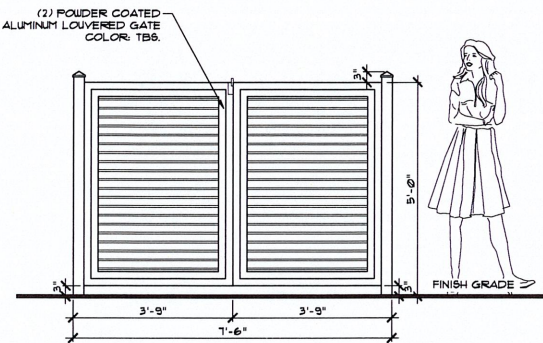
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05/02/2023 Rev. Per Comments  
02/18/2023 For Submittal  
02/11/2023 FOR REVIEW  
ISSUE HISTORY  
COMM NO. 22031A  
PROJ MGR: KDW  
DRAWN BY: AMH, EL  
CHECKED BY: KDW



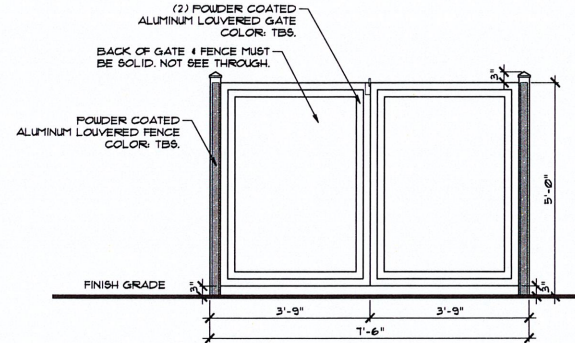
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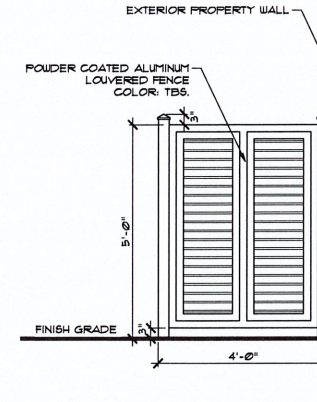
HIGHLAND BEACH  
BUILDING DEPARTMENT



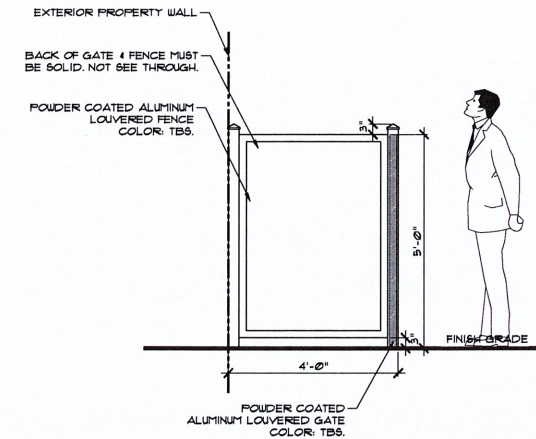
① Decorative Gate Elevation  
1/2"=1'



② Decorative Gate Elevation  
1/2"=1'



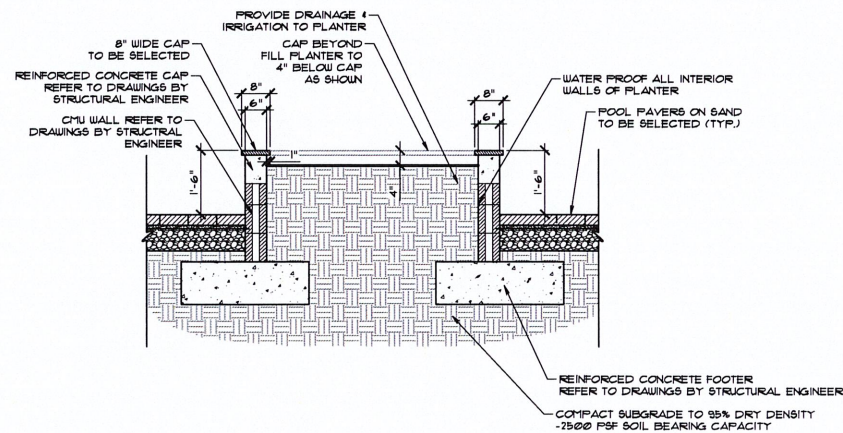
③ Decorative Fence Elevation  
1/2"=1'



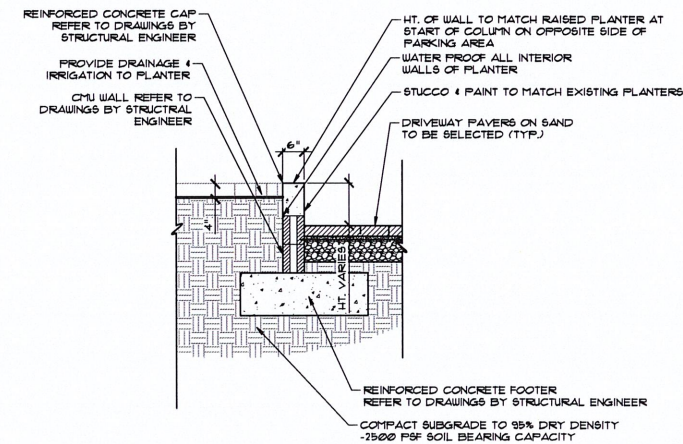
④ Decorative Fence Elevation  
1/2"=1'

NOTE:

SECTIONS AND ELEVATIONS  
SHOWN ARE FOR ILLUSTRATIVE  
PURPOSES ONLY.



⑤ Pool Deck Raised Planter  
1/2"=1'



⑥ Parking Area Raised Planter  
1/2"=1'

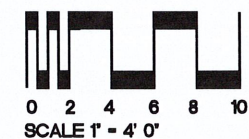
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MATERIALS AND PROCEDURES/FOLLOW ALL  
MANUFACTURERS INSTALLATION INSTRUCTIONS

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DRAWING TITLE:  
**HARDSCAPE  
DETAILS**

Sheet  
**H-2**

Page 29

06/02/2023 Rev. Per Comments  
05/02/2023 Rev. Per Comments  
02/18/2023 For Submittal  
02/11/2023 FOR REVIEW  
ISSUE HISTORY  
COMM NO. 22031A  
PROJ MGR: KDW  
DRAWN BY: EL  
CHECKED BY: KDW

Le Sanctuaire  
3425 South Ocean Boulevard  
Highland Beach, Florida







100' TOTAL RIGHT-OF-WAY (STATE ROAD A-1-A PER PLAT)

## ASPHALT PAVEMENT

~~12:33:04 -04'00~~

Job No. 0906045D

STATE OF FLORIDA  
RANDALL E.  
STOFFT  
*[Signature]*  
AR0011105  
REGISTERED ARCHITECT  
FL-008676      FL-PA-003379

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A101

Page 31

42 N SWINTON AVE., DELRAY BEACH, FL 33444 (561) 243-0799 • NAPLES, FL (239) 262-7677 • WWW.STOFFT.COM

**LEGAL DESCRIPTION:**

THE NORTH 100 FEET OF THE SOUTH 1,170 FEET OF GOVERNMENT LOT 4, A PORTION OF SECTION 33, TOWNSHIP 46 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

SAID LAND SITUATE, LYING AND BEING IN THE TOWN OF HIGHLAND BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 16,254 SQUARE FEET OR 0.3731 ACRES, MORE OR LESS.

