



# Town of Highland Beach

## Notice of Public Meeting Protocol

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

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

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

### ZOOM PARTICIPATION:

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

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

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

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

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

### PROVIDING PUBLIC COMMENT:

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

### TO SEND COMMENTS IN ADVANCE VIA EMAIL:

- To submit public comments, click on the link <https://mportal6.teamunicode.com/> to go to the Agendas and Meeting webpage. At the top of the page click on “Public Comments” to submit your comments, or
- Submit your comments to [publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us).
- The Town will receive such public comments no later than two (2) hours prior to the meeting. If timely received, Town staff will read the public comment at the meeting.
- Live Zoom Video Participation - If attending via Zoom online, please follow Zoom instructions above. Once the meeting gets to the applicable public comment period, the host of the meeting will allow public participants (audio only) into the meeting from the waiting room, to provide live public comments.
- Live Zoom Telephone Participation - If attending via Zoom by telephone, please follow the instructions above. Once the meeting gets to the appropriate public comment period, the host of the meeting will allow public participants into the meeting from the waiting room, to provide live public comments.

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

Published: 05.26.2021 / Updated 04.15.2022



# AGENDA

## PLANNING BOARD REGULAR MEETING



**Thursday, March 09, 2023 At 9:30 AM**

**TOWN OF HIGHLAND BEACH, FLORIDA**

3614 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

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

### **TOWN HALL COMMISSION CHAMBERS**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **PUBLIC COMMENT** (*limited to five (5) minutes per speaker*)
7. **APPROVAL OF MINUTES**
  - A. February 09, 2023
8. **UNFINISHED BUSINESS**

None.
9. **NEW BUSINESS**
  - A. Nomination of Chairperson and Vice Chairperson for a one year term.
  - B. Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.
  - C. Development Application No. 22-0010 / Leonard Zelin

Application By Akbar Mondal Nunez, Boat Lifts & Docks of South Florida, for a special exception approval to install a 13,000-pound capacity boat lift for the property located at 4216 Intracoastal Drive.

- D. Discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility and seawall regulations of the Town Code

**10. ANNOUNCEMENTS**

March 13, 2023	6:00 P.M.	FDOT Public Meeting
March 14, 2023	7:00 A.M. – 7:00 P.M	Highland Beach General Election
March 15, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
March 21, 2023	1:30 P.M.	Town Commission Special Meeting
April 4, 2023	1:30 P.M.	Town Commission Meeting
April 11, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
April 13, 2023	9:30 A.M.	Planning Board Regular Meeting

**11. ADJOURNMENT**

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

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

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**File Attachments for Item:**

A. February 09, 2023



# TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

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

Date: February 09, 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

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

### 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:** Adwar/Demoss- Moved to approve the agenda as presented, which passed unanimously 7 to 0.

## 5. SWEARING IN OF THE PUBLIC

Ms. Thompson swore in those giving testimony.

## 6. PUBLIC COMMENT

There were no public comments.

## 7. APPROVAL OF MINUTES

A. January 12, 2023

**MOTION:** Adwar/Mendelson - Moved to approve the January 12, 2023 Minutes, which passed unanimously 7 to 0.

## 8. UNFINISHED BUSINESS

There was no unfinished business.

## 9. NEW BUSINESS

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

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

Chairperson Goldenberg read the title of Item 9.A. and asked the Board members if they had any ex parte communications to disclose.

David Powell stated that he has discussed this case with the applicant and that he is a member of the HOA Board that approved the installation of the boat lift.

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

Town Planner Allen presented a PowerPoint Presentation of the Development Order depicting aerial photographs of the property with the existing dock, survey, and dock details. She advised that the applicant received authorization from the Florida Department of Environmental Protection (FDEP) and the US Army Corps of Engineers (ACOE) for the proposed dock. Staff is recommending approval to install a 10,000-pound capacity boat lift in slip no. 22 for a property located at 4018 South Ocean Boulevard. The applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, the commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

The public hearing was closed followed by a motion.

**MOTION:** Adwar/Powell - Moved to approve (Development Order No. 22-0016). Based upon roll call: Member Adwar (Yes), Member Powell (Yes), Member DeMoss (Yes), Member Brown (Yes), Member Chudnofsky (Yes), Vice Chairperson Mendelson (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 7 to 0 vote.

## B. Discussion on zoning district density review

Chairperson Goldenberg read the title of Item 9.B. into the record.

Town Planner Allen explained that at the October 18, 2022, Town Commission meeting, the Commission considered an introduction to a zoning district density review initiative. She noted that the attached October 18, 2022, Commission memorandum provides an introductory review and analysis of this initiative. The consensus from the Commission was to have the Planning Board consider what approaches to take in processing and analyzing this initiative. She further explained the density calculation.

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

She advised the board to consider their options on how they want to discuss this topic.

She mentioned Section 30-43(d)(4) e. of the Town Code states the following: A change in the zoning classification of land shall not be considered which involves less than forty thousand (40,000) square feet of land area and two hundred (200) feet of street frontage. This limitation shall not apply to a request to extend the boundary of an existing zoning district, or unless otherwise provided for herein.

She mentioned that the Town Commission wanted the Board to consider the following as it pertained to the proposed zoning district density:

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

The Board wanted more public input. They want to advertise and hold a public hearing where members of the community can provide their opinions and they

want to find a balance on how to present this to the public. They proposed structuring the meetings in a way that pulls input from the public and holds another.

Ms. Thompson swore in Mark Rothenberg.

Mr. Rothenberg provided comments about the zoning density restrictions and his intent on rebuilding the current structure and retaining the same number of units that is currently there.

The Board mentioned holding two of the meetings that would discuss the proposed zoning district density, one in March and another in April, and possibly holding a meeting in the evening for public participation. The Board also asked for Town Planner Allen to look into available night-time meeting dates starting from March 13, 2023.

**MOTION:** Mendelson/Demoss- Moved that the planning board shall conduct two Planning Board meetings with a public hearing component to discuss possible revisions to the code, including but not limited to changes in the zoning district density and changing grandfathered nonconforming uses. The planning board meetings will be held at the regularly scheduled April 13, 2023 planning board and a special planning board evening meeting to be determined in March 2023. Staff will prepare a notice inviting the public as soon as the March evening meeting is scheduled. The motion passed unanimously 7 to 0.

## 10. ANNOUNCEMENTS

Chairperson Goldenberg read the announcements into the record as follows:

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

**11. ADJOURNMENT**

The meeting adjourned at 10:40 A.M.

**MOTION:** Adwar/ Demoss - Moved to adjourn the meeting, which passed unanimously 7 to 0.

**APPROVED** on March 09, 2023, Planning Board Regular Meeting.

\_\_\_\_\_  
Eric Goldenberg, Chairperson

**ATTEST:**

Transcribed by: Ganelle Thompson

\_\_\_\_\_  
Lindsay Winters,  
Administrative Support Specialist

\_\_\_\_\_  
Date

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



**File Attachments for Item:**

A. Nomination of Chairperson and Vice Chairperson for a one year term.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board Regular Meeting

**MEETING DATE** 03/09/23

**SUBMITTED BY:** Jaclyn DeHart, Administrative Support Specialist

**SUBJECT:** **Nomination of Chairperson and Vice Chairperson**

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**SUMMARY:**

On November 10, 2021, Mr. Eric Goldenberg and Ms. Ilyne Mendelson were nominated as the Chairperson and Vice Chairperson of the Planning Board; both have served in the positions for the allotted one-year terms. Therefore, this matter is being brought before the Board for discussion and nomination to fill both vacant positions for one-year terms, ending March 09, 2024.

According to Resolution No. 19-029 R, - Advisory Board and Committees Appointment Process Policy, Section 9, it should be common practice that no member shall serve as chair until he or she has served for one full year on the advisory board unless no existing member is willing to serve as chairperson or vice chairperson.

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**FISCAL IMPACT:**

None.

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**ATTACHMENTS:**

Resolution No. 19-029 R

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**RECOMMENDATION:**

Staff recommends nomination of a Chairperson and a Vice Chairperson to serve for one year, ending March 09, 2024.



**TOWN OF HIGHLAND BEACH  
RESOLUTION NO. 19-029 R**

**A RESOLUTION OF THE TOWN COMMISSION OF THE  
TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING AN  
ADVISORY BOARDS AND COMMITTEES APPOINTMENT  
PROCESS POLICY; AND PROVIDING AN EFFECTIVE  
DATE.**

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

**WHEREAS**, the Town has several boards and committees who fulfill a vital role in assisting the Town Commission with executing Town business; and

**WHEREAS**, although the Town's code of ordinances generally discusses the appointment of board and committee members, the Town Commission finds that it is beneficial to set forth the Town's process regarding the appointment of members in more detail; and

**WHEREAS**, the Policy shall supplement the appointment processes in the Town's code of ordinances.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE  
TOWN OF HIGHLAND BEACH, FLORIDA, THAT:**

**SECTION 1.** The above recitations are true and incorporated herein.

**SECTION 2.** The Advisory Boards and Committees Appointment Process Policy is approved, said Policy is attached hereto as **Exhibit A**.

**SECTION 3.** This resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF  
HIGHLAND BEACH, FLORIDA, ON THIS 3<sup>RD</sup> DAY OF OCTOBER, 2019.**

**AYE NAY**

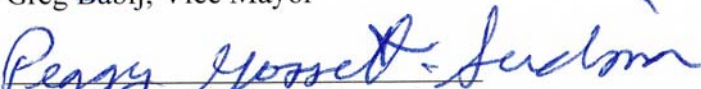
Mayor Zelniker

  
Rhoda Zelniker, Mayor

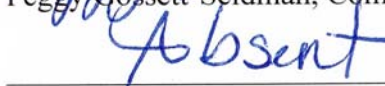
Vice Mayor Babij

  
Greg Babij, Vice Mayor

Commissioner Gossett-Seidman

  
Peggy Gossett-Seidman, Commissioner

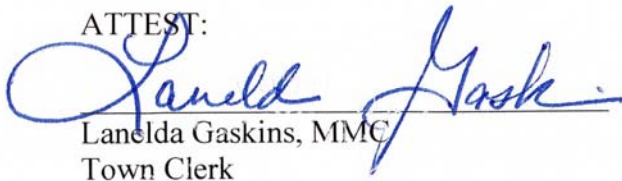
Commissioner Donaldson

  
Barry Donaldson, Commissioner

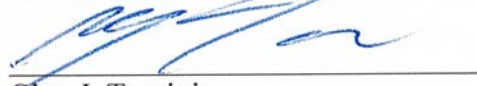
Commissioner David

  
Evalyn David, Commissioner

ATTEST:

  
Lanelda Gaskins, MMC  
Town Clerk

REVIEWED FOR LEGAL SUFFICIENCY

  
Glen J. Torcivia,  
Town Attorney



## TOWN OF HIGHLAND BEACH ADVISORY BOARD & COMMITTEES APPOINTMENT PROCESS POLICY

Approved by Resolution No. 19-029 R on October 3, 2019

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- 1) Purpose: This policy establishes consistent procedures and standards for the appointment of individuals to all town advisory boards and committees, and applies to individuals serving on advisory boards appointed by the Highland Beach Town Commission. This policy does not apply to temporary or ad hoc committees or to appointments made by the commission to external boards, commissions or committees. This policy shall serve as a complement to the City's code of ordinances regulating boards and committees.
- 2) Duties of Advisory Boards and Committees: Unless otherwise provided for in the City's code of ordinances, all advisory boards and committees (sometimes referred to collectively as "advisory board" or "advisory boards") shall act in an advisory capacity to the Town Commission with the exception of the Code Enforcement Board, the Planning Board and the Board of Appeals and Adjustments, which may have the final decision making authority on quasi-judicial matters. When not acting in a quasi-judicial role, all other matters of the Code Enforcement Board, the Planning Board and the Board of Adjustment and Appeals, are to be advisory.
- 3) Qualifications and Restrictions:
  - a) Applicants shall be a resident of the Town of Highland Beach and shall maintain residency while serving on an advisory board or committee. Residency for appointment to an advisory board or committee means the individual must be domiciled within the corporate limits and a registered voter of Highland Beach for at least one year prior to appointment.
  - b) No person shall serve as a regular voting member on more than one advisory board unless specific action is taken by the Town Commission and so long as said appointment does not violate Sec. 2-99 of the code. In no case shall an individual serve on two advisory boards that function as a quasi-judicial board, i.e., (1) Code Enforcement Board, (2) Planning Board or (3) Boards of Adjustment and Appeals.
  - c) Any conflict of interest between an applicant and their proposed role as a member of an advisory board shall be divulged in the application process. A failure to do so may result in removal.
  - d) Persons currently holding any elective municipal, county, state or federal office shall not be eligible to serve in a regular voting position on any advisory board. If a sitting advisory board member is elected to a Commission office, that sitting member shall resign their board position pursuant to Sec. 7-4 of the Town 's code of ordinances.
  - e) Town employees (part-time or full-time) are not eligible to serve on an advisory board, unless serving in an ex officio (non-voting) capacity.



- f) Applicants shall indicate which advisory board they are interested in on their application. If interested in more than one board, applicants shall indicate an order of preference numerically on the Town approved application with 1 being the highest preference and 5 being the lowest preference if all advisory boards are indicated.

4) Selection Process:

- a) Twice annually, during the first week of January and July, a notice inviting applications for the Town of Highland Beach shall be placed in the official newspaper of record, online (website), and emailed to Town email subscribers. Potential members will have approximately three weeks to apply, said applications to be due no later than 4:30 pm on the last Friday in January and July. The Town Commission may call for applications at additional times based on need.
- b) Persons interested in appointment or reappointment to an advisory board shall complete a Town approved application as provided by the Town on its website or at the Town Clerk's Office. Existing members seeking reappointment shall complete a new application to ensure that the Town has the most current information related to the advisory board member.
- c) Persons interested in appointment shall also submit a completed and signed background investigation waiver form. The simple background investigation would verify employment history, affiliations and memberships, financial/credit report and any criminal convictions.
- d) Applications shall be received by the Town Clerk on or before the advertised deadline. Late or incomplete applications will not be considered unless an extension is granted by action of the Town Commission. All applications will be held on file by the Town Clerk for a period of two years.
- e) Town staff will screen all applications for residency and other qualification requirements. The Police Department will conduct the simple background investigation.
- f) In February and August, Town staff will direct advisory board applications to the appropriate Advisory Board Chairs for screening and recommendation pursuant to Sec. 2-99 of the Town's code of ordinances. Advisory Board Chairs may ask applicants to attend an Advisory Board meeting for an interview conducted by the full board. Advisory Board Chairs may choose to not formally interview board members seeking reappointment and instead base their review upon the board member's performance and attendance. An Advisory Board Chair's written screening of a candidate may remain in effect for up one year.
- g) The qualifications for service on an advisory board shall be those that in the judgment of the advisory board chair are representative of the community and are qualified by training, experience, and interest for the fulfilment of the advisory board's responsibility. If the Chair feels that a particular candidate(s) not recommended for selection would be viable alternates to serve in case of vacancy, they may note those applicants to the Town Clerk as part of their report.
- h) All candidates for advisory boards along with the recommendations of the Advisory Board Chair shall be placed in a candidate pool and when a vacancy becomes available all applications shall be forwarded to Town Commission for selection and approval. The recommending Advisory Board Chair may rank candidates if more than one person applies for appointment. Any Town

Commissioner may then nominate an individual, or a slate of candidates for a public interview at the upcoming commission meeting. Votes via a signed ballot process will be taken by Town Commission until all vacancies are filled.

- i) The Town Commission has the ability to nominate and appoint any of the candidates within the applicant pool. The Town Commission will make every effort to ensure an advisory board does not have a majority of members from a single neighborhood, condominium association or group of condominium associations collectively referred to as a single condominium association and that advisory board members' background, proficiencies and experiences align as closely as possible to the mission of the assigned advisory board.
  - j) Appointment of a qualified candidate shall be made by an affirmative vote of not less than three members of the Town Commission.
  - k) On the day following Commission action, the Town Clerk shall notify each applicant of the Commission's appointment decision. Letters will subsequently be mailed to each individual appointed to an advisory board stating the name of the board to which they have been appointed, the name of the staff liaison for their advisory board, and any other pertinent information relevant to the position and information on ethics, conflicts of interest and open meetings requirements. All first-term appointees need to plan on completing the Palm Beach Commission on Ethics Training and Orientation session within 30 days of appointment.
  - l) The Town Clerk shall also prepare and mail letters to those not selected for service to express the Commission's appreciation for their willingness to serve the Town of Highland Beach and that application will remain on file for future appointment opportunities for a period of two years, or the remaining period of time since the date of initiation application.
  - m) Should an applicant no longer wish to be considered for appointment, notice of withdrawal of the application shall be made in writing to the Town Clerk with a copy of said written withdrawal forwarded to the Town Commission.
- 5) Terms of Office:
- a) Residents are appointed at the pleasure of the Town of Highland Beach, and can be removed or replaced at any given time by the same.
  - b) As set forth in Sec. 2-99, in the Town's code, Terms for all boards shall be three (3) years and no board member may serve more than two (2) consecutive terms on the same board without first taking a one-year hiatus from the board. Appointments for partial terms shall not count toward the two-term limit.
  - c) Expectations: Advisory board members are expected to be prepared for meetings to ensure recommendations, approvals and advisory opinions are well formed to assist the Town Commission in making optimal decisions. Additionally, advisory board members shall act with respectful and professional demeanor at all times.

Being prepared includes, but is not limited to:



- i) Reviewing background materials (staff reports);
- ii) Conducting independent research on topics as needed;
- iii) Understanding ordinances;
- iv) Staying informed on Town affairs and Town Commission actions;
- v) Appreciating due process and public comments;
- vi) Engaging all stakeholders with respect;
- vii) Being familiar with basic provisions of Robert Rules of Order; and
- viii) For quasi-judicial boards, strict adherence to criteria established for reviewing petitions and applications.