**SITE DATA**

ZONING: RMM

FUTURE LAND USE DESIGNATION: MULTIPLE-FAMILY RESIDENTIAL DENSITY MOD

PERMITTED DENSITY: 16.254 SF (0.3731 ACRES)

PROJECT DATA			
ZONING:	RMM		
FUTURE LAND USE:	MULTIPLE-FAMILY MEDIUM DENSITY (MFM)		
• SITE AREA		16,254 S.F.	100%
• BUILDING FOOTPRINT AREA		4,070 S.F.	25%
• HARDCAPE			
- EXIST. DRIVEWAY	3,022 S.F.		
- EXIST. PORTE-COCHERE			
- PARKING	2,092 S.F.		
- EXIST. POOL DECK	1,585 S.F.		
- EXIST. NORTH TERR.	1,038 S.F.		
- PROP. FOUNTAINS	180 S.F.	7,917 S.F.	49%
• USABLE OPEN SPACE		3,950 S.F.	26%
• EXIST. HEIGHT		41'-5"	
• NO. OF DWELLING UNITS		4 UNITS	
SETBACKS	REQUIRED	EXISTING	
FRONT	40' UP TO 30H + 1' EA. 2H INCREASE		40'-3"
LEFT-SIDE	20' UP TO 30H + 1' EA. 2H INCREASE		19'-10"
RIGHT-SIDE	20' UP TO 30H + 1' EA. 2H INCREASE		20'-1"
REAR (OCEAN)	DETERMINED BY FDEP		


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JUL 25 2023  
HIGHLAND BEACH  
BUILDING DEPARTMENT

	REVISIONS	BY	DATE
▲	PERMIT SET	KPR/CJL	11.29.22
▲	SITE PLAN	KPR/CJL	01.17.23
▲	SITE PLAN REV. COMMUT	KPR/CJL	05.05.23
▲	SITE PLAN REV. COMMUT	KPR/CJL	06.13.23
▲	SITE PLAN REV. COMMUT	KPR/CJL	07.13.23

3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487



**RANDALL STOFFT**  
ARCHITECTS  
distinctive. inspirational. architecture.

[illegible]

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HIGHLAND BEACH  
BUILDING DEPARTMENT

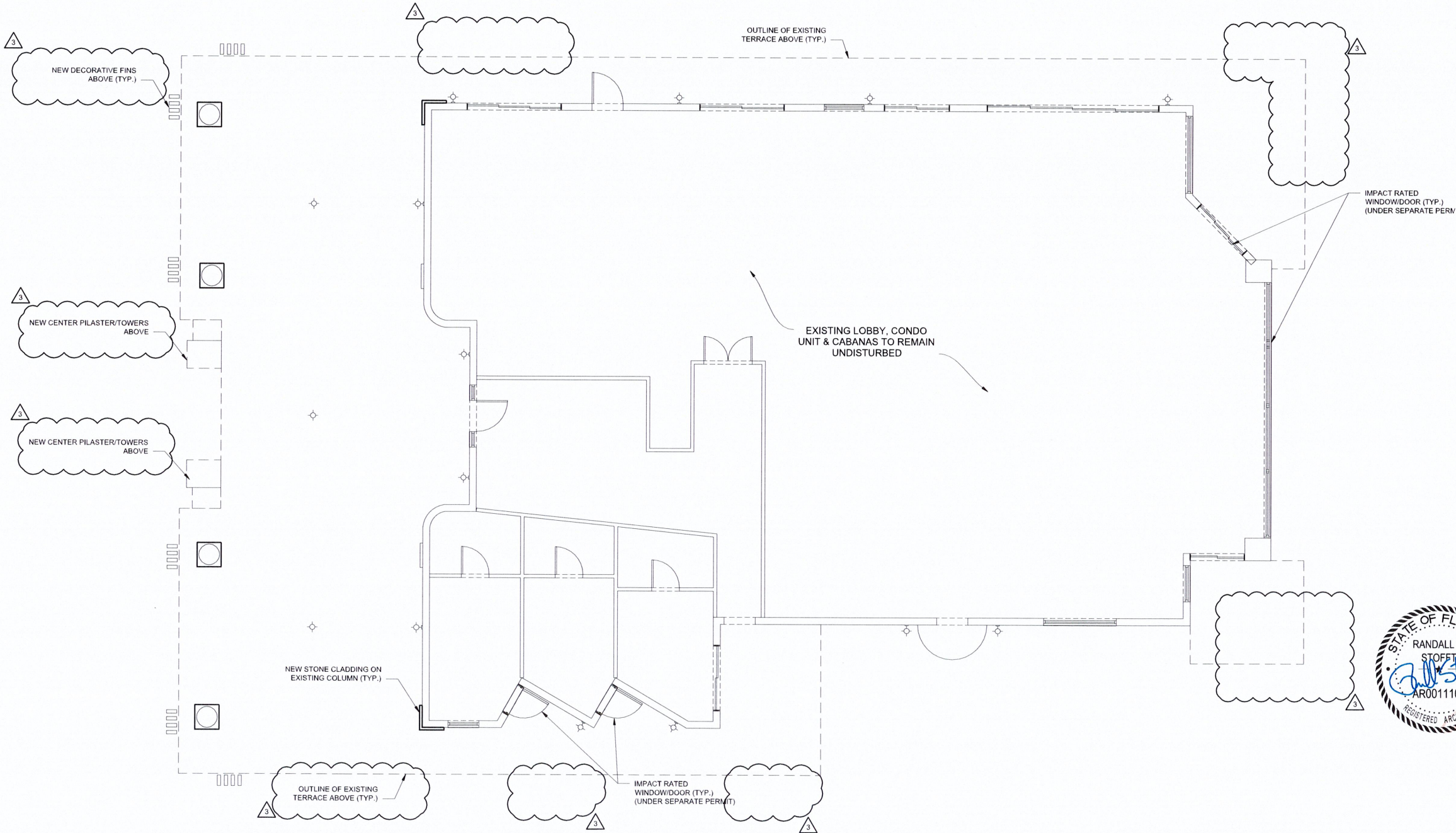
SITE PLAN SUBMISSION 11-29-22

REVISIONS	BY	DATE
△ PERMIT SET	KPRCL	11.29.22
△ SITE PLAN	KPRCL	01.17.23
△ SITE PLAN REV. COMMIT	KPRCL	05.05.23
△ SITE PLAN REV. COMMIT	KPRCL	06.13.23

3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

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Job No. 2205045D  
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by Randall Stofft  
Architects  
Date: 2023.06.19  
13:27:43 -04'00'  
FL-0011105 FIRM-AA003379

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1

PROPOSED FIRST FLOOR PLAN

3/16"=1'-0"

A211



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JUL 25 2023  
HIGHLAND BEACH  
BUILDING DEPARTMENT

SITE PLAN SUBMISSION 11-29-22

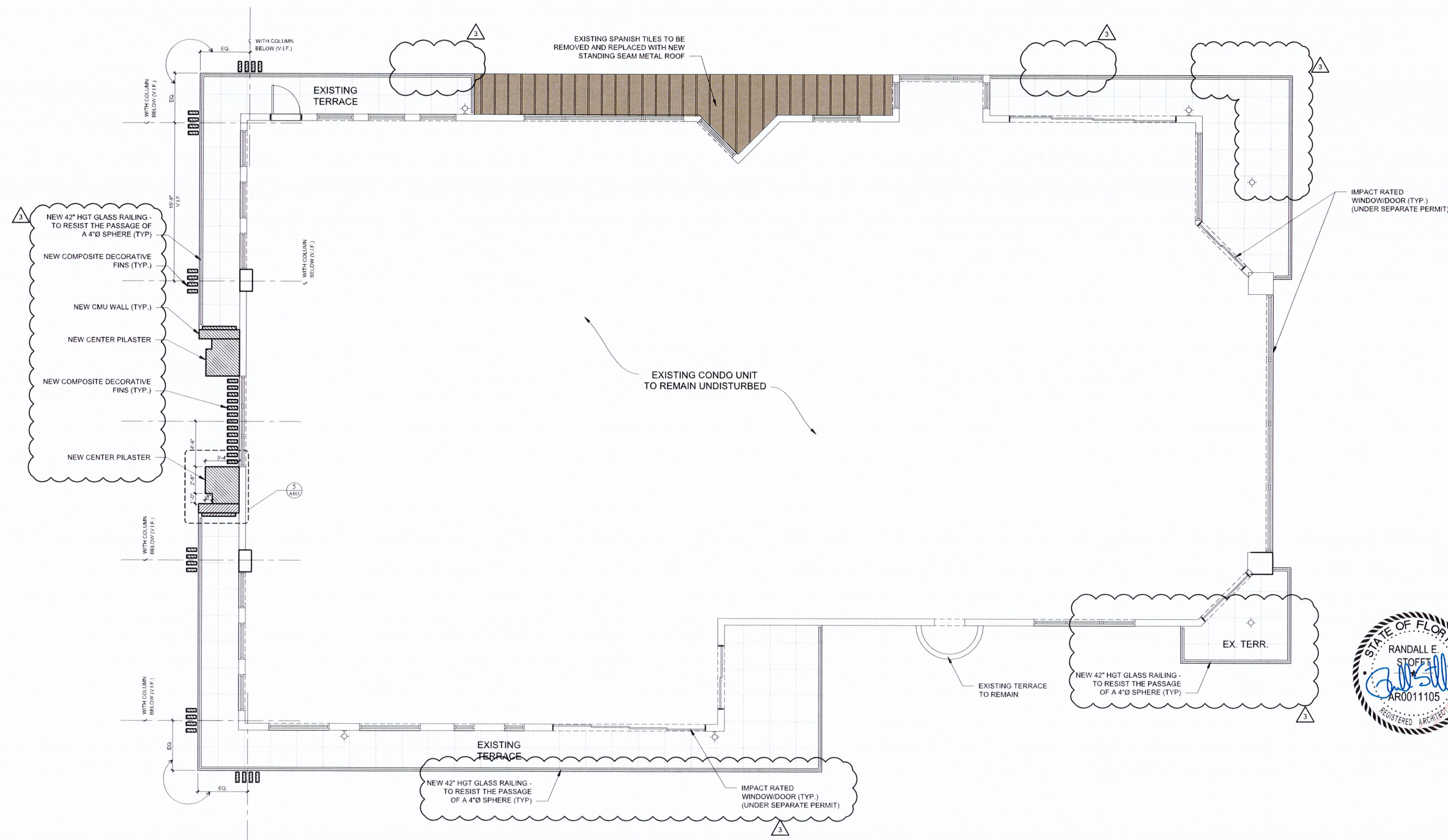
REVISIONS	BY	DATE
1	KPRCL	11.29.22
2	KPRCL	01.17.23
3	KPRCL	05.05.23
4	KPRCL	06.13.23

3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

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1 PROPOSED SECOND FLOOR PLAN  
3/16"=1'-0"



HIGHLAND BEACH  
BUILDING DEPARTMENT

SITE PLAN SUBMISSION 11-29-22

[illegible]

3425 S. OCEAN EXTERIOR  
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HIGHLAND BEACH, FL 33487



**RANDALL STOFFT**  
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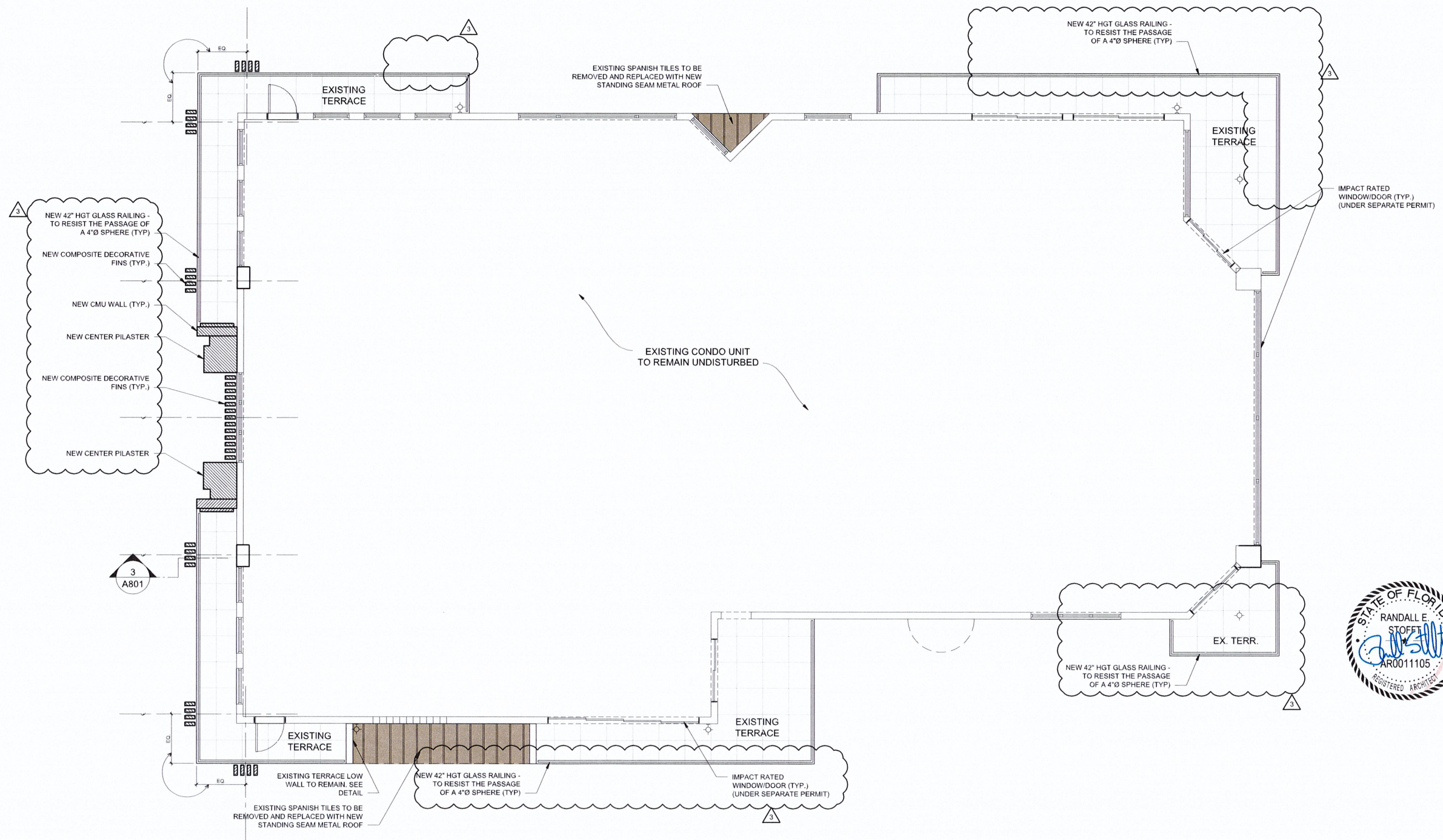
42 N SWINTON AVE., DELRAY BEACH, FL 33444 (561) 243-0799 • NAPLES, FL (239) 262-7677 • WWW.STOFFT.COM

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Architects  
Date: 2023.06.19  
13:31:06 -04'00'  
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A213