6) Attendance:

- a) Advisory board members are required to maintain regular attendance pursuant to *Article V – Boards and Committees* of the Town of Highland Beach Code of Ordinances. Members who cannot attend a meeting should inform the Town Clerk 24 hours in advance of the scheduled meeting.
- b) Pursuant to Article V – Board and Committees inadequate attendance is grounds for removal. Inadequate attendance shall mean a member’s absence at three (3) or more consecutive regular meetings of a board.

7) Compensation: Members of advisory board and committees are paid \$25 per meeting with the compensation amount adjusted periodically by action of the Town Commission.

8) Orientation: Newly appointed members will make every effort to become familiar with all aspects of their particular advisory board. The Town will provide basic information to all advisory board members about the Town, the purpose and responsibility of the advisory board, and additional information to assist members in the performance of their duties.

9) Organizational: It should be common practice that no member shall serve as chair until he or she shall have served for one full year on the advisory board unless no existing member is willing to serve as chair. Roberts Rules of Order (Newly Revised) shall govern all meetings as to procedural matters not set forth in the state statutes or town code. A record via summary minutes shall be kept of all meetings. A verbatim transcript is not required.

10) Advisory Boards and Committees Enabling Sections: Authorization of advisory boards and committees are duly constituted pursuant of the Town of Highland Beach Code of Ordinances.

- a) Chapter 2: Administration, Article V
  - i) Division 2 – Code Enforcement Board (Sec. 2-110 – 2-134)
  - ii) Division 3 – Natural Resources Preservation Advisory Board (Sec. 2-135 – 2-154)
  - iii) Division 4 – Financial Advisory Board (Sec. 2-155 – 2-160)
- b) Chapter 20: Planning and Development, Article II – Planning Board (Sec. 20-26 – 20-45) & Chapter 30: Zoning (Sec. 30-22)
- c) Chapter 20: Planning and Development, Article III – Board of Appeals and Adjustments (Sec. 20-46 – 20-100) & Chapter 30: Zoning (Sec. 30-23)



**TOWN OF HIGHLAND BEACH**  
***Town Commissioners Advisory Board Members***  
**Contact Information**

<b>PLANNING BOARD / Quasi-Judicial Board</b> <i>Regular Meetings - 2nd Thursdays - 9:30 AM (Monthly)</i>						
Names				Email Addresses	Date of Appointment	Date Term End
Eric Goldenberg, <b>Chairperson</b>				<a href="mailto:gldnbrg@gmail.com">gldnbrg@gmail.com</a>	<i>(Appointed)</i> 5/17/2022 <i>(Reappointed)</i>	6/4/2025
Harry Adwar				<a href="mailto:Hadwar@msn.com">Hadwar@msn.com</a>	5/4/2021	5/4/2024
Brian DeMoss				<a href="mailto:golfdemoss@aol.com">golfdemoss@aol.com</a>	6/4/2019 <i>(Appointed)</i> 5/17/2022 <i>(Reappointed)</i>	6/4/2025
Ilyne Mendelson <b>Vice Chairperson</b>				<a href="mailto:msirm1@gmail.com">msirm1@gmail.com</a>	9/1/2020	9/30/2023
Roger Brown				<a href="mailto:Rbrown4314@gmail.com">Rbrown4314@gmail.com</a>	11/15/2020	11/15/2025
David Powell				<a href="mailto:davidpowell60@gmail.com">davidpowell60@gmail.com</a>	9/21/2021	9/21/2024
Jason Chudnofsky				<a href="mailto:jason@jasonchudnofsky.com">jason@jasonchudnofsky.com</a>	4/19/2022 <i>(Appointed)</i>	4/19/2025

**File Attachments for Item:**

B. Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board

**MEETING DATE** March 9, 2023

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

**SUBJECT:** Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

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## **SUMMARY:**

On October 18, 2022, the Town Commission considered an introduction to a proposed amendment to the Town Code of Ordinances that would incorporate more comprehensive standards for sea turtle protection lighting (see attached Commission memorandum). A motion was made to send the proposed Ordinance to the NRPAB for review and to ask Gumbo Limbo, Florida Fish and Wildlife Conservation Commission (FWC), and the Town's marine turtle permit holder to give their expert advice (motion carried 5-0). Note that the attached October 18, 2022 Commission memorandum provides an assessment of the current sea turtle lighting regulations found in the Town Code as well as Town Comprehensive Plan policies that are specific to the protection of sea turtles. In addition, the memorandum provides sea turtle data from FWC.

A summary of the comments provided by FWC and Gumbo Limbo are provided below (see Attachment No. 1, 2 and 3 for complete comments including those from the Town's marine turtle permit holder):

## **FWC:**

- Add "footcandle" definition consistent with the State of Florida Model Lighting Ordinance for Sea Turtle Protection (*added to proposed Ordinance via bolded double underline*).
  - Provide a light transmittance of 15% to 30%.
  - For temporary construction lighting, add the following two (2) additional regulations under Section 4-8(k)(4):
    - c. Turned off during nighttime in sea turtle nesting season, or if authorized during sea turtle nesting season, shall only be allowed from 6:00AM to 9:00PM, must be restricted to the minimal amount necessary, and shall incorporate the standards in this section, and
    - d. Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.
-

## Gumbo Limbo:

- Revise definition of “beach” to reflect the “toe of the dune” rather than “permanent” vegetation.
- Provide in Certified Wildlife Lighting definition where choices can be found.
- For temporary lighting, include cell phone screens (*added to proposed Ordinance via bolded double underline*).
- Provide a light transmittance of 15% or 15% for all windows within 100 feet of the toe of the dune and 45% for 100 feet beyond dune.
- For proposed Existing Exterior and Interior Lighting (Sec. 4.8(j)(2)b.) include the removal of televisions away from windows (*added to proposed Ordinance via bolded double underline*).

At the October 18, 2022 Town Commission meeting, the Commission’s discussion on the proposed Ordinance included adding examples of colors that pertain to the definition of “long wavelength.” The proposed Ordinance has been revised, via bolded double underline, to include such examples.

### *Light Transmittance:*

According to the State of Florida Model Lighting Ordinance for Sea Turtle Protection (dated December 17, 2020) and the proposed Town ordinance, all glass windows, walls, railing and doors on the seaward side of any new construction shall use tinted glass with an inside to outside Light Transmittance Value (LTV) of 45 percent or less. As noted above, FWC suggests a LTV of 15 to 30% and Gumbo Limbo suggests a minimum LTV of 15 percent with some exceptions. Attachment No. 4 provides a chart to illustrate the various light transmittance percentages. The following table provides the current LTV adopted by those municipalities in Palm Beach County that have sea turtle lighting regulations (according to FWC):

<b>MUNICIPALITY</b>	<b>LIGHT TRANSMITTANCE</b>
Boca Raton	<i>45% or less</i>
Palm Beach County	<i>45% or less</i>
Delray Beach*	<i>45% or less</i>
Juno Beach*	<i>45% or less</i>
Ocean Ridge*	<i>45% or less</i>

\* Municipalities that have adopted Palm Beach County’s Sea Turtle Protection Ordinance.

Also attached to this memorandum is a 2021 lighting survey that was conducted in Highland Beach for a research project with Palm Beach County (Attachment No. 5). While the survey was considered informal, it did record those properties with non-compliant lighting based on the County Code.

## **Natural Resources Preservation Advisory Board recommendation**

At the February 1, 2023 Natural Resources Preservation Advisory Board meeting, a motion to approve the proposed Ordinance with the following changes carried 4-0:

Remove the word 'televisions' from Section 4-8(j)(2)b. and add the following text to Section 4-8(j)(2)c.

Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights, **light emitting screens including televisions and computers** from the beach.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Town Commission Memorandum – October 18, 2022.

Proposed Ordinance.

Attachment No. 1 - FWC comments on proposed Ordinance.

Attachment No. 2 - Gumbo Limbo comments on proposed Ordinance.

Attachment No. 3 - Highland Beach marine turtle Permit Holder comments.

Attachment No. 4 – Light transmittance percentages chart.

Attachment No. 5 - Lighting Survey for Highland Beach (2021) prepared by Palm Beach County, Department of Environmental Resources Management.

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**RECOMMENDATION:**

At the discretion of the Board.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** October 18, 2022

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

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

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## SUMMARY:

Section 30-85 of the Town Code of Ordinances (“Town Code”) requires that “[a]ll lighting of all structures east of SR A1A shall comply with the "sea turtle protection" lighting standards as adopted by the town.” Such lighting standards are currently found in Section 4-8, and are limited to the following provision:

(c) *Lighting restrictions along beach.* No artificial light shall illuminate any area of the beach which may be used for turtle nesting and hatching during the period from March 1 to October 31 of each year, from dusk to dawn.

Section 4-8 does not address the different types of artificial lighting sources (e.g. residential dwellings, parking areas, walking paths, fountains, pool areas, etc.) that may be visible from the beach including from structures west of State Road A1A nor does it provide specific types of lighting fixtures and sources that protect sea turtle populations.

The Coastal Management/Conservation Element of the Town’s Comprehensive Plan provides the following policies specific to the protection of sea turtles:

**Objective 1.4** The Town will actively support protection and conservation of coastal natural resources including manatees, sea turtles, seagrass beds, and mangrove stands. The Town will have met this objective through the provision of education materials regarding the protection of the coastal natural resources within the community.

**Policy 1.4.1** The Town will coordinate with the appropriate agencies in order to ensure the protection of its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands.

**Policy 1.4.2** The Town shall maintain and enforce provisions to protect its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands, in its Code of Ordinances.

**Policy 3.3.3** The Town will include within its land development regulations provisions to require limitations on outside lighting so as to not attract sea turtle hatchlings away from the water during hatching season.

In addition, the Town’s 2022 Strategic Priorities Plan includes a Sea Turtle Lighting Standards initiative as part of the “Ranked Projects & Initiatives List.” Therefore, in compliance with the Town Code, the Town Comprehensive Plan, and the Town’s 2022 Strategic Priorities Plan, staff is proposing an amendment to the Town Code to incorporate more comprehensive sea turtle protection lighting standards. The proposed Ordinance is based on the State of Florida Model Lighting Ordinance for Sea Turtle Protection (dated December 17, 2020) and includes the following provisions:

- Purpose and intent
- Definitions
- Applicability
- Lighting restrictions along beach
- Standards for exterior and interior lighting affixed to new structures, new construction and improvements to existing structures.
- Outdoor areas
- Parking areas and roadways
- Pool areas
- Beach access points and dune walkovers
- Existing exterior and interior lighting
- Special events, motor vehicles and temporary lighting
- Enforcement, penalty

According to the Florida Fish and Wildlife Conservation Commission (FWC), within the last five (5) years, the Town has had more documented sea turtle nests than the Cities of Boca Raton and Delray Beach (see Attached Table 1). The following table provides the annual sea turtle nests totals for the Town from 2017-2022:

Year	County	Beach	Loggerhead Nest	Green Turtle Nest	Leatherback Nest	% of County nests (all species combined)
2017	Palm Beach	Highland Beach	1,182	644	3	4.61
2018	Palm Beach	Highland Beach	902	46	7	3.61
2019	Palm Beach	Highland Beach	904	447	6	3.25
2020	Palm Beach	Highland Beach	1,002	281	11	3.58
2021	Palm Beach	Highland Beach	814	284	6	3.33
<b>Survey Boundary Description</b>					<b>Length (km)</b>	
649m South of Del Harbor Drive (26.43212, -80.06168) to 8 km North of Palm Beach/Broward County Line (26.39106, -80.06613)					4.8	

Data Source: FWC/FWRI Statewide Nesting Beach Survey Program Database as of March 22, 2022

According to the FWC, both the Leatherback and Green sea turtles are endangered while the Loggerhead is threatened. Threats to each of these three (3) sea turtle species includes coastal development which "...increases artificial lighting which can be detrimental to hatchlings causing them to migrate towards the light instead of the ocean."<sup>1</sup>

As part of the Commission's introductory review of this item, it is worthwhile to note that pursuant to Section 2-140(c) of the Town Code, the Natural Resources Preservation Advisory Board ("Board") has the power and duty to "[r]eview existing and proposed town ordinances which affect the environment, and advise the town commission regarding the need for modifications or changes to such ordinances." Therefore, staff recommends that if the Commission should desire to move forward with the proposed Ordinance, that it be reviewed by the Board.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Proposed Ordinance

Table 1 – Sea Turtle Data provided by FWC

Ordinance Process Flowchart

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**RECOMMENDATION:**

At the discretion of the Town Commission.

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<sup>1</sup> <https://myfwc.com/wildlifehabitats/profiles/>



# TABLE 1

Data Source: FWC/FWRI Statewide Nesting Beach Survey Program Database as of 22 March 2022

Year	County	Beach	Survey Length (km)	Loggerhead Nest	Loggerhead False Crawl	Green Turtle Nest	Green Turtle False Crawl	Leatherback Nest	Leatherback False Crawl	Annual Number of Nests (all species combined)	% of County Nests (all species combined)	Nest Density (#Nests/Km) (all species combined)
2017	Palm Beach	Highland Beach	4.8	1,182	1,470	644	422	3	0	1,829	4.61	381
2018	Palm Beach	Highland Beach	4.8	902	840	46	26	7	0	955	3.61	199
2019	Palm Beach	Highland Beach	4.8	904	797	447	202	6	0	1,357	3.25	283
2020	Palm Beach	Highland Beach	4.8	1,002	844	281	115	11	0	1,294	3.58	270
2021	Palm Beach	Highland Beach	4.8	814	844	284	193	6	2	1,104	3.33	230
2017	Palm Beach	Boca Raton	8.0	767	1,513	299	458	5	1	1,071	2.70	134
2018	Palm Beach	Boca Raton	8.0	686	1,158	19	23	18	0	723	2.73	90
2019	Palm Beach	Boca Raton	8.0	913	1,181	393	535	18	2	1,324	3.17	166
2020	Palm Beach	Boca Raton	8.0	756	1,217	132	193	13	3	901	2.49	113
2021	Palm Beach	Boca Raton	8.0	660	991	192	317	21	0	873	2.63	109
2017	Palm Beach	Delray Beach	4.5	252	900	46	120	6	2	304	0.77	68
2018	Palm Beach	Delray Beach	4.5	271	677	2	11	5	1	278	1.05	62
2019	Palm Beach	Delray Beach	4.5	290	655	58	85	15	1	363	0.87	81
2020	Palm Beach	Delray Beach	4.5	285	536	42	78	21	1	348	0.96	77
2021	Palm Beach	Delray Beach	4.5	356	589	28	43	15	3	399	1.20	89
2017	Palm Beach	Juno Beach	9.7	5,149	8,896	4,343	7,282	64	8	9,556	24.06	985
2018	Palm Beach	Juno Beach	9.7	5,552	7,512	353	404	111	24	6,016	22.74	620
2019	Palm Beach	Juno Beach	9.7	6,452	10,738	4,258	6,541	123	12	10,833	25.92	1117
2020	Palm Beach	Juno Beach	9.7	7,129	10,892	2,249	2,500	216	32	9,594	26.54	989
2021	Palm Beach	Juno Beach	9.7	5,458	9,343	2,373	3,531	157	45	7,988	24.10	824

Cc = Loggerhead; Cm = Green Turtle; Dc = Leatherback

Year	County	County Totals (Cc)	County Totals (Cm)	County Totals (Dc)	Annual Number of Nests in Palm Beach County (all species combined)
2017	Palm Beach	26,245	13,263	207	39,715
2018	Palm Beach	24,876	1,277	305	26,458
2019	Palm Beach	28,790	12,612	397	41,799
2020	Palm Beach	29,465	6,125	565	36,155
2021	Palm Beach	25,880	6,788	484	33,152

## 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 review and proposes any edits 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 and recommendation with the final draft to the commission for consideration for a First reading.

## TOWN COMMISSION -- 1<sup>st</sup> 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 2<sup>nd</sup> Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

## TOWN COMMISSION -- 2<sup>nd</sup> 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  
ORDINANCE NO**

**AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 4-8 “LIGHTING RESTRICTIONS FOR PROTECTION OF SEA TURTLES” AND SECTION 30-85 “COASTAL LIGHTING” OF THE TOWN CODE OF ORDINANCES TO INCORPORATE LIGHTING REGULATIONS FOR NEW AND EXISTING COASTAL STRUCTURES IN ORDER TO MINIMIZE THE AFFECT OF ARTIFICIAL LIGHT ON SEA TURTLE POPULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the Town of Highland Beach recognizes that light pollution of beaches is a serious threat to sea turtles inhabiting its beaches; and

**WHEREAS**, the Town of Highland Beach recognizes that nesting adult and hatchling sea turtles are negatively affected by light pollution created by artificial light visible from any portion of the beach; and

**WHEREAS**, the Town of Highland Beach recognizes that sea turtles are protected by federal and state law; and

**WHEREAS**, the Town of Highland Beach recognizes that the quality of life of its residents are enriched by a healthy sea turtle population; and

**WHEREAS**, the Town of Highland Beach desires to minimize the detrimental effect on nesting sea turtle populations by implementing regulations that reduces the amount of artificial light, intentionally or unintentionally visible from beaches, emanating from new or existing residences;

**WHEREAS**, the Town Commission has determined that the amendment to the Code of Ordinances is in the best interest of the Town of Highland Beach.

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

**Section 1.** The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2.** The Town of Highland Beach Code of Ordinances is hereby amended by amending Chapter 4 “Animals” to read as follows (deleting is ~~stricken through~~ and adding is underlined):

**Sec. 4-8. – Lighting restrictions for protection of sea turtles.**

(a) *Purpose and intent.* The purpose of this section is to protect the threatened and endangered sea turtles which nest along the beaches of the town from light sources that disrupt their nesting and hatching. The intent is for the appropriate design and implementation of coastal lighting to ensure that light pollution does not interfere with sea turtle nesting and hatching events while at the same time protecting public safety.

(b) *Definitions.*

Artificial light means the light emanating from any human-made device.

The "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation.

Certified wildlife lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process.

Cumulatively visible means light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.

Directly visible means when glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source can be seen by an observer standing anywhere on the beach.