Page 34



1

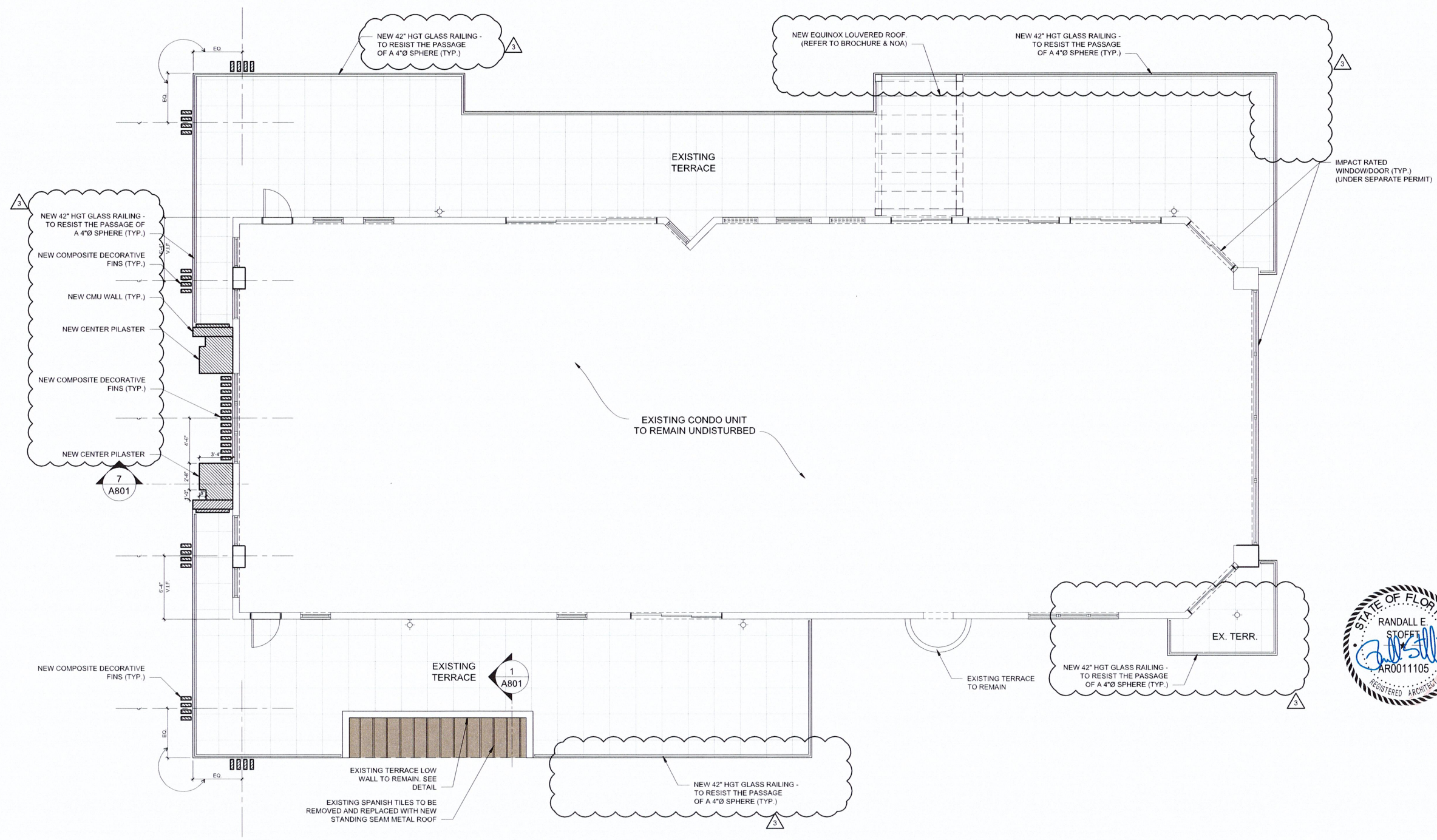
### PROPOSED THIRD FLOOR PLAN

$$3/16'' = 1'-0''$$



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HIGHLAND BEACH  
BUILDING DEPARTMENT

SITE PLAN SUBMISSION 11-29-22



1 PROPOSED FOURTH FLOOR PLAN  
3/16"=1'-0"

REVISIONS	BY	DATE
△ PERMIT SET	KPRCL	11.29.22
△ SITE PLAN	KPRCL	01.17.23
△ SITE PLAN REV. COMMIT	KPRCL	05.05.23
△ SITE PLAN REV. COMMIT	KPRCL	06.13.23

3425 S. OCEAN EXTERIOR  
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Architects  
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13:31:30 -04'00'  
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HIGHLAND BEACH  
BUILDING DEPARTMENT

	REVISIONS	BY	DATE
A	PERMIT SET	KPRCL	11.29.20
B	SITE PLAN	KPRCL	01.17.21
C	SITE PLAN REV. COMMIT	KPRCL	05.05.21
D	SITE PLAN REV. COMMIT	KPRCL	06.13.21

3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

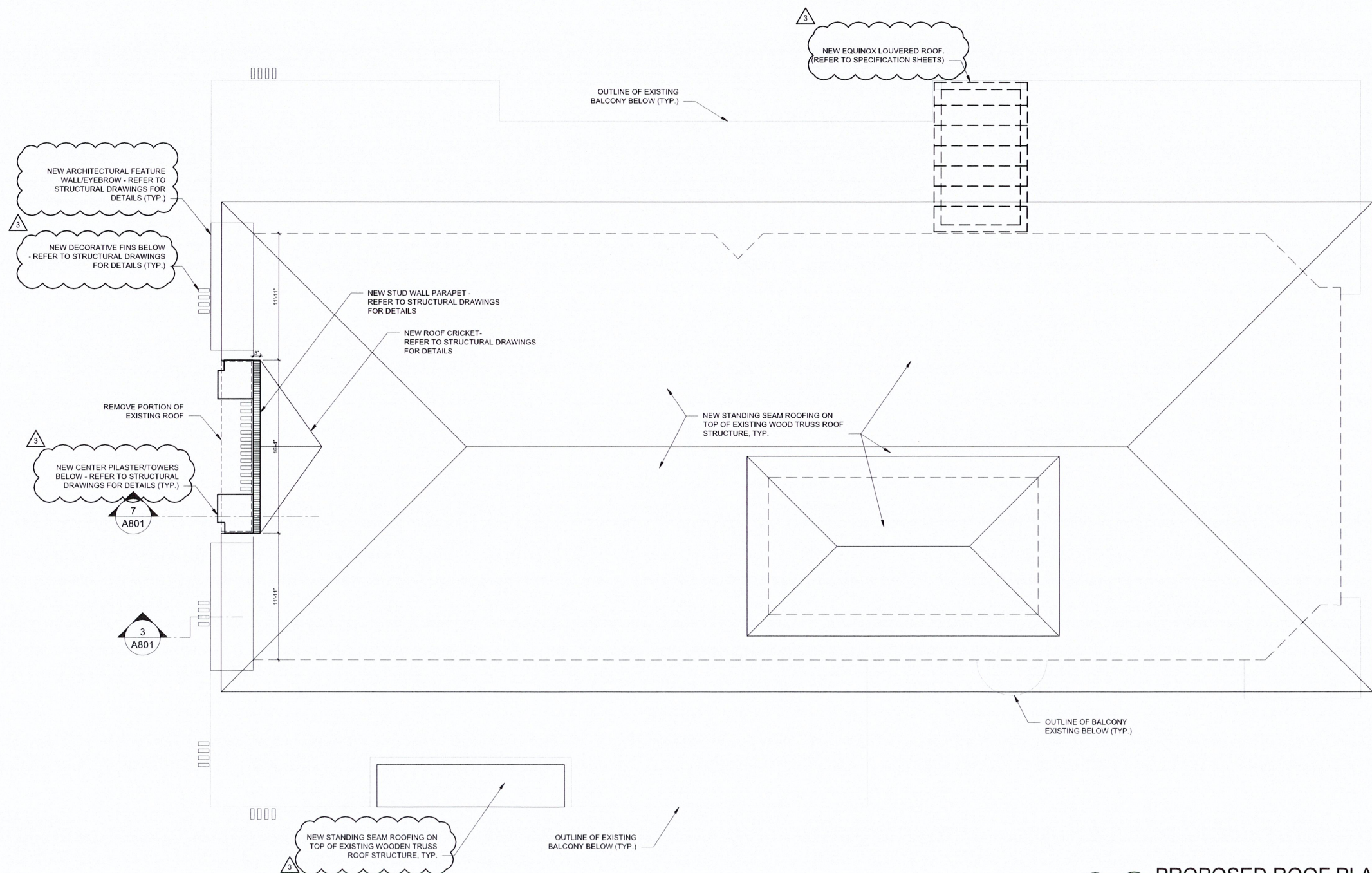
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Architects  
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13:31:52 -04'00'  
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A220