**Foot-Candle means the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.**

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or

refraction from any part of the luminaire, is projected at or above 90 degrees as determined by photometric test or certified by the fixture manufacturer.

Fully shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

Indirectly visible means light reflected from glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.

Long wavelength means a lamp or light source (which is amber, orange, or red) emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

New construction means all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems. The most protective lighting standards apply to new construction visible from the beach.

Non-egress Lighting means exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony lights, landscape lights, and uplights.

Outdoor Area means any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting.

Sea Turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*). For the purposes of this ordinance, the term sea turtle is synonymous with marine turtle.

Sea Turtle Nesting Habitat means all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

Temporary lighting means any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights **and screens**), candles, flash photography, etc.

Tinted glass means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

- (c) Applicability. This section shall apply to all properties within the Town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties. The provisions of this section are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The Building Official may approve any such proposed alternate provided it:
- (1) Provides at least approximate equivalence to the applicable specific requirements of this section, and;
  - (2) Is otherwise satisfactory or complies with the intent of this section, and;
  - (3) Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets that intent of the section, and;
  - (4) Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut-off, and fully shielded fixtures.
- (de) Lighting restrictions along beach. No artificial light shall illuminate any area of the beach which may be used for turtle nesting and hatching during the period from March 1 to October 31 of each year, from dusk to dawn.
- (e) Standards for exterior and interior lighting affixed to new structures, new construction and improvements to existing structures.
- (1) All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible.
  - (2) As an exception to (e)(1) above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.

- (3) Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.
- (4) Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
- (5) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.
- (6) Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

(f) Outdoor areas.

- (1) All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible.
- (2) Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward directed and utilize long wavelength lamps and beachside shields.
- (3) As an exception to (f)(1) above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.
- (4) Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.
- (5) Ponds and fountains on the seaward and shore-perpendicular sides of any structures

shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.

(6) Fire pits located on the seaward and shore-perpendicular sides of any structure shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach. Bonfires and bonfire pits are prohibited within seaturtle nesting habitat during sea turtle nesting season.

(7) Televisions or other illuminated screens shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.

(g) *Parking areas and roadways*

(1) All lighting of parking areas and roadways shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.

(2) Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.

(3) Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.

(4) Lighting of parking areas and roadways shall consist of:

a. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or

b. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or

c. Pole-mounted lights which shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light



levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:

1. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach,
2. Mounted at the minimum height required to meet the minimum light level requirement, and
3. Downward-directed onto non-reflective surfaces.

(5) Equipment/storage areas, and temporary security lights shall also adhere to the lighting restrictions contained in this section.

(h) Pool Areas.

(1) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.

(2) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(3) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in subsection (h)(1) and (2) above.

(4) Underwater lighting of pools or spa light shall:

- a. Be mounted horizontally in the wall, and
- b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and
- c. Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(i) Beach Access Points and Dune Walkovers.

(1) Lighting of beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.

(2) Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune.

Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

(j) Existing Exterior and Interior Lighting. All existing exterior and interior lighting shall be subject to the following regulations:

(1) Reduce or eliminate the negative effects of existing exterior artificial lighting through the following measures:

- a. Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;
- b. Replace fixtures having an exposed light source with fully shielded fixtures;
- c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;
- d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
- e. Provide shields for fixtures visible from the beach when it is not practical to immediately replace them. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;
- f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;
- g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
- h. Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;

i. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

(2) Take one or more of the following measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:

- a. Apply window tint or film that meets the light transmittance standards for tinted glass;
- b. Rearrange lamps, **televisions**, and other moveable fixtures away from windows;
- c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

(k) *Special Events, Motor Vehicles, and Temporary Lighting.*

(1) Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.

(2) The operation of all motorized vehicles as provided in section 5-4, shall be prohibited on the beach at nighttime during sea turtle nesting season.

(3) Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.

(4) All other temporary construction lighting shall be:

- a. Inclusive of all the standards of this section, including using fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
- b. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and

(5) Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles.

(l) *Enforcement, penalty.* Anyone violating any provisions of this section shall be punished in accordance with all provisions of this Code including but not limited to reference of the violation to the code enforcement board.

**Section 3.** The Town of Highland Beach Code of Ordinances, is hereby amended by amending Chapter 30 “Zoning,” Article V “Natural Resources,” Section 30-85 “Coastal lighting” to read as follows (deleting is ~~stricken through~~ and adding is underlined):

**Sec. 30-85. – Coastal Lighting**

All lighting of all properties within the Town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, regardless of whether those properties are beachfront properties ~~structures east of SR A1A~~ shall comply with the "sea turtle protection" lighting standards as provided in section 4-8 ~~adopted by the town.~~

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

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

**Section 6. Codification.** Section 2 and Section 3 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

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

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Douglas Hillman	_____	_____
Vice Mayor Natasha Moore	_____	_____
Commissioner David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner John Shoemaker	_____	_____

PASSED on first reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

The foregoing Ordinance was moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Douglas Hillman	_____	_____
Vice Mayor Natasha Moore	_____	_____
Commissioner Peggy Gossett-Seidman	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner John Shoemaker	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

By: \_\_\_\_\_  
Lanelda Gaskins, MMC  
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Glen J. Torcivia, Town Attorney

# ATTACHMENT NO. 1

**From:** [SeaTurtleLighting](#)  
**To:** [Ingrid Allen](#); [SeaTurtleLighting](#)  
**Cc:** [Seckinger, Eric](#); [Trindell, Robbin](#); [Mongiovi, Beth](#); [Valvo, Jennifer](#)  
**Subject:** RE: proposed sea turtle lighting ordinance - Town of Highland Beach  
**Date:** Tuesday, December 13, 2022 9:37:41 AM  
**Attachments:** [image001.png](#)

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Dear Ingrid,

Thank you for the opportunity to provide you with comments on the proposed Sea Turtle Ordinance for the Town of Highland Beach, FL. We have a few suggested additions. They are shown as underlined text below:

Section 4.8(b) *Definitions*.

Foot-candle the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

-

Nesting Season for Palm Beach County is March 1 to October 31.

Section 4.8(e)(5) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less. However, a light transmittance of 15% to 30% is recommended by the Florida Fish and Wildlife Conservation Commission.

Section 4.8(k)(4)

- a. Inclusive of...
- b. Mounted less than...
- c. Turned off during nighttime in sea turtle nesting season, or if authorized during sea turtle nesting season, shall only be allowed from 6:00AM to 9:00PM, must be restricted to the minimal amount necessary, and shall incorporate the standards in this section, and
- d. restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.

We hope you find the comments useful and appreciated that you reached out for comments from the staff at the Florida Fish and Wildlife Conservation Commission.

Sincerely,

Jennifer

**Jennifer J. Valvo, Ph.D.**

Fisheries & Wildlife Biologist III

Imperiled Species Management Section  
Florida Fish and Wildlife Conservation Commission

Email: [Jennifer.Valvo@MyFWC.com](mailto:Jennifer.Valvo@MyFWC.com)

Phone: (850)922-4330

1875 Orange Avenue East

Tallahassee, FL 32311

---

**From:** Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>

**Sent:** Monday, November 21, 2022 10:31 AM

**To:** SeaTurtleLighting <[SeaTurtleLighting@MyFWC.com](mailto:SeaTurtleLighting@MyFWC.com)>

**Cc:** Seckinger, Eric <[Eric.Seckinger@MyFWC.com](mailto:Eric.Seckinger@MyFWC.com)>; Trindell, Robbin <[robbin.trindell@MyFWC.com](mailto:robbin.trindell@MyFWC.com)>;

Mongiovi, Beth <[Mary.Mongiovi@MyFWC.com](mailto:Mary.Mongiovi@MyFWC.com)>

**Subject:** RE: proposed sea turtle lighting ordinance - Town of Highland Beach

**[EXTERNAL SENDER]** Use Caution opening links or attachments

Jennifer:

Thank you for your email. If you would kindly provide comments no later than **December 13<sup>th</sup>**. As I indicated below, the Town's proposed Ordinance is based on the State Model Ordinance dated 12-17-20.



Sincerely,  
**Ingrid Allen**  
Town Planner

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

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**From:** SeaTurtleLighting <[SeaTurtleLighting@MyFWC.com](mailto:SeaTurtleLighting@MyFWC.com)>

**Sent:** Friday, November 18, 2022 4:03 PM

**To:** Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>

**Cc:** SeaTurtleLighting <[SeaTurtleLighting@MyFWC.com](mailto:SeaTurtleLighting@MyFWC.com)>; Seckinger, Eric <[Eric.Seckinger@MyFWC.com](mailto:Eric.Seckinger@MyFWC.com)>; Trindell, Robbin <[robbin.trindell@MyFWC.com](mailto:robbin.trindell@MyFWC.com)>; Mongiovi, Beth <[Mary.Mongiovi@MyFWC.com](mailto:Mary.Mongiovi@MyFWC.com)>

**Subject:** RE: proposed sea turtle lighting ordinance - Town of Highland Beach

Dear Ms. Allen,

Thank you for reaching out to the Florida Fish and Wildlife Commission (FWC) for comments on the proposed Sea Turtle Ordinance for the Town of Highland Beach, FL. FWC staff appreciate the opportunity to review and provide comments on the ordinance. Please let me know if there is an impending or designated deadline that must be met.

Sincerely,

Jennifer

**Jennifer J. Valvo, Ph.D.**

Fisheries & Wildlife Biologist III  
Imperiled Species Management Section  
Florida Fish and Wildlife Conservation Commission

Email: [Jennifer.Valvo@MyFWC.com](mailto:Jennifer.Valvo@MyFWC.com)

Phone: (850)922-4330

1875 Orange Avenue East

Tallahassee, FL 32311

---

**From:** Mongiovi, Beth <[Mary.Mongiovi@MyFWC.com](mailto:Mary.Mongiovi@MyFWC.com)>

**Sent:** Monday, October 24, 2022 10:46 AM

**To:** Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>

**Cc:** SeaTurtleLighting <[SeaTurtleLighting@MyFWC.com](mailto:SeaTurtleLighting@MyFWC.com)>

**Subject:** proposed sea turtle lighting ordinance - Town of Highland Beach

Good morning Ingrid.

This request should go to our lighting staff who I have included in my response.

Thanks.

**Beth Mongiovi (Brost)**

Assistant Research Scientist  
Marine Turtle Research  
Fish and Wildlife Research Institute  
100 8<sup>th</sup> Avenue SE  
St. Petersburg, FL 33701



(727) 502-4738 (Office), (727) 410-2499 (Cell)  
<http://myfwc.com/research/wildlife/sea-turtles/>

**“...in Wildness is the Preservation of the World.” – Henry David Thoreau**

---

**From:** Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>  
**Sent:** Monday, October 24, 2022 10:18 AM  
**To:** Mongiovi, Beth <[Mary.Mongiovi@MyFWC.com](mailto:Mary.Mongiovi@MyFWC.com)>  
**Subject:** proposed sea turtle lighting ordinance - Town of Highland Beach

Hi Beth:

The Town is proposing a sea turtle lighting ordinance that is based on the State Model Ordinance Lighting Ordinance for sea turtle protection (dated 12-17-20). The ordinance was introduced to the Town Commission on 10/6/22 and the Commission asked that it be reviewed by the Town’s Natural Resources Preservation Advisory Board, Gumbo Limbo and FWC. That said, I have attached the proposed ordinance and would appreciate any comments and/or support at your earliest convenience.

Thank you.



Sincerely,  
**Ingrid Allen**  
Town Planner

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

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# ATTACHMENT NO. 2

**From:** [Anderson, David](#)  
**To:** [Ingrid Allen](#)  
**Subject:** RE: TOWN: Sea Turtle Lighting Ordinance Updating  
**Date:** Tuesday, October 25, 2022 10:46:49 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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Hi Ingrid,

Overall a very nice job with the ordinance! I consulted with Dr. Kirt Rusenko and below are some comments. Let me know if you have any questions.

Thank you,

David

## Page 2

Sec. 4-8.

(b) Definitions.

“Beach”

Comment: There is really no “permanent” vegetation on the dune. Suggest changing “the line of permanent vegetation” to “the toe of the dune” which as been defined for ordinances. The “permanent vegetation line” is way farther west than the toe of the dune. This might be something that can be used to restrict lighting further inland from the beach.

“Certified wildlife lighting”

Comment: Maybe this part includes the FWC website or at least provide where these lighting choices can be found?

## Page 3

“Temporary lighting”

Comment: Include cell phone screens?

“Tinted glass”

Comment: Try for higher tinting, e.g., 15% transmittance, which would also save residents on air conditioning bills. Or maybe 15% transmittance for all windows within 100 feet of the toe of the dune and 45% transmittance for 100 feet beyond of the dune. (Inverse Square Law of Light – light decreases with distance).

## Page 4

(d) Lighting restrictions along beach.

Comment: Might this section include skyglow as a source of lighting that illuminates the beach?

(e) Standards for exterior and interior lighting . . .

(1)

Comment: This is great!

## Page 5

(3)

Comment: Longer wavelength lighting requires fewer foot-candles at night to adequately light an area. So, after the Illuminating Engineering Society determines proper definitions for scotopic/photopic ratios the required foot-candles may be reduced in the future for beachfront lighting.

(5)

Comment: Similar to comment above, go for 15% transmittance.

## Page 8

(j) Existing Exterior and Interior Lighting

(1)

Comment: Nice section! More of a carrot than a stick.

## Page 9

(2)

b.

Comment: "Rearrange lamps, TVs, and other . . ."

**David Anderson** | Sea Turtle Conservation Coordinator

City of Boca Raton, Recreation Services - Gumbo Limbo Nature Center

1801 N. Ocean Blvd., Boca Raton, FL 33432

P 561-544-8614 | [manderson@myboca.us](mailto:manderson@myboca.us)

Stay Connected



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**From:** Ingrid Allen <iallen@highlandbeach.us>  
**Sent:** Thursday, October 20, 2022 1:56 PM  
**To:** Anderson, David <MAnderson@ci.boca-raton.fl.us>  
**Subject:** [EXTERNAL] RE: TOWN: Sea Turtle Lighting Ordinance Updating

David:

I appreciate your quick response. Thank you for offering to review the Ordinance. Again, kindly provide any comments and/or support of the Ordinance at your earliest convenience. I will be emailing all interested parties early next week on whether the Ordinance will make the 11-2-22 NRPAB meeting agenda or a future date.



Sincerely,  
**Ingrid Allen**  
Town Planner

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

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---

**From:** Anderson, David <MAnderson@ci.boca-raton.fl.us>  
**Sent:** Thursday, October 20, 2022 1:24 PM  
**To:** Ingrid Allen <iallen@highlandbeach.us>  
**Subject:** RE: TOWN: Sea Turtle Lighting Ordinance Updating

Hi Ingrid,

I will be glad to look over the ordinance and provide comments. Unfortunately, I have a meeting at the day and time of the NRPAB meeting. Meanwhile, I will be happy to provide any more info upon request – photos, examples, data, etc. I will reply to the other e-mail as well.

Thank you for reaching out to me.

David

**David Anderson** | Sea Turtle Conservation Coordinator

City of Boca Raton, Recreation Services - Gumbo Limbo Nature Center

1801 N. Ocean Blvd., Boca Raton, FL 33432

P 561-544-8614 | [manderson@myboca.us](mailto:manderson@myboca.us)

Stay Connected



---

**From:** Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>

**Sent:** Thursday, October 20, 2022 12:15 PM

**To:** Anderson, David <[MAAnderson@ci.boca-raton.fl.us](mailto:MAAnderson@ci.boca-raton.fl.us)>

**Subject:** [EXTERNAL] FW: TOWN: Sea Turtle Lighting Ordinance Updating

Mr. Anderson:

Just wanted to follow up on Joanne's email below. Note that the Town's proposed Sea Turtle Ordinance (see attached) is based on the State of Florida Model Lighting Ordinance for Sea Turtle Protection (dated December 17, 2020). As I indicated below, in my initial email to Joanne, the Ordinance was introduced to the Town Commission on 10-18-22. Upon the Commission's review, their direction was to have the Ordinance reviewed by the Town's Natural Resources Preservation Advisory Board (NRPAB) as well as Gumbo Limbo. That said, in addition to your attendance at the NRPAB meeting (tentatively on 11/2/22 at 1:00pm), would you be able to review the Ordinance and kindly provide any comments and/or general support at your earliest convenience? Kindly advise.

Thank you.



Sincerely,  
**Ingrid Allen**  
Town Planner

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

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# ATTACHMENT NO. 3

**From:** [Barbara Blamid James](#)  
**To:** [Ingrid Allen](#); [ryansarewe@bellsouth.net](mailto:ryansarewe@bellsouth.net)  
**Cc:** [David Anderson](#); [Jeff Remas](#); [Marshall Labadie](#)  
**Subject:** HIGHLAND BEACH Sea Turtle Lighting Ordinance U-TUBE  
**Date:** Thursday, October 20, 2022 12:27:55 PM

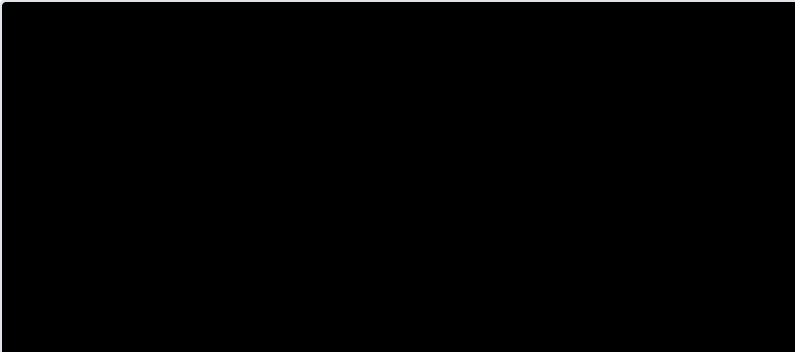
---

Dear Joanne Ryan (FWC Permit #22-100) and others - In my 21+ years as a resident of Highland Beach and most of those years as a Sea Turtle Program volunteer and/or Permit Holder, this is the very first time I have seen such attention to detail from true professionals that we finally have in our Village Government. The Sea Turtle Lighting Ordinance which was formerly two sentences (if that) is finally, in 2022-23, being upgraded beyond expectations. The eleven page potential Ordinance can be found on the Town website. The Town has taken the ball and run very fast and furious with it. I will attempt to watch/listen to the 1 1/2 Commission meeting on my cell phone, as I am not available to attend.

Following is a link to the **U-Tube portion of the Town Commission's October 18th, 2022 meeting. (78) 10/018/2022 Town Commission Meeting - YouTube** (click on the link at bottom **The Turtle Lighting Topic discussion appears starting at 1:36:58 and ending at 2:00:32.**

This replacement Ordinance will be "approved" at a future meeting. OUR CURRENT TOWN GOVERNMENT WANTS THIS ORDINANCE. *Celebration indeed.* Thanks to those involved in making this happen - **Barbara James**

PS - if you attempt to find this meeting another way, please note that U-Tube description has a typo - is shows 10/**0**18/2022 instead of 10/18/2022.



10/018/2022 Town Commission Meeting

On Thursday, October 20, 2022 at 06:01:17 AM EDT, [ryansarewe@bellsouth.net](mailto:ryansarewe@bellsouth.net) <[ryansarewe@bellsouth.net](mailto:ryansarewe@bellsouth.net)> wrote:

Good morning, Ingrid,

Thank you for the invitation to the NRPAB meeting regarding the sea turtle lighting ordinance. I would be happy to attend the meeting on Nov 2nd and I am including in this email the representatives that I think would be interested in attending for Palm Beach County, FWC and Gumbo Limbo.

I will reach out to our "turtle team" and see who can be available to attend as well.

Also, I want to thank Barbara for keeping the ball rolling on this issue. As she mentioned in her emails, the code compliance staff has been excellent in resolving lighting issues over this past summer.

Thank you for all your efforts.

See you in November.

Joanne Ryan  
Highland Beach MT Permit #100  
561-441-4375

On Wednesday, October 19, 2022 at 11:35:42 AM EDT, Ingrid Allen <iallen@highlandbeach.us> wrote:

Joanne:

Good afternoon. The introduction of the sea turtle lighting Ordinance went before the Town Commission yesterday. The Commission made a motion to have the Town's Natural Resources Preservation Advisory Board (NRPAB) review the Ordinance and have yourself, as the current Marine Turtle Permit Holder (and any volunteers) as well as representatives from Gumbo Limbo and FWC attend such NRPAB meeting. That said, the NRPAB meets quarterly, and their next meeting is November 2, 2022 at 1:00pm (Town Hall Chambers). Would you be available to attend on November 2<sup>nd</sup>? Also, can you provide me with any contacts you may have over at Gumbo Limbo and any local contact at FWC (I have been in contact with Beth Mongiovi of FWC but she is based in St. Petersburg.). Kindly advise at your earliest convenience.

Thank you.

Sincerely,

**Ingrid Allen**

**Town Planner**

---

**From:** bocablanid <bocablanid@yahoo.com>

**Sent:** Thursday, October 13, 2022 8:11 PM

**To:** Ingrid Allen <iallen@highlandbeach.us>; bocablanid@yahoo.com

**Cc:** Jeff Remas <bco@highlandbeach.us>; Joanne Ryan <ryansarewe@bellsouth.net>

**Subject:** RE: TOWN: Sea Turtle Lighting Ordinance Updating

Ingrid (and Jeff) .... this is, indeed, great news. I am forwarding to the current Marine Turtle Permit Holder - Joanne Ryan. (I am behind the scenes attempting to back away as she builds the Program under her fresh vision).

As a "civilian", I must admit, reading legalize has always been a challenge for me ! I gave it a shot and with a few eyeball rolls as I was feeling somewhat inadequate, it appears to cover many bases and I am quite impressed.

Thank you again for taking the lead and getting this "on the books --- finally". You continue to show you're valuable assets to our Town.

Best to you both ... Barbara

PS .. Glad to report that Jeff and his Ordinance Official(s) were a great help with those violations we reported this year. They now will have the "paper to stand on" in future nesting seasons. BRAVO

----- Original message -----

From: Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>

Date: 10/13/22 3:25 PM (GMT-05:00)

To: Barbara Blamid James <[bocablanid@yahoo.com](mailto:bocablanid@yahoo.com)>

Cc: Jeff Remas <[bco@highlandbeach.us](mailto:bco@highlandbeach.us)>

Subject: RE: TOWN: Sea Turtle Lighting Ordinance Updating

Barbara:

FYI, at the 10-18-22 Town Commission meeting, the Commission will be considering the Introduction of a proposed sea turtle ordinance (see attached). The ordinance is based on the State of Florida's model lighting ordinance for sea turtle protection. The staff memorandum that will accompany the ordinance will be available on the Town's website the Friday before the meeting at the following link:

<https://highlandbeach-fl.municodemeetings.com/?>

Sincerely,

**Ingrid Allen**

Town Planner

---

**From:** Barbara Blamid James <[bocablanid@yahoo.com](mailto:bocablanid@yahoo.com)>

**Sent:** Wednesday, August 17, 2022 11:49 AM

**To:** Marshall Labadie <[mlabadie@highlandbeach.us](mailto:mlabadie@highlandbeach.us)>

**Cc:** Terisha Cuebas <[tcuebas@highlandbeach.us](mailto:tcuebas@highlandbeach.us)>; Douglas Hillman <[dhillman@highlandbeach.us](mailto:dhillman@highlandbeach.us)>; Natasha Moore <[nmoore@highlandbeach.us](mailto:nmoore@highlandbeach.us)>; Peggy Gossett-Seidman <[pseidman@highlandbeach.us](mailto:pseidman@highlandbeach.us)>; Evalyn David <[edavid@highlandbeach.us](mailto:edavid@highlandbeach.us)>; John Shoemaker <[jshoemaker@highlandbeach.us](mailto:jshoemaker@highlandbeach.us)>; Jeff Remas <[bco@highlandbeach.us](mailto:bco@highlandbeach.us)>; Ingrid Allen <[iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)>; JOANNE RYAN <[ryansarewe@bellsouth.net](mailto:ryansarewe@bellsouth.net)>; Craig Hartmann <[chartmann@highlandbeach.us](mailto:chartmann@highlandbeach.us)>

**Subject:** TOWN: Sea Turtle Lighting Ordinance Updating

TO: Marshall Labadie - Town Manager

TO: Assistant Town Manager - Terisha Cuebas

CC's TO: Our Town Commissioners

CC: Craig Hartmann - Chief HBPD



CC: Joanne Ryan - FWC Marine Turtle Permit Holder 22-100

CC: Jeff Remas - HB Building Official

CC: Ingrid Allen - HB Town Planner

FROM: Barbara James - Former Sea Turtle Permit Holder

RE: UPDATING SEA TURTLE LIGHTING ORDINANCE

Dear Marshall - (and Ladies and Gentlemen) -

As I am not sure exactly whom to address this request, you are all *the lucky recipients* of this e-mail. Okay - Down to business:

The Town has a two sentence Ordinance about Beach-Front Lighting during Sea Turtle Nesting Season. It was written in the early 1980's (or close enough to that time). For years it has been a struggle to actually clarify to those "in violation" that they are indeed "in violation". Many Towns, Counties and Cities here in Florida and all the way up to the Carolinas have "clearer, newer" Ordinances for these exact issues. Scratching my head, a dozen or so years ago, I inquired of the Town to look into this. Got a pat on the head and said "certainly, we will look into it".

During the pandemic, after having reported one of the "Lights on the Beach" violations, I recall that Jeff Remas and Ingrid Allen told me that they had started the process of "LOOKING INTO THE NECESSARY ORDINANCE UPDATING" - - and one of them (?) had mentioned to me that they had reached out and gotten clear, concise, enforceable material from extremely appropriate sources, enabling them to write the Up-Date that I had been looking for so long. We all got lost during the pandemic freeze-in-place era, so I didn't push, ask or even think about it.

BUT - after having attended the Town Commission meeting yesterday, I saw Jeff coming down the hallway. I put out my foot to trip him; it caused him to stop abruptly and in 25 words or less (hard to believe from me), he said YES, they had indeed completed the necessary rewrite and it just had to be brought up on a future agenda. I won't bother you with the numerous emails to Code Enforcement / Building Department his season with violations of lighting ordinances, and the fast and efficient investigation and completion of those events. **We now have a SUPERIOR TEAM in our CODE/BUILDING Department.** Better than we have had since I have owned here since 1998. Let's take full advantage of their commitment, their fire, their efficiency and their drive. **They have the "product". Ready. Now.**

As mentioned, I had 25 words with Jeff. I do not know whom to ask to put this Completed Project on an Agenda for approval, or discussion, or whatever is deemed necessary. The work is done (thanks in part to Covid quiet time). Those of us working in our "Sea Turtle Nesting Sanctuary" (aka Highland Beaches three-mile maternity ward) could use the support when violations are affecting the nesting.

I admit having made this letter less than Business/Professional - but that was to hope you would read

through it.

**Closing on a serious note, please consider adding the Sea Turtle Lighting Ordinance Update to a not-to-distant future Commission Meeting for discussion, recommendation and approval.**

Grateful for your continued support,

Barbara James

FWC Q.I. / former Permit Holder

## Window Tint Visible Light Transmittance



Source: Lighting Guide, Marine Turtle Protection Ordinance, Sarasota County, FL

# ATTACHMENT NO. 5

**From:** [Teal Kawana](#)  
**To:** [Adam Osowsky](#); [Ingrid Allen](#)  
**Subject:** Highland Beach Lighting Survey  
**Date:** Tuesday, October 25, 2022 12:05:35 PM  
**Attachments:** [image001.png](#)  
[Highland Photosheet 090221.docx.pdf](#)

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Good Afternoon,

As requested, the Highland Beach photosheet from our 2021 lighting survey is attached. This was an informal survey that was conducted for a research project with the County and we recorded properties with non-compliant lighting based off of the conditions in our County ordinance. Please let me know if you have any questions. Thank you.



***Teal Kawana***

***Environmental Analyst***

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September 02, 2021  
2359 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	2+ rooms	East



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	Southeast
2	Indirect illumination	Unknown	Southeast



September 02, 2021  
 2365 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	Southeast, Northeast
2	Indirect illumination	Unknown	East

September 02, 2021  
2367 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Path lights	~3	East beach access



September 02, 2021  
2375 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	East
2	Pole mounts	Unknown	Northeast, beach access

September 02, 2021  
2395 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mounts	3-4	North along wall
2	Bollards	~5	Southeast
3	Green indirect illumination from pool	Unknown	East
4	Interior	3+ rooms	East



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Purple indirect illumination from pool lighting	Unknown	East
2	Interior	1-2 Rooms	East
3	Path lights	12	East, to beach

September 02, 2021  
2445 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mount	1	East

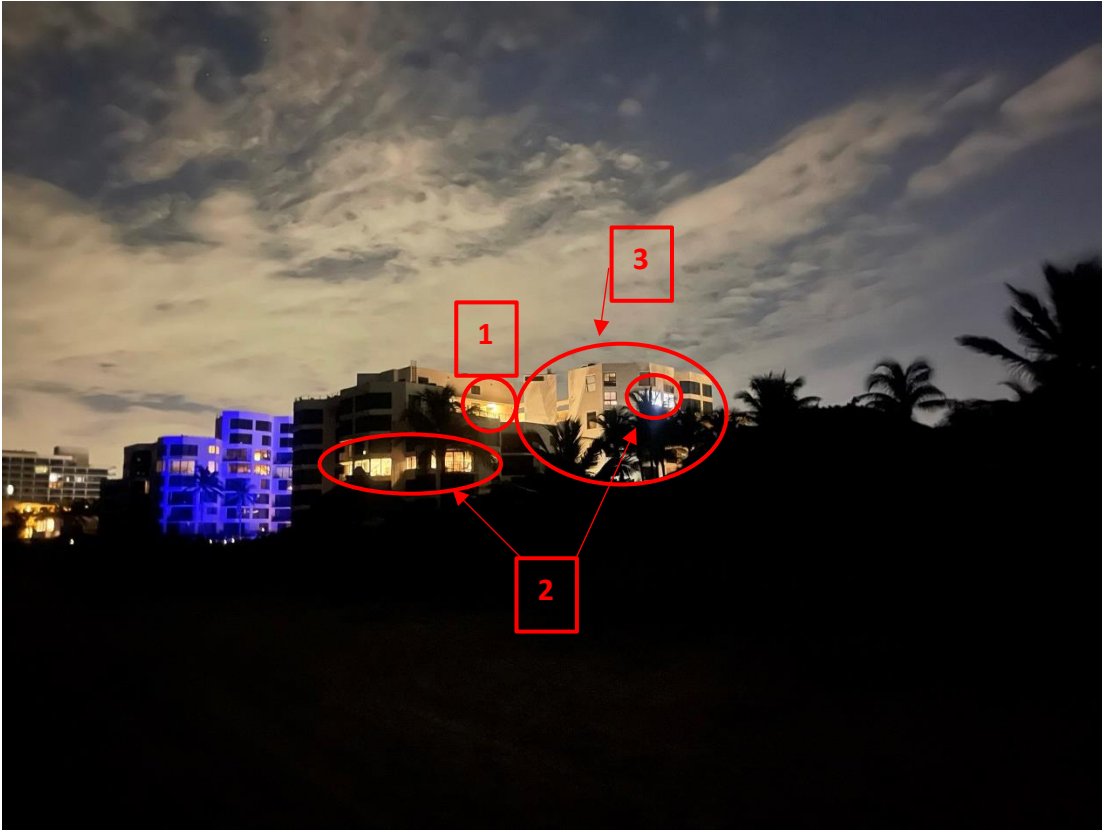
September 02, 2021  
2455 S Ocean Blvd



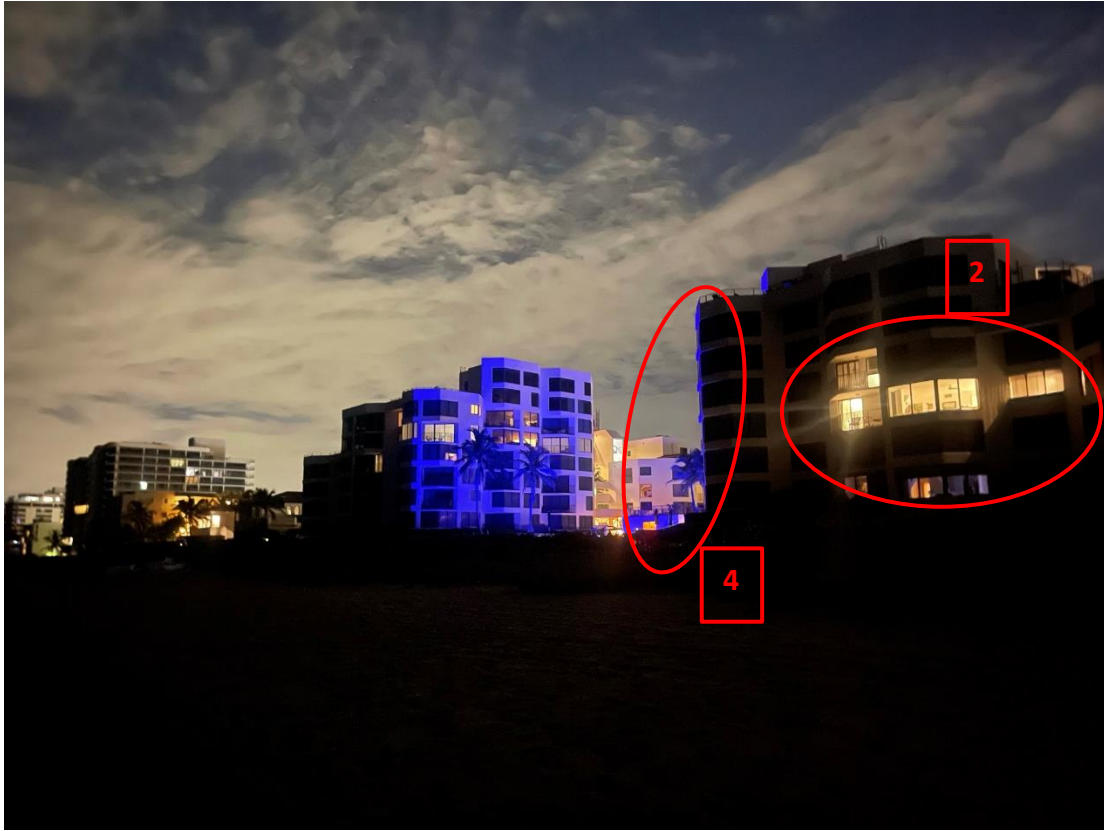
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up light	1	East