Page 36



①

## PROPOSED ROOF PLAN



MATERIALS & PROFILES	
010	CMU PARAPET
011	BUILT-UP ROOF CRICKET
012	COMPOSITE DECORATIVE FINS
013	CENTER PILASTER/TOWERS FINISHED W/ CALACATTA MARBLE
014	NEW STANDING SEAM METAL ROOFING
015	IMPACT RATED WINDOW/DOOR (UNDER SEPARATE PERMIT)
016	ARCHITECTURAL FEATURE WALL/EYEBROW
017	EQUINOX LOUVERED ROOF SYSTEM
018	42" HOT GLASS HANDRAIL- TO RESIST THE PASSAGE OF A 4"Ø SPHERE
019	CENTER PIERS FINISHED W/ CHISELED LIME STONE
020	MODERN OUTDOOR LINEAR WALL LAMP/SCONCE
021	WATER FEATURE/WATERFALL
022	VERTICAL LIVE WALL
023	CUSTOM MODERN ENTRANCE DOOR W/ SIDELITES
024	METAL GARAGE LIFT GATE
025	SQUARED OFF PORTE COCHERE OPENING
026	METAL GARAGE LIFT GATE
027	GLASS BLOCKS WINDOWS TO REMAIN
028	EXISTING BALCONY LOW WALL TO REMAIN SEE DETAIL



1 PROPOSED FRONT ELEVATION (WEST)  
3/16"=1'-0"

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BUILDING DEPARTMENT

SITE PLAN SUBMISSION 11-29-22

REVISIONS	BY	DATE
△ PERMIT SET	KPRCL	11.29.22
△ SITE PLAN	KPRCL	01.17.23
△ SITE PLAN REV. COMMENT	KPRCL	05.05.23
△ SITE PLAN REV. COMMENT	KPRCL	06.13.23

3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

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Architects  
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3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

A302

Page 3

Page 38

**SITE PLAN SUBMISSION 11-29-22**

Architectural elevation drawing of a building facade. The drawing shows a proposed design with a gabled roof, large windows, and balconies. Key features and annotations include:

- Property Lines:** Indicated by dashed lines on the left and right sides.
- Setbacks:**
  - 20'-0" SIDE SETBACK (indicated on the left and right sides).
  - 30'-0" MAX (indicated on the left side for the balcony area).
- Elevation Markers and Callouts:**
  - 016, 015, 018 (pointing to the roofline and balcony area on the left).
  - 014, 017, 018, 012 (pointing to the roofline and balcony area on the right).
  - 015 (pointing to the central window area).
  - 015 (pointing to the central window area on the right).
- Roof and Balcony Details:**
  - 1' INCREASE SEPERA 2' INCREASE IN HEIGHT (pointing to the roofline on the left).
  - 1' INCREASE SEPERA 2' INCREASE IN HEIGHT (pointing to the roofline on the right).
  - 3'-4" (indicated for the balcony width on the right).
  - 30'-0" MAX (indicated for the balcony width on the right).
- Right Side Elevation Markers:**
  - 5'-4" (indicated for the height of the roofline).
  - 10'-5" (indicated for the height of the balcony area).
  - 10'-5" (indicated for the height of the balcony area).
  - 35'-3" (indicated for the total height of the building).
  - 10'-5" (indicated for the height of the balcony area).
  - 9'-2" (indicated for the height of the ground floor).
- Right Side Elevation Text:**
  - TOP OF PILASTER/TOWER EL. +46'-9" A.F.F. (+53.1' NAVD)
  - EXISTING TO BEAM EL. +41'-5" A.F.F. (+57.9' NAVD)
  - TOP OF DECORATIVE FIN EL. +35'-3" A.F.F. (+51.6' NAVD)
  - EXISTING LEVEL FOUR EL. +30'-8" A.F.F. (+47.0' NAVD)
  - EXISTING LEVEL THREE EL. +20'-0" A.F.F. (+36.3' NAVD)
  - EXISTING LEVEL TWO EL. +9'-2" A.F.F. (+25.5' NAVD)
  - EXISTING LEVEL ONE EL. +0'-0" A.F.F. (+16.39' NAVD)
- Bottom Right Text:**
  - Digitally scanned by Randall
  - Arch

2 PROPOSED REAR ELEVATION (EAST)  
3/16"=1'-0"



3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

[illegible]

A303

Page 39

SITE PLAN SUBMISSION 11-29-22

Architectural elevation drawing of a multi-story building facade. The drawing shows a cross-section of the building with various levels, windows, and balconies. Key features include a gabled roof, multiple balconies with glass railings, and a central entrance area. The drawing is annotated with numerous callouts (e.g., 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025) and dimensions (e.g., 14'-9", 10'-9", 35'-3", 40'-0" FRONT SETBACK, 30'-0" MAX). A vertical property line is indicated on the right side. The drawing is signed "Digitally signed by R Stofft Arch" and dated "2023 12:33:48".

1 PROPOSED LEFT-SIDE ELEVATION (NORTH)  
3/16"=1'-0"

Digitally signed  
by Randal  
Stofft Architects  
Date  
2023.07.17  
'12:33:48 -04'00

42 N SWINTON AVE, DELRAY BEACH, FL 33444 (561) 243-0799 • NAPLES, FL (239) 262-7677 • WWW.STOFFT.COM



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JUL 25 2023

HIGHLAND BEACH  
BUILDING DEPARTMENT

MATERIALS & PROFILES	
010	CMU PARAPET
011	BUILT-UP ROOF CRICKET
012	COMPOSITE DECORATIVE FINS
013	CENTER PILASTER/TOWERS FINISHED W/ CALACATTA MARBLE
014	NEW STANDING SEAM METAL ROOFING
015	IMPACT RATED WINDOW/DOOR (UNDER SEPARATE PERMIT)
016	ARCHITECTURAL FEATURE WALL/EYEBROW
017	EQUINOX LOUVERED ROOF SYSTEM
018	42" HGT GLASS HANDRAIL- TO RESIST THE PASSAGE OF A 4"Ø SPHERE
019	CENTER PIERS FINISHED W/ CHISELED LIME STONE
020	MODERN OUTDOOR LINEAR WALL LAMP/SCONCE
021	WATER FEATURE/WATERFALL
022	VERTICAL LIVE WALL
023	CUSTOM MODERN ENTRANCE DOOR W/ SIDELITES
024	METAL GARAGE LIFT GATE
025	SQUARED OFF PORTE COCHERE OPENING
026	METAL GARAGE LIFT GATE
027	GLASS BLOCKS WINDOWS TO REMAIN
028	EXISTING BALCONY LOW WALL TO REMAIN SEE DETAIL

SITE PLAN SUBMISSION 11-29-22

3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

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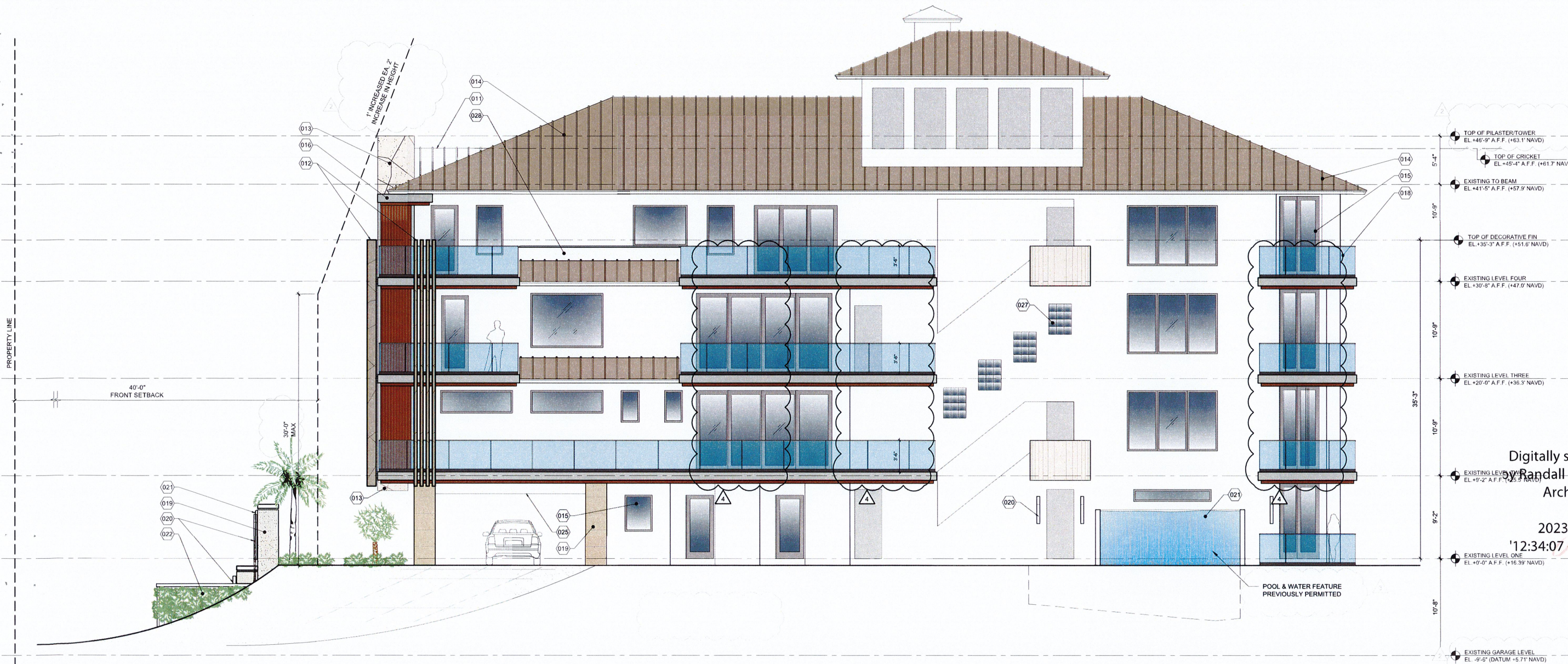
Job No. 2206045D  
Digitally signed  
by Randall Stofft  
Architects  
Date: 2023.07.17  
'12:34:07 -04'00