Townhouse of Highland Beach  
September 02, 2021  
2565 S Ocean Blvd



Townhouse of Highland Beach  
September 02, 2021  
2565 S Ocean Blvd

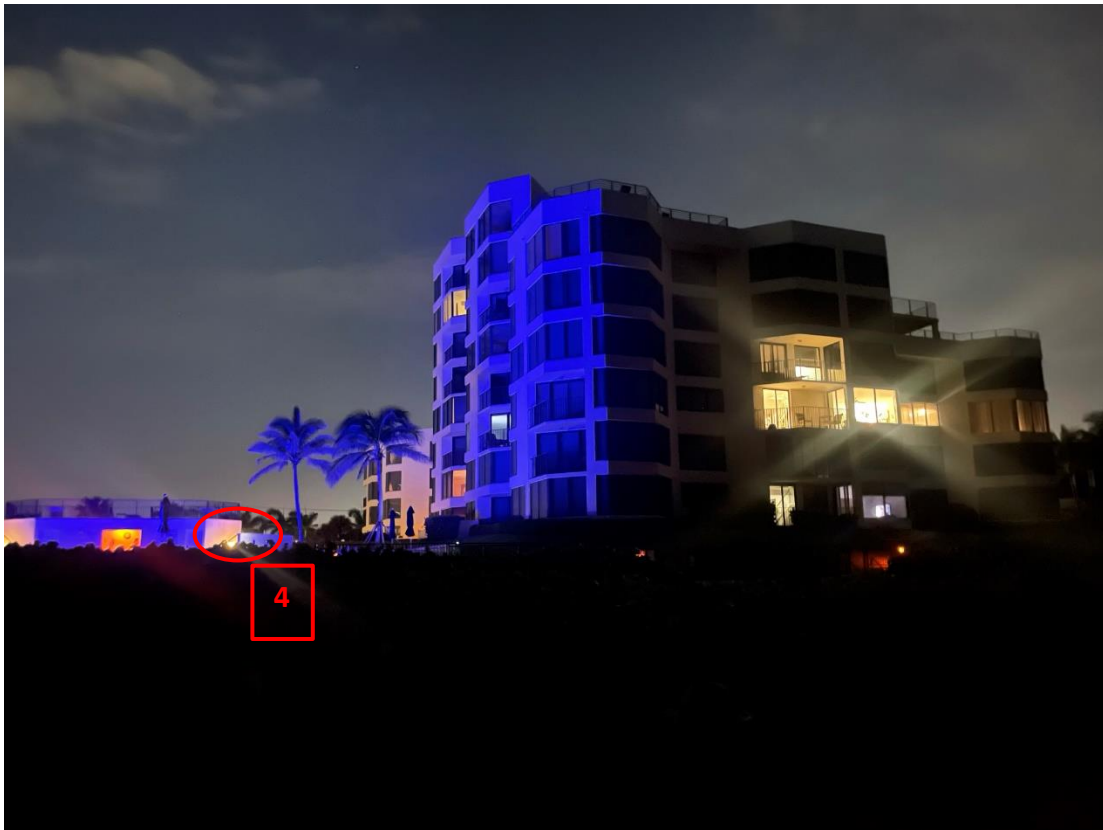


**Townhouse of Highland Beach**  
**September 02, 2021**  
**2565 S Ocean Blvd**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Ceiling mounted	1	North
2	Interior	8-10 units	Northeast, Northwest, East
3	Indirect illumination, white	Unknown	Northeast
4	Indirect illumination, blue/purple	Unknown	East, Southeast



Townhouse of Highland Beach  
September 02, 2021  
2575 S Ocean Blvd



**Townhouse of Highland Beach**  
**September 02, 2021**  
**2575 S Ocean Blvd**



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	~5	North, East
2	Purple indirect	Unknown	East, Northeast
3	Street light/parking lot light	1	West
4	White wall mounted	~5-10	East
5	White indirect on building	Unknown	South
6	Interior	~ 5 units	East, Southeast

September 02, 2021  
2635 S Ocean Blvd



September 02, 2021  
 2635 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination caused by unknown fixture on gate	1	East/ Southeast
2	Ceiling mounted	1	East, in cupola



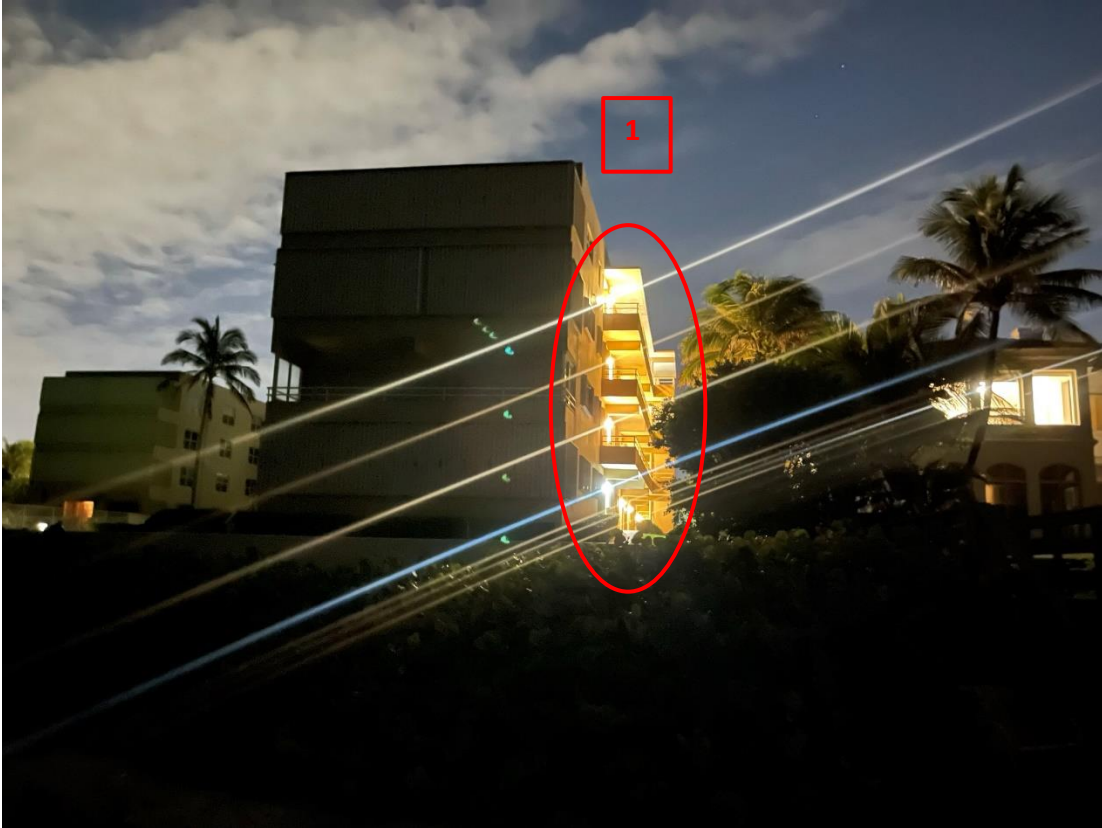
September 02, 2021  
2633 S Ocean Blvd



**September 02, 2021**  
**2633 S Ocean Blvd**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Indirect illumination caused by unknown fixture	Unknown	East, Northeast
2	Interior	1 room	East

September 02, 2021  
2701 S Ocean Blvd



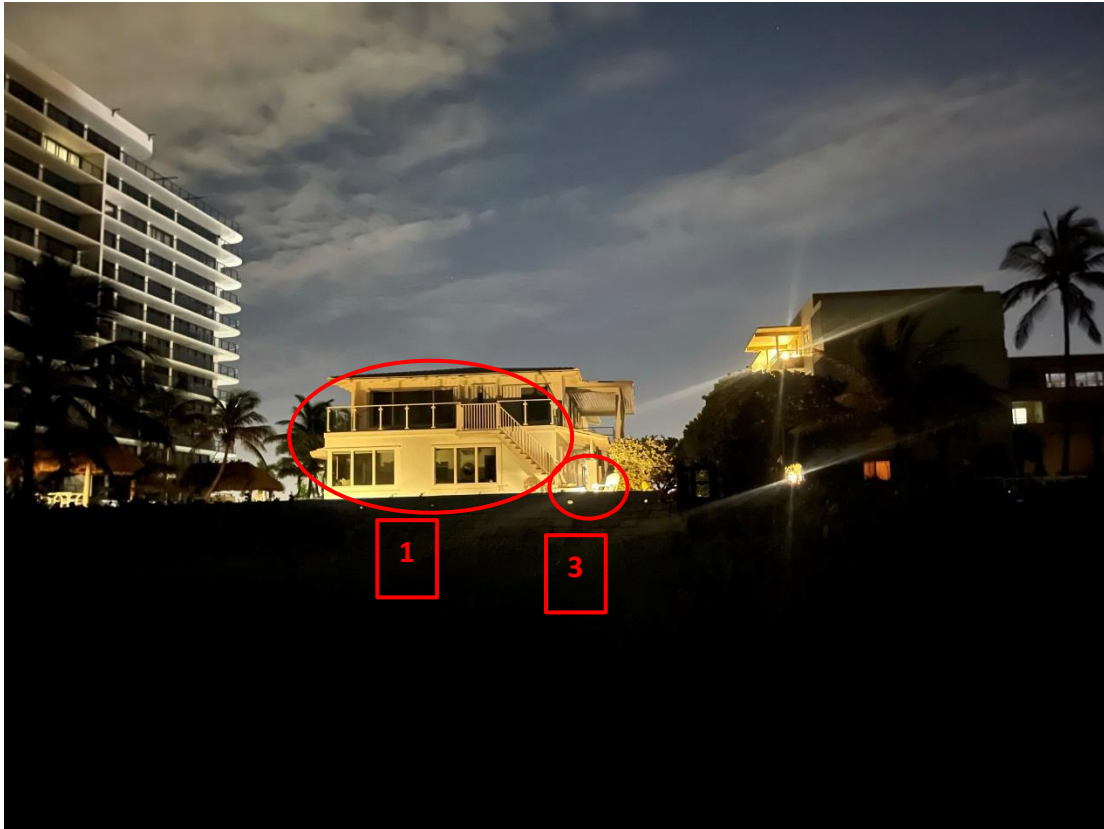
September 02, 2021  
 2701 S Ocean Blvd



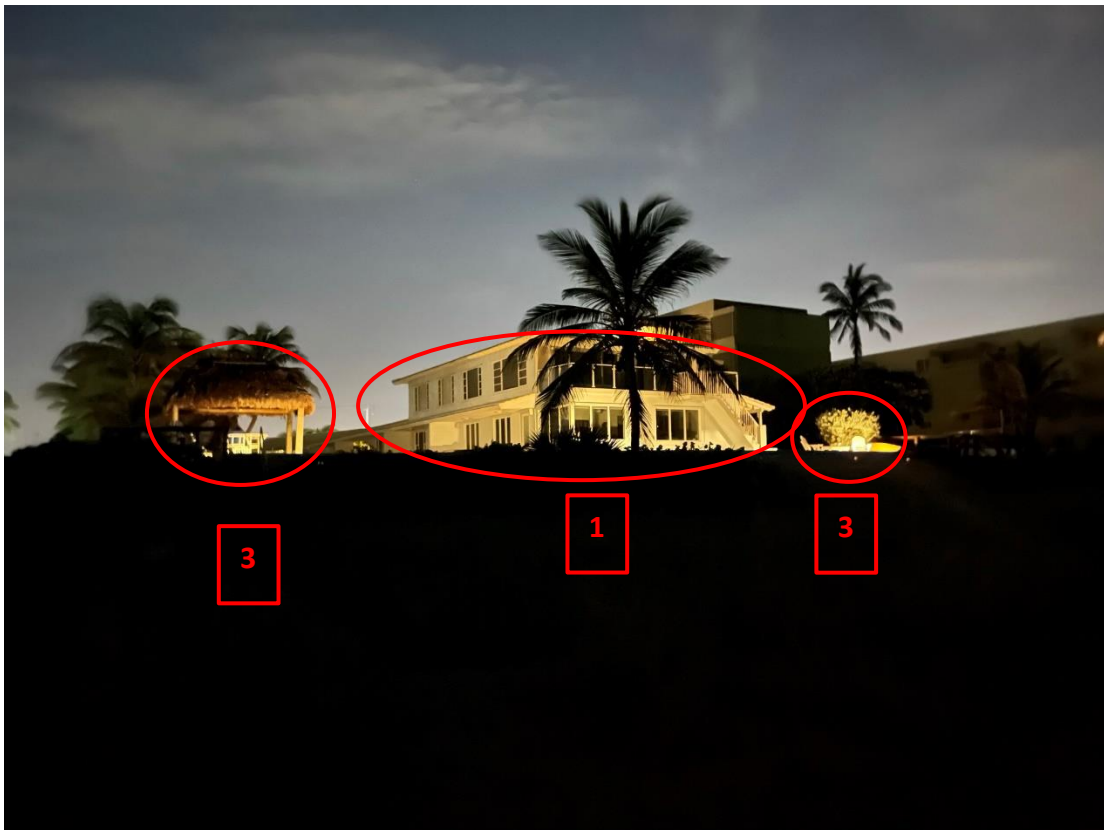
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mount	~50	North and South, 25 on each side
2	Pole/ Mushroom lights	~10-15	East, Central area
3	Interior	~2 units	East



September 02, 2021  
2711 S Ocean Blvd  
Jamaica Manor



September 02, 2021  
2711 S Ocean Blvd  
Jamaica Manor



**September 02, 2021  
2711 S Ocean Blvd  
Jamaica Manor**

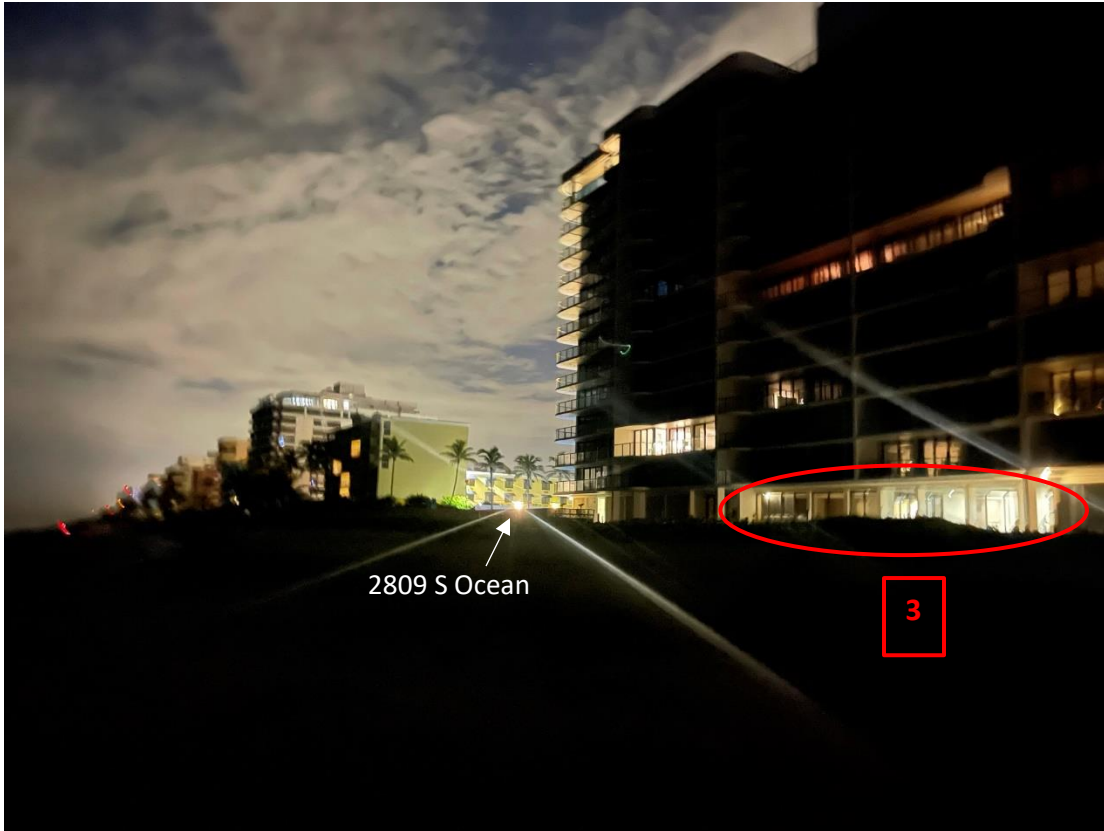
<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Indirect illumination	Unknown	East
2	Wall mount	1	Northeast
3	Up lighting	~5	Northeast, around sitting area Northeast, under bush, Southeast, in tiki hut