STATE OF FLORIDA  
RANDALL E. STOFFT  
AR0011105  
REGISTERED ARCHITECT  
FL-0011105-2003379

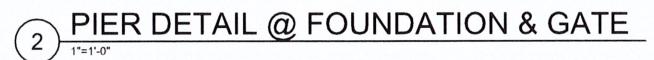
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A304

1 PROPOSED RIGHT-SIDE ELEVATION (SOUTH)  
3/16"=1'-0"







3425 S. OCEAN EXTERIOR  
3425 S OCEAN BLVD UNIT  
HIGHLAND BEACH, FL 33487

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A801



**Town of Highland Beach  
Town Commission Development Order (PB)  
Application No. 23-0003**



**Applicant:** Mark Rothenberg  
**Property Address:** 3425 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. 23-0003 for the property located at 3425 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 3425 S. Ocean Blvd, Highland Beach, Florida 33487.

The mailings consisted of 31 notices that were sent first class mail and 01 notices that were sent by International Mail.

This 25<sup>th</sup> day of July 2023.

Highland Beach Town Clerk's Office

Jaclyn DeHart  
Deputy Town Clerk





# **TOWN OF HIGHLAND BEACH NOTICE OF PUBLIC HEARING APPLICATION NO. 23-0003**

July 24, 2023

Dear Property Owner:

This is to notify you that the **PLANNING BOARD** of the Town of Highland Beach will conduct a public hearing on *Thursday, August 10, 2023 at 9:30 AM* and the **TOWN COMMISSION** will conduct a public hearing on *Tuesday, September 5, 2023 at 1:30 PM* in the Community Room of the Town Library located at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

**APPLICATION BY MARK ROTHENBERG, ELLEMAR ENTERPRISES LLC, FOR A MAJOR MODIFICATION TO AN EXISTING BUILDING, AS PROVIDED IN SECTION 30-39 OF THE TOWN CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO CHANGES TO THE EXTERIOR FAÇADE AND BALCONIES FOR THE PROPERTY LOCATED AT 3425 SOUTH OCEAN BOULEVARD.**

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.

Any person that decides to appeal any decision made by the Town Commission 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

**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 Jul 31, 2023

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

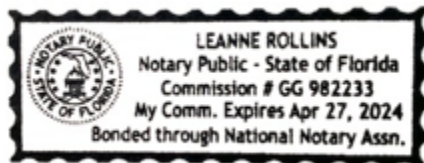


Signature of Affiant

Sworn to and subscribed before me this: July 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:** jdehart@highlandbeach.us  
7468198

**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, August 10, 2023 at 9:30 AM and the TOWN COMMISSION will conduct a public hearing on Tuesday, September 5, 2023 at 1:30 PM in the Community Room of the Town Library located at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

APPLICATION NO. 23-0003 BY MARK ROTHENBERG, ELLEMAR ENTERPRISES LLC, FOR A MAJOR MODIFICATION TO AN EXISTING BUILDING, AS PROVIDED IN SECTION 30-39 OF THE TOWN CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO CHANGES TO THE EXTERIOR FAÇADE AND BALCONIES FOR THE PROPERTY LOCATED AT 3425 SOUTH OCEAN BOULEVARD.

APPLICANT: MARK ROTHENBERG

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.

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.

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

TOWN OF HIGHLAND BEACH, BUILDING  
DEPARTMENT  
07/31/2023 7468198

Order # - 7468198



**File Attachments for Item:**

A. Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code





# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

---

**MEETING TYPE:** Planning Board (“Board”) Meeting

**MEETING DATE** August 10, 2023

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code

---

### SUMMARY:

At the July 13, 2023 Planning Board meeting, Board discussion and commentary by the Town’s Marine expert on the proposed amendment concepts to the AMF and seawall regulations of the Town Code included the following:

- Dr. Michael G. Jenkins of ATM (the Town’s Coastal and Marine consultant) recommended a maximum seawall height of Base Flood Elevation (BFE) plus one (1) foot. Note that Section 6-128(b) of the Town Code provides a minimum seawall height (for seawalls west of State Road A1A) at BFE or higher as provided by the FEMA FIRM maps. The Board agreed on Dr. Jenkin’s recommendation on a draft basis.
- Type and distance of ladders (concept tabled).
- Encroachment into water for AMFs at 25 feet or 25 percent of the waterway to be measured from wetface of seawall. For unique encroachment circumstances, require marine expert review.
- No marine side setbacks for docks; however, boat lifts should have setbacks (Note that the Town Code currently requires a marine setback for AMFs including docks for properties located in Single-Family zoning districts).
- Dr. Jenkins agreed with the proposed amendment concept that would exempt personal watercraft lifts (e.g. jet ski lifts) from the definition of boat lift which requires that the lift cannot be higher than the superstructure of the boat when lifted.

For reference purposes, the Board’s previous discussions on the amendment concepts are provided in the tables below:

### June 8, 2023

The Planning Board indicated that they wish to discuss the following items at the July 13, 2023 Board meeting:

- Height of seawall
- Mooring setback
- Ladder(s) on docks or seawalls

May 11, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
NA	Consider mooring setback to address moored boats extending beyond individual property lines.
<b>10 foot side setback for all zoning districts. For lots &lt; 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.</b>	<p>-Maintain current accessory marine facility setbacks for those single-family properties located within Byrd Beach (if majority of residents agree).</p> <p>-What was the intent for the proposed change to the accessory marine facility setback? <i>The previous Vice-Mayor, Greg Babij, was authorized by the Town Commission to sponsor a review and propose any amendments to the current accessory marine facility regulations. Mr. Babij prepared a draft report on the proposed amendment concepts which was provided to the Town Commission at their March 15, 2022 Commission meeting (draft report provided to Board).</i></p> <p>Requesting additional Board site visit on the Town's marine patrol vessel to assess existing docks in multifamily zoning districts and how they may be impacted by the proposed amendment concept. <i>The Town Manager, Marshall Labadie, has agreed to such request. Staff will be coordinating site visits with members of the Board.</i></p>