September 02, 2021  
2727 S Ocean Blvd  
Villa Magna Condos





September 02, 2021  
2727 S Ocean Blvd  
Villa Magna Condos

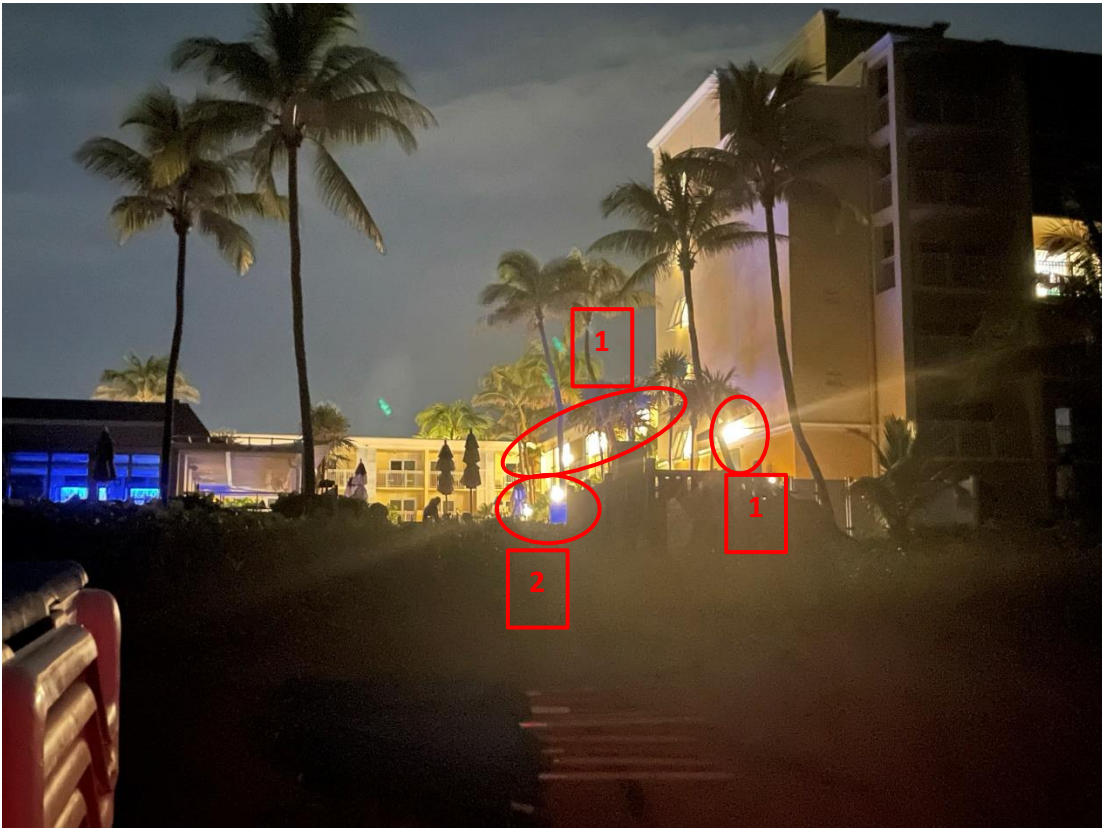


September 02, 2021  
 2727 S Ocean Blvd  
 Villa Magna Condos



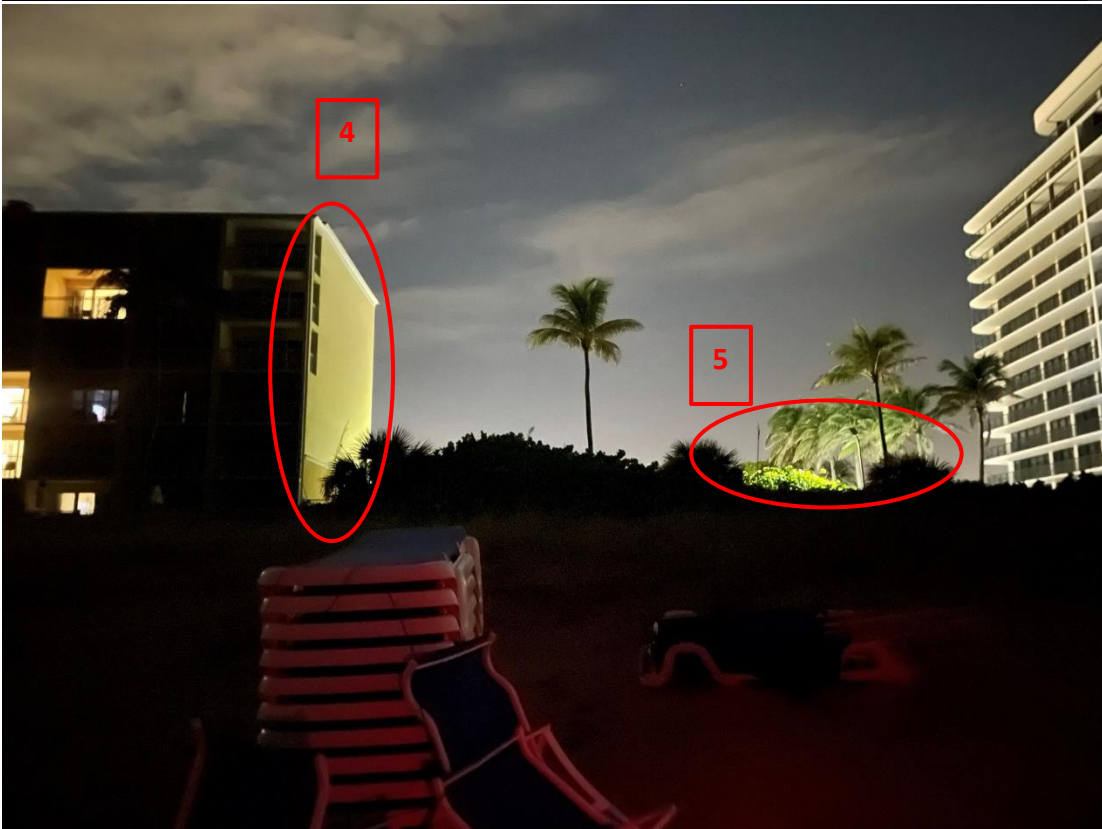
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	~5	East, Southeast, Northeast
2	Pool lighting causing indirect illumination	Unknown	South
3	Interior	Unknown	East

September 02, 2021  
2809 S Ocean Blvd





September 02, 2021  
2809 S Ocean Blvd





**September 02, 2021**  
**2809 S Ocean Blvd**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Wall mounts	~10-12	East (throughout center)
2	Pole lights	~2-5	East (central)
3	Interior/ interior stairwell	~10 rooms/units	East, Northeast, Southeast
4	Indirect illumination	Unknown	North face (parking lot)
5	Large parking lot light	1	North

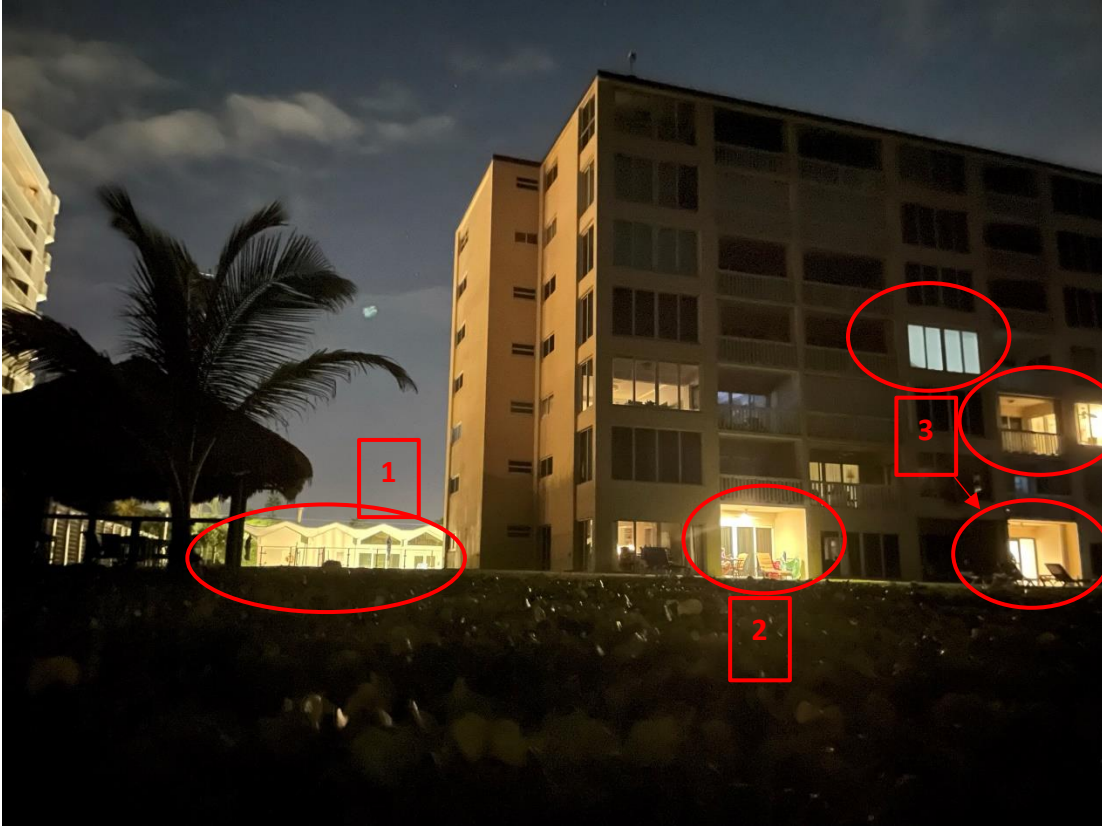
September 02, 2021  
2901 S Ocean Blvd  
Highlands Place Condo



**September 02, 2021**  
**2901 S Ocean Blvd**  
**Highlands Place Condo**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Bollards	Unknown	Southeast/ Southwest (around pool)
2	Ceiling mounts	Unknown	Southwest
4	Indirect illumination from pool lighting	Unknown	South face

September 02, 2021  
2909 S Ocean Blvd  
Wiltshire House Condo



**September 02, 2021**  
**2909 S Ocean Blvd**  
**Wiltshire House Condo**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Indirect illumination	Unknown	Western pool cabanas
2	Ceiling mount	1	East, on balcony
3	Interior	10+ units	East



September 02, 2021  
2917-2916 S Ocean Blvd  
Trafalgar of Highland Beach



**September 02, 2021**  
**2917-2916 S Ocean Blvd**  
**Trafalgar of Highland Beach**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Pool lighting	Unknown	Northeast
2	Wall mounted	Unknown	North on Pool House Walls
3	Indirect illumination	Unknown	Southwest, Northeast (pool)
4	Interior	~3 Units	East

September 02, 2021  
2921-2920 S Ocean  
Highland Towers





September 02, 2021  
 2921-2920 S Ocean  
 Highland Towers



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	East
2	Ceiling mounted	~2-5	Northeast
3	Interior	2 units + 5 stairwell windows	East

September 02, 2021  
3009 S Ocean Blvd  
Ocean Pines Condo



September 02, 2021  
3009 S Ocean Blvd  
Ocean Pines Condo





**September 02, 2021  
3009 S Ocean Blvd  
Ocean Pines Condo**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Pool lighting causing indirect illumination	Unknown	Southeast
2	Amber indirect from turtle fixtures	Unknown	East, Southeast
3	Globe lights	~5-8	North, South
4	Ceiling mounts in parking garage	Unknown	North

September 02, 2021  
3015 S Ocean Blvd  
Ocean Dunes Condo



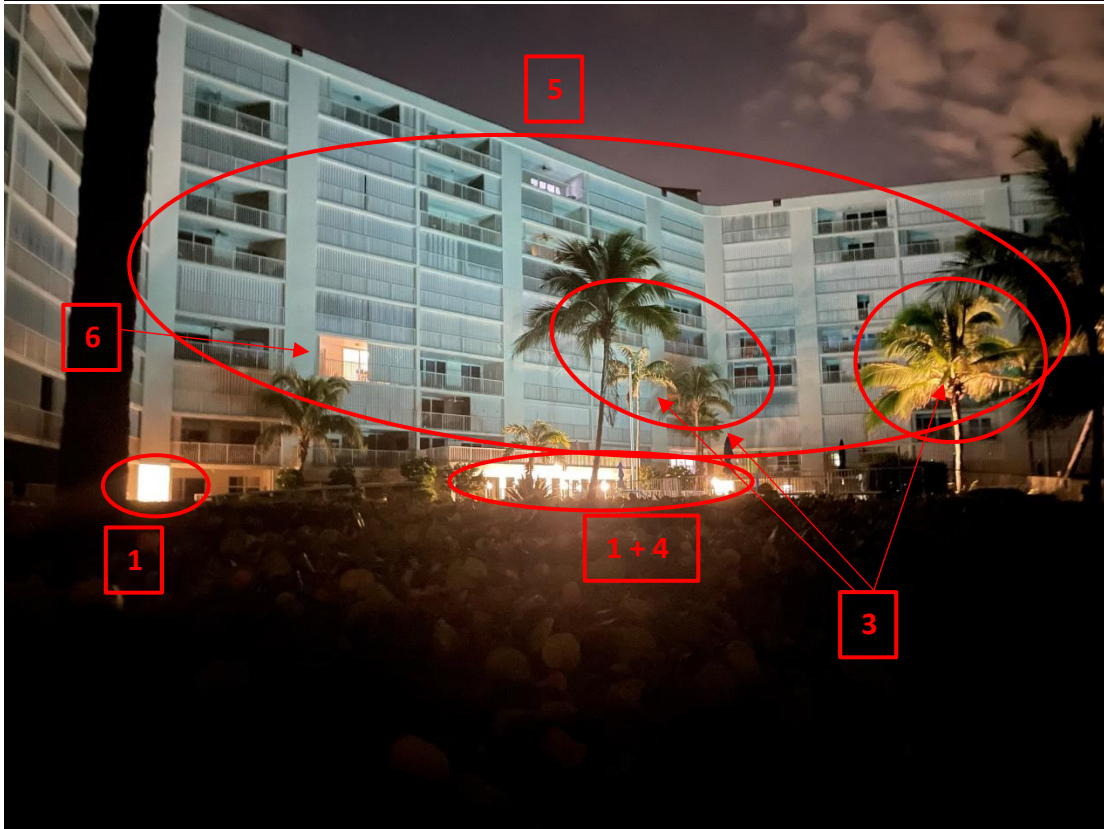
September 02, 2021  
 3015 S Ocean Blvd  
 Ocean Dunes Condo



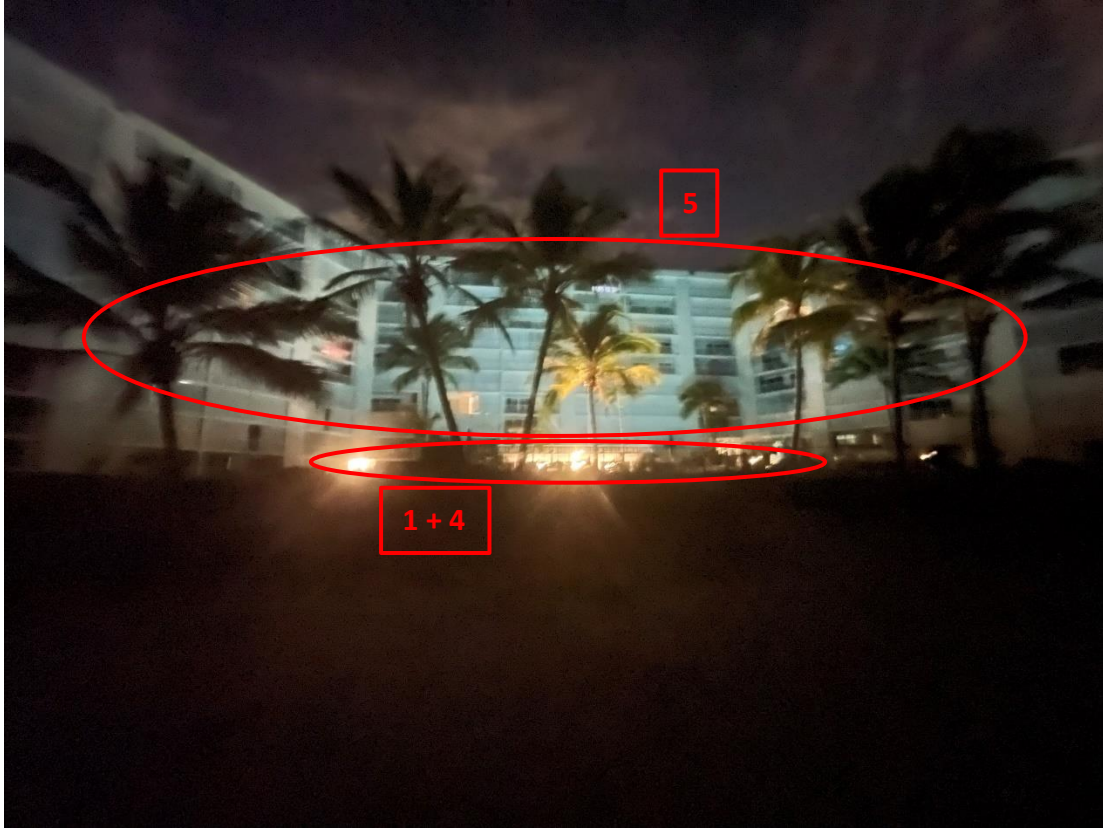
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pole mounted	2	South
2	Indirect illumination	Unknown	South, Southeast, North
3	Ceiling mounted	Unknown	North, East



September 02, 2021  
3101 S Ocean Blvd  
Penthouse Towers



September 02, 2021  
 3101 S Ocean Blvd  
 Penthouse Towers



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	White ceiling mounted	3+	South, East
2	Amber ceiling mounted	~24	South
3	Up lights on vegetation	~ 4	East
4	Pole mounted	4-5	East
5	Pool lighting causing blue indirect illumination	Unknown	East
6	Interior	1-3 rooms	East



September 02, 2021  
3115 S Ocean Blvd  
Ocean Terrace North



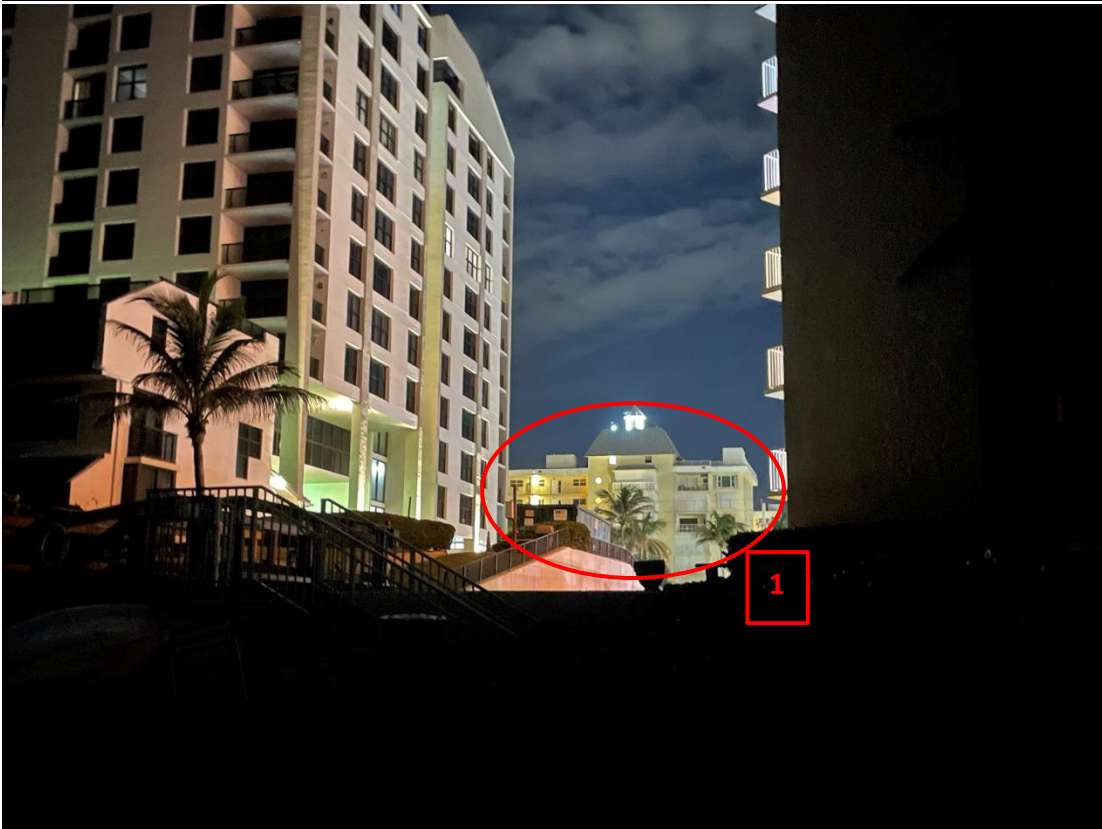
September 02, 2021  
 3115 S Ocean Blvd  
 Ocean Terrace North