April 13, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
<b>Maximum height for AMF = BFE plus 7 feet.</b>	There should be limit, look to Board member Brown for input.
<b>Require a ladder for every 50 feet of dock.</b>	Reasonable for health and safety. Consider requirement not just for docks but include seawalls. Location of ladder should not interfere with the docking or mooring of vessel.
<b>10-foot side setback for all zoning districts. For lots &lt; 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.</b>	Agree to apply setback for multifamily zoning districts as proposed.
<b>NA</b>	Floating docks should be part of the amendment ( <i>Note that according to Section 30-68(h)(6) of the Town Code, floating docks are subject to conformance with all zoning requirements</i> ). Town Attorney, Len Rubin, indicated that there may be some leeway in regulating setbacks for "floating vessel platforms" and "floating boat lifts" for which Florida Statutes currently provides an exemption. <i>Mr. Rubin will update the Board on this matter at the May 11<sup>th</sup> meeting.</i>
<b>Maximum seawall height</b>	Expert to testify. <i>Staff has reached out to the Town's marine expert, ATM, and will advise the Board on their availability to appear at a Board meeting.</i>

<b>Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to the property line)</b>	Measure from closest landward position (to accommodate PL in the water). Apply 25 feet or 25% encroachment to canals and lakes only exclude Intracoastal Waterway.
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**March 9, 2023**

<b>AMENDMENT CONCEPT</b>	<b>BOARD DISCUSSION</b>
<b>Maximum height for AMF = BFE plus 7 feet</b>	Maybe the proposed "7 feet" is not high enough but there should be a limit.
<b>Require a ladder for every 50 feet of dock</b>	Require ladders on seawall and docks and consider adjustable ladders whereby the length of the ladder needs to be in the water at low mean tide.
<b>10-foot side setback for all zoning districts. For lots &lt; 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.</b>	10-foot setback for Multi-Family Zoning Districts needs more discussion. Consider setback for mooring of boats.

## **ATTACHMENTS:**

- Proposed amendment concepts list
- Draft report from previous Vice-Mayor Greg Babij (presented to the Town Commission on March 15, 2022)
- ATM report (dated 2-11-2022)

## **RECOMMENDATION:**

At the discretion of the Board.

## **PROPOSED AMENDMENT CONCEPTS**

- Maximum height for Accessory Marine Facilities = Base Flood Elevation (BFE) plus 7 feet.
- Exempt personal watercraft (PWC) lifts from the requirement that “in no case shall the lift be higher than the superstructure of the boat when lifted” OR remove requirement.
- Maximum seawall cap width = 3 feet; maximum seawall cap plus dock width = 8 feet.
- Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).
- 10 foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.
- Require a ladder for every 50 feet of dock.

### **ADDITIONAL CONCEPT:**

- Maximum seawall height

## **DRAFT Proposed Revisions to Marine Accessory Ordinances**

### **Abstract:**

The existing marine accessory ordinances lack some detail and it is recommended they are enhanced to provide clarity on topics that have been a source of ambiguity and contention. Items like maximum allowable height of marine accessories, ambiguity around jetski lifts vs. boat lifts, and the process of dealing with marine accessories in where there is a discontinuity in the waterway (i.e corner lots, end of canals) have all been points of contention between residents and the Building Department, due to lack of detail.

Additionally, this is an opportune time to consider revising certain other components of the current ordinances to address anticipated future conflicts or in some cases better conform with code used by surrounding towns.

While reviewing the recommended changes, it may be beneficial to envision the concept of a 3-dimensional box that sits on the rear property line of any waterfront lot. Marine accessories must completely fit within the box to be permissible. Otherwise, they would be required to go through the process of obtaining a variance.

### **Summary of Recommendations**

#### **1) Define a Maximum Allowable Height of Marine Accessories:**

**Recommended Maximum Height: Base Flood Elevation plus 7 feet.**

There have been multiple debates around what is an acceptable height of boat lifts. The current codes only state that a boat lift shall not be higher than the superstructure of the boat when lifted, but is silent on how high up in the air the combined boat lift and boat can be. This leaves open the potential for installing boatlifts on top of excessively high pilings, as long as the boat lift is fully retracted so the boat will be higher than the lift itself.

It is recommended that the “height” of the 3 dimensional box behind any waterfront property be Base Flood Elevation plus 7 feet. Referencing Base Flood Elevation allows the ordinance to be dynamic with sea level rise, as it is a reference datum that has been occasionally revised higher by the US Government in conjunction with the sea level. Pilings, and also the boat lift components must not be higher than this recommended maximum allowable height.

#### **2) Amend existing language related to Jetski (Personal Watercraft) Lifts**

The current codes are excessively onerous for jetski lifts, relative to boat lifts. As Section 30-131 is written, the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation, and in no case shall the lift be higher than the superstructure of the boat when lifted.

Because of the low vertical profile of a jetski (3 feet) relative to the vertical profile of a boat lift (7 feet), a boat lift can be installed to hold a boat, but the very same boat lift would not be permissible if it is used to instead lift a jetski.

It is recommended the current code be amended by either by removing the section that states *in no case shall the lift be higher than the superstructure of the boat when lifted*, or simply exempt jet skis (personal watercraft) from this code.

**3) Define a maximum width of a seawall cap and also a maximum width of a dock out into the water.  
Recommended maximum new seawall cap width of 3 feet as measured from the property line  
Recommended maximum dock plus seawall cap width of 8 feet as measured from the property line**

As properties are redeveloped and seawalls are replaced, there exists the potential for residents to look to “extend” their effective usable property out into the water by building a new seawall outside of the existing seawall. There is also the potential for properties to get extended by pouring excessively wide seawall caps on top of new seawalls and building excessively wide docks.

By limiting the maximum seawall cap width from the property line, and also the maximum distance the seawall cap plus dock can extend from the property line, the risk of one property owner effectively creating their own peninsula is minimized.

It is recommended that the waterside edge of any new seawall cap be limited to 3 feet from the property line, whether it is on top of a new wall, or is a cap raise on top of an existing wall.

Additionally, it is recommended that any new dock built is limited to a maximum distance of 8 feet out into the water as measured from the property line. This would allow for the outer edge of neighboring docks to all be limited to the same distance from the property line regardless of seawall cap size. For example, if a property has a 2 foot wide seawall cap, then that property would be allowed to have a 6 foot wide dock, and meet the maximum combined width of 8 feet. While if a neighboring property has a 3 foot wide seawall cap, they would be limited to a dock width of 5 feet.

Lastly it is recommended that language be added into the code to limit the installation of no more than 1 new seawall outside of the original property seawall that abuts the property line. This eliminates the risk that new seawalls are repeatedly installed on the waters edge side of existing seawalls, which would effectively create a man-made peninsula.

**4) Define a Maximum Distance that Marine Accessories can Extend into the Water  
Recommended Maximum Distance: The lesser of 25 feet from the property line or 25% of the waterway width.**

This recommendation can be thought of as the perpendicular edge of the 3 dimensional box, as measured from the property line straight out into the water.

The town codes [Sec. 30-68(g)(6)a and b] simply defer to the Army Core of Engineers for approval of distance into water. It is recommended that the maximum distance be limited to the lesser of 25 feet or



25% of the width of the canal or waterway. Additionally, this distance will be measured from the shortest distance between the two properties in question.

This maximum distance of 25 feet is not an arbitrary value. It was chosen to allow residents to mix and match combinations of seawall cap widths, dock widths and boat lift widths of reasonable size without having to obtain a variance.

The chart below shows the various widths of boatlifts ranging from small boats to very large boats. For illustration, a typical 40 ft powerboat may weigh 30,000 to 40,000 lbs., and that lift is 16 ft wide (center to center) which is 17 ft wide when measured to the outsides of all pilings.

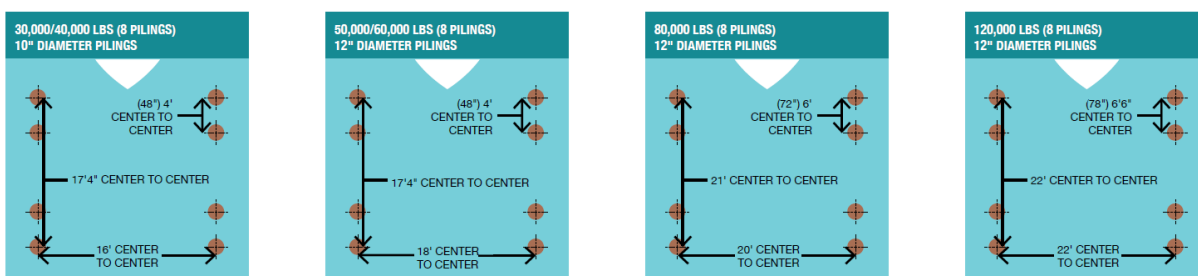
This very standard lift size could be installed at any home that has also conformed to the recommended seawall cap and dock widths, and stay at the 25 ft maximum distance:  
3 ft seawall cap + 5 foot dock + 17 foot boatlift = 25 ft.