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pole mounted globe light	1	South
2	Ceiling mounted	Unknown	North, South
3	Indirect Illumination	Unknown	North, East, South



September 02, 2021  
3114 S Ocean Blvd  
Montaray House



**September 02, 2021**  
**3114 S Ocean Blvd**  
**Monterey House**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Ceiling mounted	20+	East



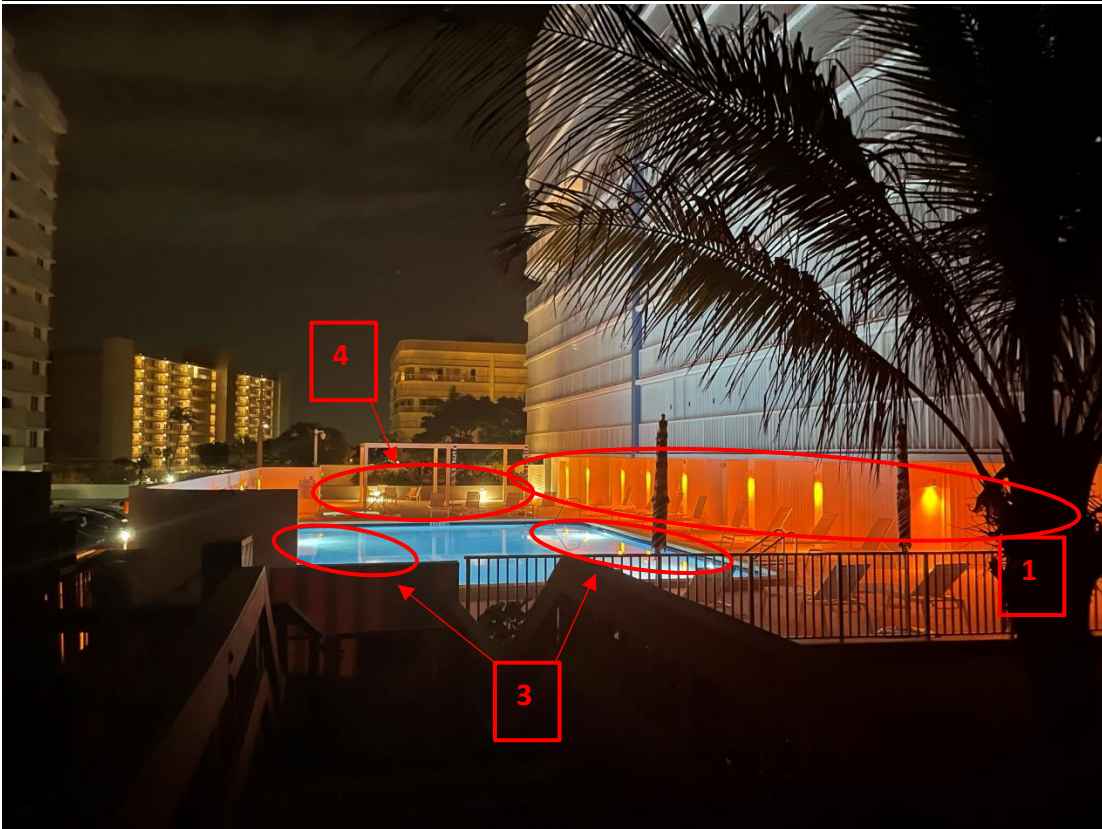
September 02, 2021  
3201 S Ocean Blvd  
Beach Walk East



**September 02, 2021**  
**3201 S Ocean Blvd**  
**Beach Walk East**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Ceiling mounted	2	South, North
2	Indirect illumination from pool lighting/parking lot	Unknown	South (pool), North (parking)
3	Interior	~5 rooms	East

September 02, 2021  
3211 S Ocean Blvd  
Villa Mare





September 02, 2021  
 3211 S Ocean Blvd  
 Villa Mare



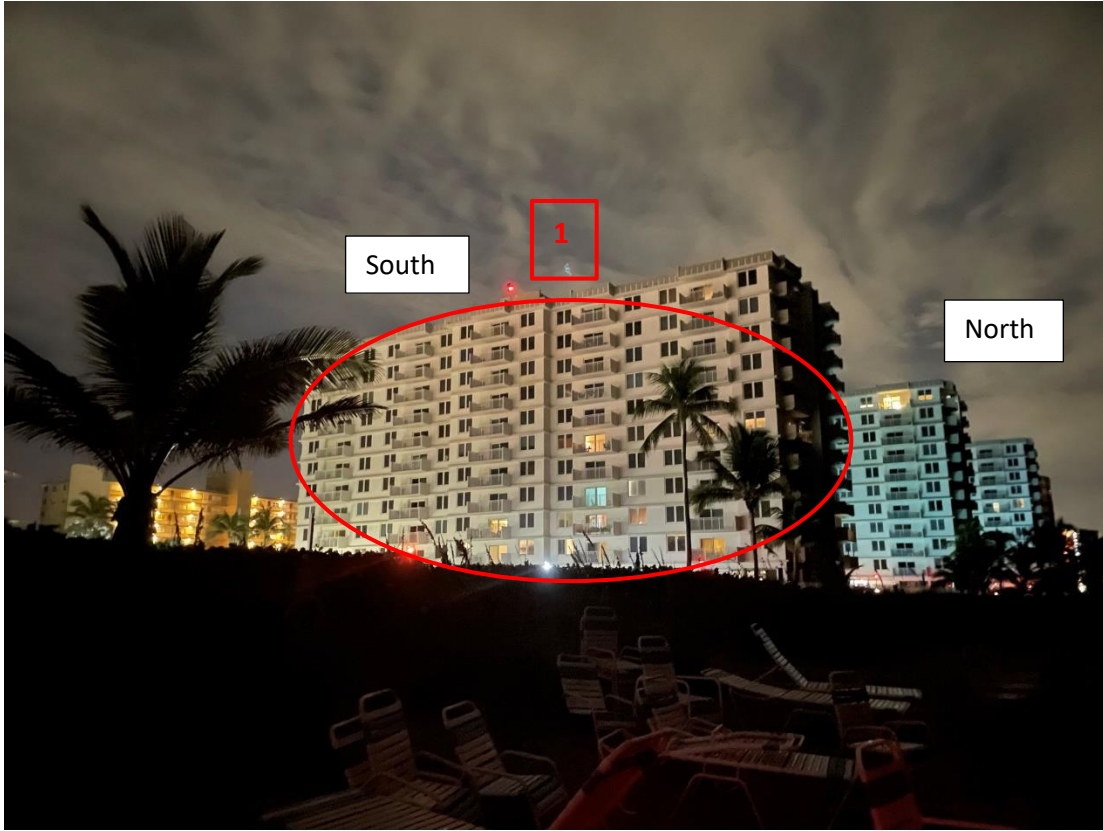
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Amber wall mounts around pool	~10	Southeast, Southwest pool area
2	Indirect illumination	Unknown	North face (parking lot), South (pool)
3	Underwater pool lights	6	South
4	White step lights	~10	Southeast, Southwest pool area

September 02, 2021  
 3224 S Ocean Blvd  
 Seagate of Highland Condos



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	50+	West (East, South)

September 02, 2021  
3215-3301 S Ocean Blvd  
Ambassadors V North & South





September 02, 2021  
3215-3301 S Ocean Blvd  
Ambassadors V North & South



September 02, 2021  
3215-3301 S Ocean Blvd  
Ambassadors V North & South





September 02, 2021  
3215-3301 S Ocean Blvd  
Ambassadors V North & South



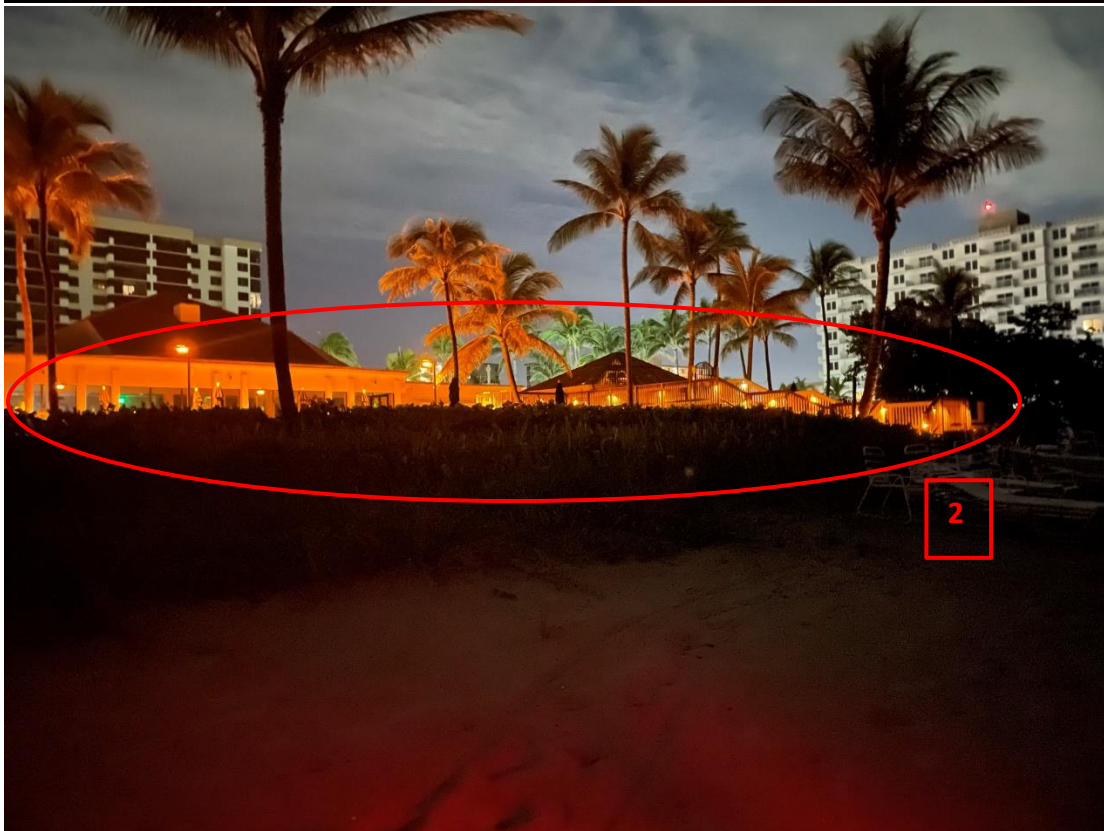
**September 02, 2021**  
**3215-3301 S Ocean Blvd**  
**Ambassadors V North & South**



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	White indirect illumination	Unknown	South, East between buildings
2	Pole mounted	Unknown	East, between buildings, in pool/seating areas
3	Ceiling mounted	Unknown	In carports
4	Blue indirect illumination from pool lighting	Unknown	East, between buildings



September 02, 2021  
3321-3420 S Ocean Blvd  
Coronado At Highland Beach





**September 02, 2021  
3321-3420 S Ocean Blvd  
Coronado At Highland Beach**



<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Spotlight	1	South
2	Amber lighting, too many unnecessary fixtures	20+	East
3	Indirect illumination	Unknown	West

September 02, 2021  
 3401 S Ocean Blvd  
 Ridge Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	East

September 02, 2021  
3407 S Ocean Blvd  
Clarendon Condo



**September 02, 2021  
3407 S Ocean Blvd  
Clarendon Condo**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Spot light	2	Southeast
2	Indirect illumination	Unknown	South
3	Interior	~5 units	East



September 02, 2021  
3425 S Ocean Blvd  
Le Sanctuaire Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mount	~3	Southwest



September 02, 2021  
 3450 S Ocean Blvd  
 Casuarina Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	West (East)

September 02, 2021  
3505 S Ocean Blvd  
Villa Nova Condo



September 02, 2021  
 3505 S Ocean Blvd  
 Villa Nova Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	South (pool), North (courtyard fountain)
2	Step / path lights	~10	Southeast, beach access
3	Interior	~7 rooms	East, North



September 02, 2021  
 3511 S Ocean Blvd  
 Villas at Highland Beach



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	East
2	Interior	Unknown	East

September 02, 2021  
 3515 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pergola	Unknown	East
2	Step lights	~6	East, Beach access



September 02, 2021  
 3567 S Ocean Blvd



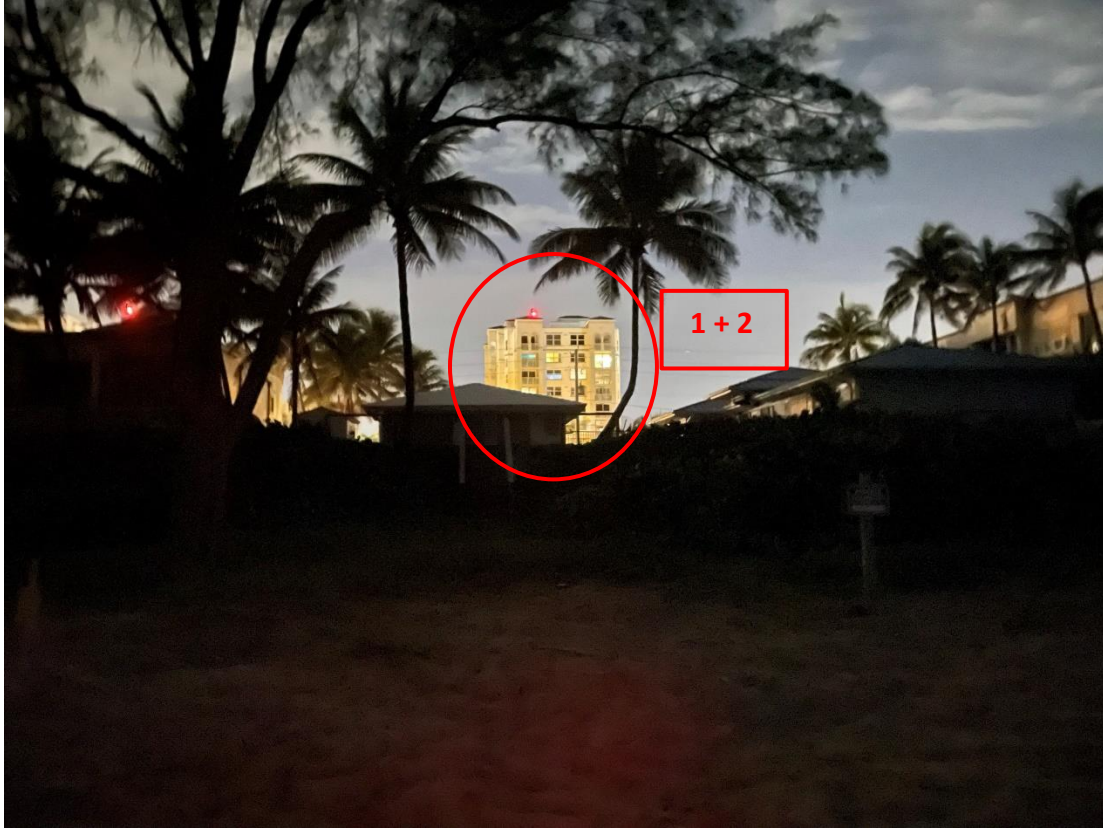
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Ceiling mounted	2	East, northeast porch
3	Interior	Unknown	East

September 02, 2021  
3569 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	East, 2 <sup>nd</sup> story balcony

September 02, 2021  
 3594 S Ocean Blvd  
 Highland Beach Club Condominium



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	West (East face)
2	Interior	Unknown	West (East face)



September 02, 2021  
3615 S Ocean Blvd



September 02, 2021  
3615 S Ocean Blvd





**September 02, 2021**  
**3615 S Ocean Blvd**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Ceiling mounted	~8	East, northeast porch
2	Up lighting on vegetation	Unknown	East
3	Street light	1	West
4	Indirect Illumination	Unknown	East

September 02, 2021  
3621 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021  
 3701 S Ocean  
 Toscana



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	West, across the street
2	Interior	Unknown	West, across the street

September 02, 2021  
3711 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021  
3715 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	~5	East
2	Interior	Unknown	East