On the larger end of the spectrum, a 120,000 lb boatlift could hold about the largest size boat an owner would probably want to be able to lift behind a residential property. That boatlift is 22 ft wide center to center, which would be 23 feet wide to the outsides of the pilings. This “mega lift” could still fit in a back yard, but it would have to be right up against a seawall cap, as there is no room for a dock. Early seawall caps were 2 feet wide, and newer caps are 2.5 feet to 3 feet wide. Also note this lift could be installed at a property that has a 3 foot new cap, by notching out 1 foot where the inside pilings are installed. And again this is an extreme outlier example.

A much more typical boat lift for very large boats would be a 50,000 or 60,000 or even possibly an 80,000 lb. lift and the widths there easily stay within the maximum 25 foot threshold with a 3 foot wide seawall cap.

I am not sure Highland Beach has ever had a request to install an 80,000 or 120,000 lb. boatlift, as those are a very rare size.

#### Piling Setting Dimensions for Yacht Lifts



#### 5) Amend Side setbacks to utilize a smoothed definition instead of the complicated step function definition. Additionally apply the new definition to all property types.

The current town codes utilize a step function where the side setbacks jump at discrete intervals. For example, if a single family zoned property is 71 feet wide, the side setbacks are 25 feet on each side. Comparatively, if a single family zoned property is 69 feet wide, the side setbacks are 15 feet on each

side. Additionally, there exists a different set of side setbacks for single family zoning vs multi-family zoning. Multi-family zoning has a zero foot setback.

It is recommended that the side setbacks be a smoothed function and are less for smaller properties so as to enhance the ability to utilize the water frontage. It is also recommended that the same set of rules apply to all properties equally, regardless of zoning.

**Recommendations for Side setbacks:**

-For properties with waterline length of 100 feet or more: 10 foot side setback on either side. This setback matches surrounding towns such as Boca Raton, Hillsboro Beach, and Ocean Ridge.

-For properties with waterline length of less than 100 feet: the side setbacks are proposed to be 10% of property waterline length on either side, with a minimum setback of 5 feet, on either side.

Utilizing this framework, a 71 foot wide property would have side setbacks of 7.1 feet, and a 69 foot property would have side setbacks of 6.9 feet.

Lastly, it is recommended that the current code clarify that with measurements will be made based on the assumption that a lot line is extended beyond said property line on a line perpendicular to the seawall or bulkhead. This clarification will provide clarity when measurements are being made with properties that have lot lines that are not perpendicular to the seawall, such as pie shaped lots.

**6) Require a Ladder for every 50 feet of dock.**

This is simply a requirement in most surrounding towns and our code is silent.

**7) Strengthen existing language on the approval process of marine accessories in areas where there is a discontinuity in the waterway by acknowledging that they are a “special case” and external expertise will be utilized.**

The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, end of canals, or corner lots or lots that extend into a waterway. The current code is a bit nebulous around these more complicated properties, and in some cases boatlifts have previously been installed in locations where one property owner is inadvertently restricting or blocking an adjacent property owner of the ability to also install a boatlift.

This situation was discussed extensively with the Marine Consultant, and in his expert opinion, no code can be written to address every possible potential scenario within the town. His recommend course of action is to treat any property that has a small water frontage (perhaps less than 50 feet) or that has a discontinuity in the waterway as “a special case.” In these special cases, the standard procedure will be to consult with a marine expert who will make recommendations to the planning board on locations and maximum permissible sizes of marine accessories, with the intention of making sure all surrounding property owners are not having their ability to also utilize the waterway restricted. The code already allows for outside experts for review of development approval requests via Sec. 30-12. The recommended code change is simply to clarify to all parties that a consultation with a marine consultant along with a consultant recommendation to the planning board will be part of the approval process in these special cases.

The planning board can then decide what will be permitted. If a resident disagrees with the planning board's approval, and feels that their access is being restricted as a result of a marine accessory installation, they can seek remedy through the court system.



2/11/22

Ingrid Allen  
Town Planner  
Town of Highland Beach  
3614 S. Ocean Boulevard  
Highland Beach, FL 33487

**Re:            Accessory Marine Facility Code Amendments Relative to Boat Lifts  
                 Town of Highland Beach**

Ms. Allen,

This correspondence is provided as additional discussion and opinion regarding changes to Town of Highland Beach code relative to 'Accessory Marine Structures' and specifically boat lifts as defined within sec. 30-68 of municipal code. Items are discussed relative to potential changes to specific requirements of the current code.

1. Requirement for Accessory Marine Facilities to receive Planning Board approval

The requirement that all accessory marine facilities receive planning board approval (ref. Sec. 30-68 Supplemental district regulations (g)(3)) is not a common requirement within coastal communities. Boat lifts are generally allowed with restrictions without planning board approval. Board approval is typically reserved for sites with special and unique circumstance (see item 6. below) or for variance requests from the standard provisions defined in code. The requirements for lift installation are generally defined by code in terms of limitations to the location (setback) and overall size of the structure. These limitations meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view.

2. Requirement of setbacks for all zoning districts

Requirements for minimum setbacks for all zoning districts are a standard practice and are a key provision to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize visual impacts. The zero-foot setback for multi-family zoning within the Town's current code is anomalous and does not provide a sufficient setback to meet the intent. Required minimum setbacks for boatlifts and docks vary considerably by jurisdiction. The nominal width of lots within a municipality are generally relevant to this provision. Areas with larger lots tend to have larger setback requirements, while areas with smaller lots have lesser setback requirements to allow for reasonable use.

### 3. Limits to waterway encroachment

Limitations to the distance structures can encroach into a waterway are a standard practice and meet the intent to allow for safe navigation and minimize impacts to adjacent properties and views. Encroachment maximum distances on the order of 25 feet (relative to the waterway edge) are fairly common, though additional restrictions for narrow waterways are also common practice. In general, a fifty-foot effective fairway width is a common design standard for residential canals.

### 4. Limitations to pile maximum height

Limitations to maximum pile height is not a common practice but does meet the intent to minimize impacts to view. This approach also addresses a related issue relative to overall vessel size. Limitations to pile height restrict the ability to lift vessels beyond a certain size which addressed both issues of view and waterway navigability. In terms of maximum height, it should be defined relative to a fixed vertical datum. Pile heights generally on the order of 12 feet (NAVD 88) (which equates to something on the order of 8 feet above dock height) meet the lifting requirements for most vessels.

### 5. Limits to seawall cap and dock width

Limitations to Seawall cap and dock total width meets the intent to limit impacts to adjacent properties, waterway navigability and view. A total width of 8 feet (inclusive of the seawall cap and dock) is consistent with general practice.

6. Special and unique circumstances - Sewall discontinuities and corner lots

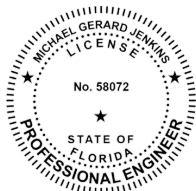
Regulation of boat lifts through minimum setbacks, size and height limitations are generally sufficient to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view for waterways that are generally uniform in dimension adjacent to the regulated property. The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, corner lots or lots that extend into a waterway. Application of uniform code provisions to address these areas are problematic as each circumstance is unique and requires consideration of the specific current and intended use and access to the waterway. These issues are further complicated by the range of boat types, sizes and performance characteristics which may be germane to both the use and potential for impact to adjacent properties. Such instances likely warrant further consideration by the Planning Board.

Sincerely,

***Applied Technology & Management, Inc.***



Michael G. Jenkins, Ph.D., P.E.  
Coastal Engineering Principal



Michael  
G Jenkins

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Michael G Jenkins  
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