September 02, 2021  
3719 S Ocean



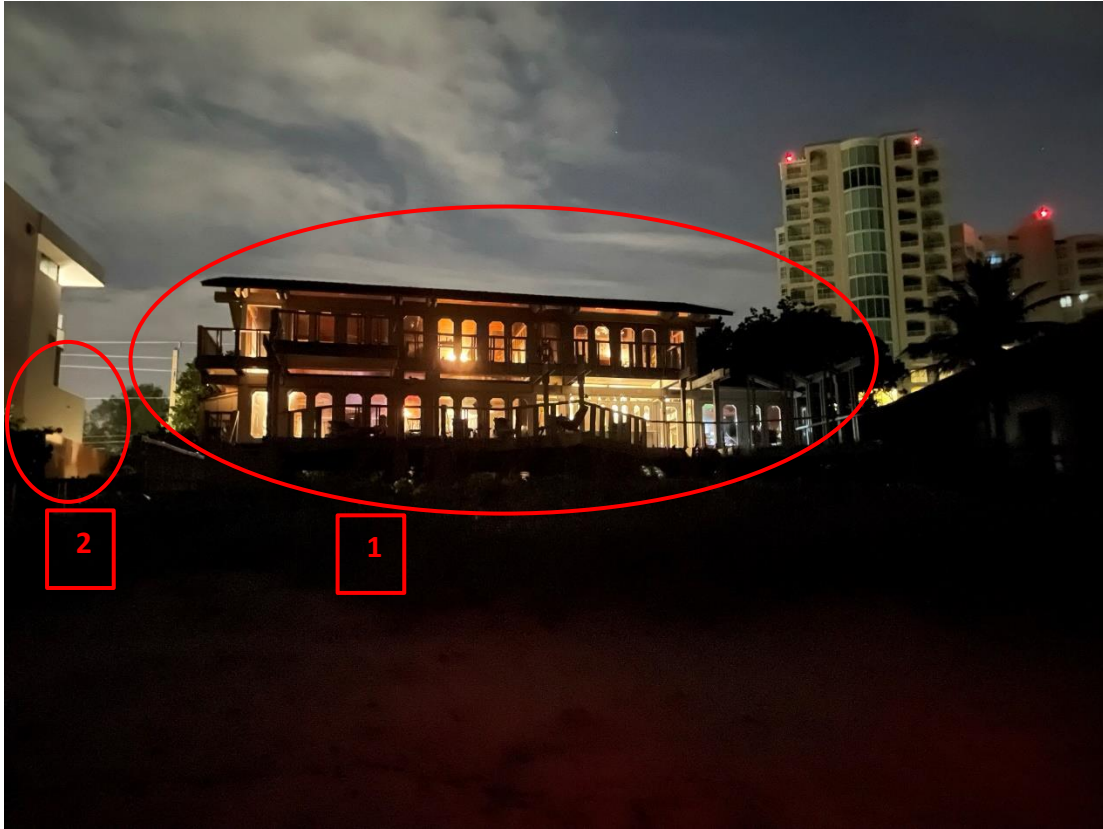
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021  
3805 S Ocean



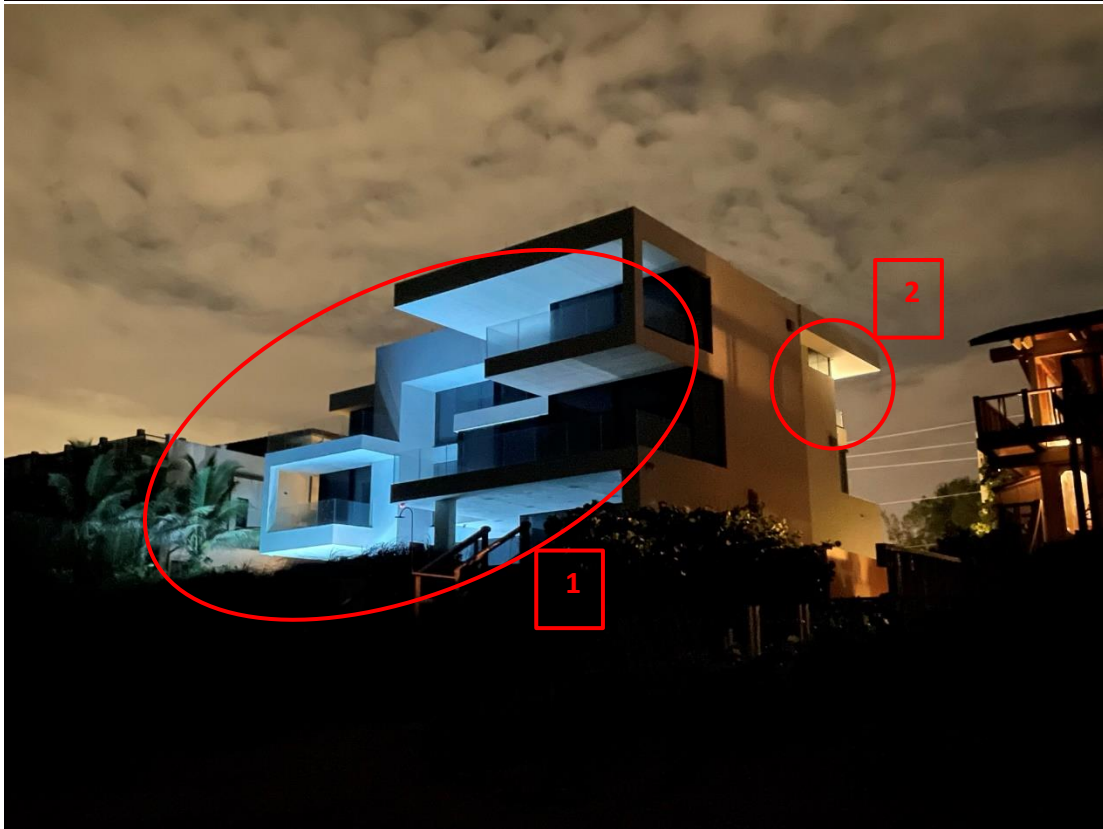
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	6	South, East

September 02, 2021  
3817 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East
2	Indirect illumination on adjacent property	Unknown	Southwest

September 02, 2021  
3833 S Ocean



**September 02, 2021**  
**3833 S Ocean**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Blue indirect illumination from pool lighting	Unknown	East
2	Ceiling mounted	1	Northwest



September 02, 2021  
3905 S Ocean



September 02, 2021  
3905 S Ocean

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted spotlight	2	Southwest and Northwest

September 02, 2021  
3921 S Ocean Blvd



September 02, 2021  
 3921 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted spotlight	~2	Southwest balcony
2	Interior	Unknown	East



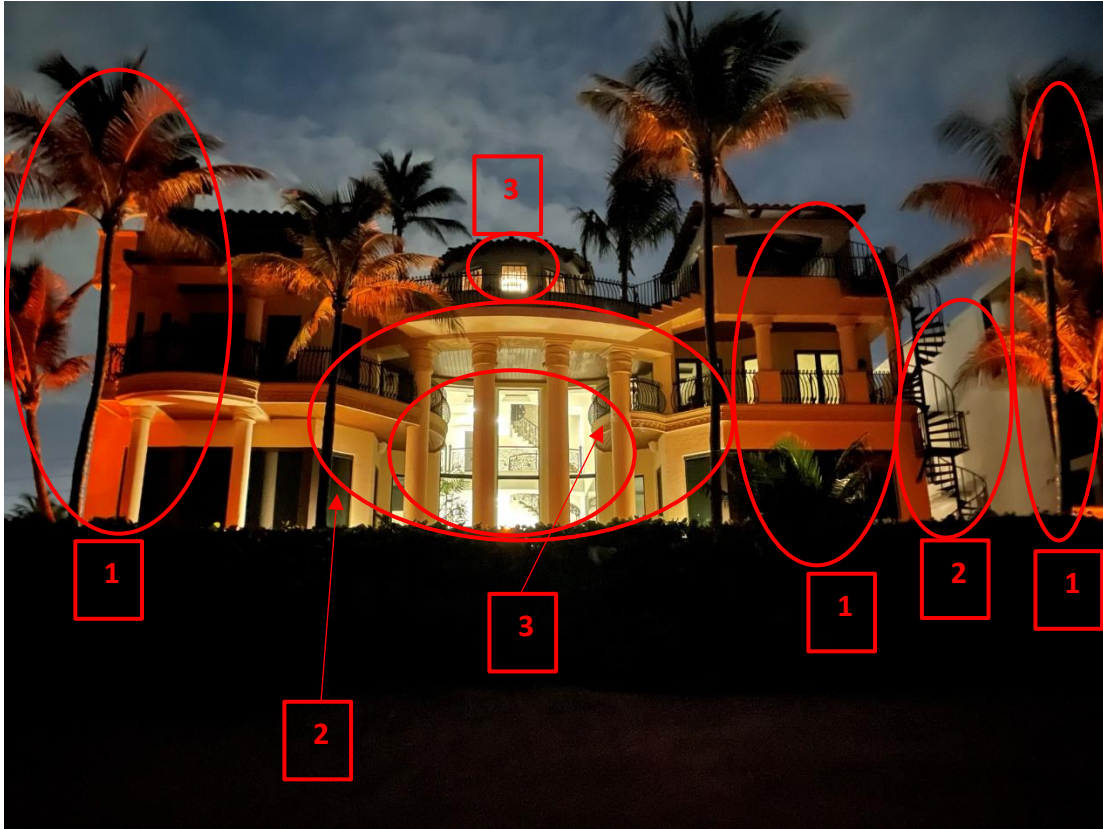
September 02, 2021  
4001 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East



September 02, 2021  
 4011 S Ocean Blvd



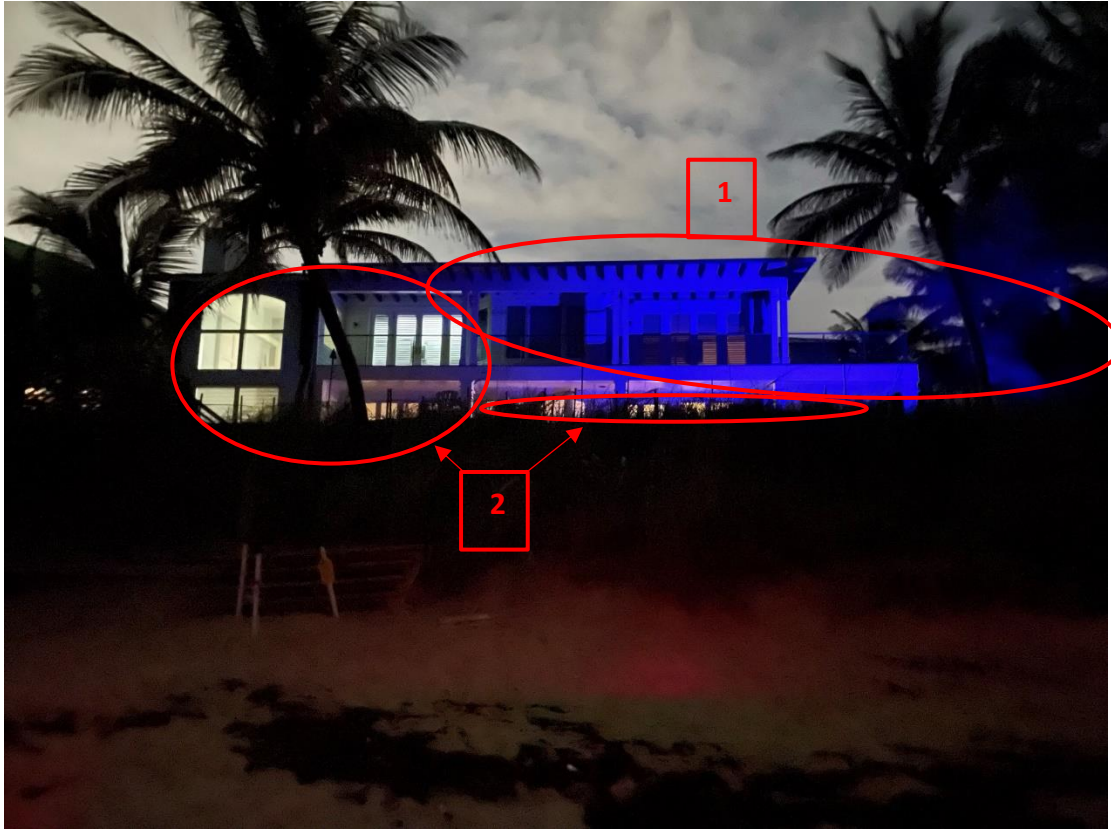
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Amber up lighting	Unknown	East
2	Indirect illumination	Unknown	East, North, South
3	Interior	Unknown	East

September 02, 2021  
4015 S Ocean Blvd (Vacant lot)



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Streetlight	1	West

September 02, 2021  
 4023 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from blue pool lighting	Unknown	East
2	Interior	Unknown	East

September 02, 2021  
4101 S Ocean Blvd



**September 02, 2021**  
**4101 S Ocean Blvd**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Indirect illumination from multicolored pool lighting	Unknown	East



September 02, 2021  
4111 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	1 room	East

September 02, 2021  
4115 S Ocean Blvd



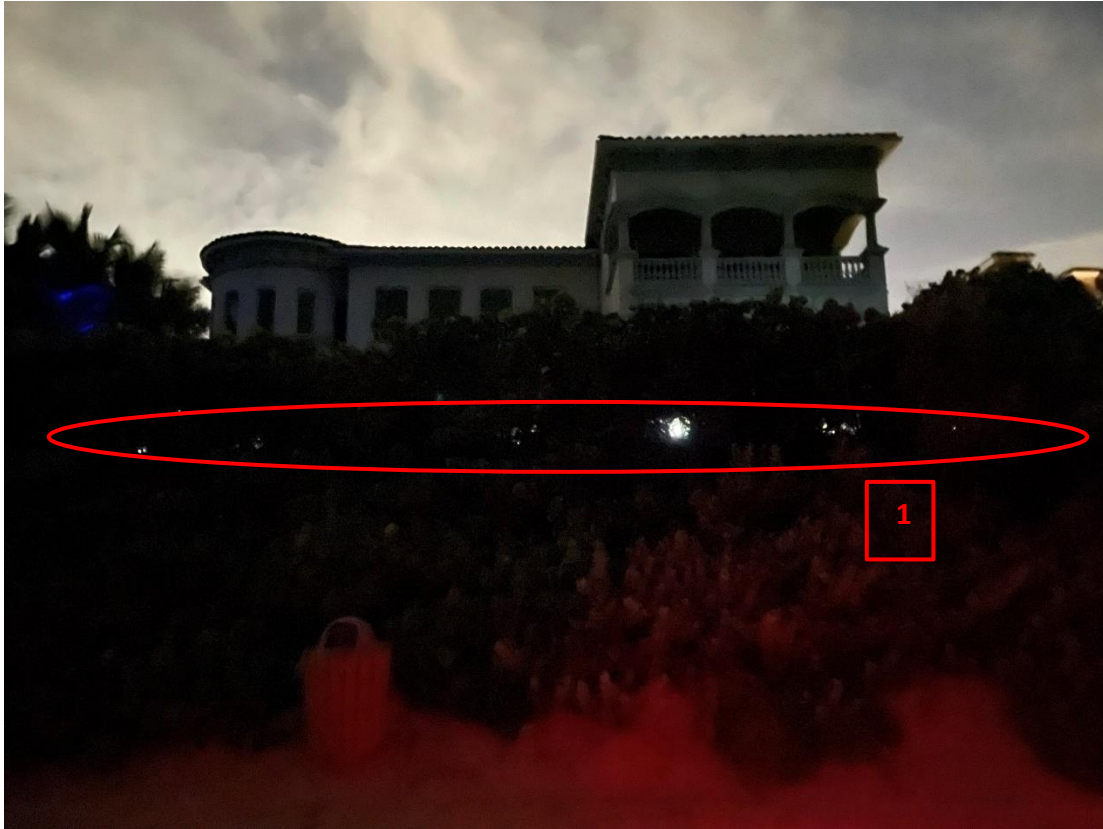
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	2 rooms	East

September 02, 2021  
 4121 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Up lighting on vegetation	Unknown	Southeast
3	Up lighting	Unknown	Northeast

September 02, 2021  
4201 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pathlights	Unknown	East, behind vegetation

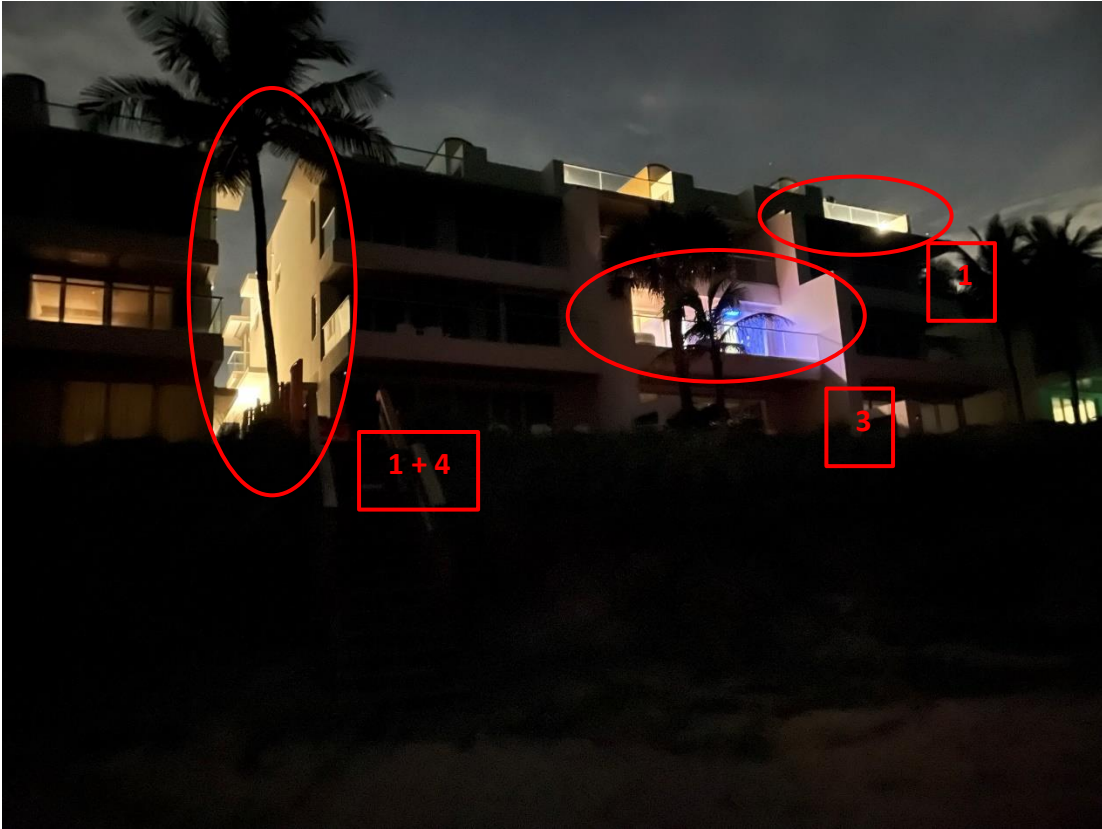
September 02, 2021  
4205 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Interior	Unknown	East



September 02, 2021  
4211-4215 S Ocean Blvd



**September 02, 2021**  
**4211-4215 S Ocean Blvd**

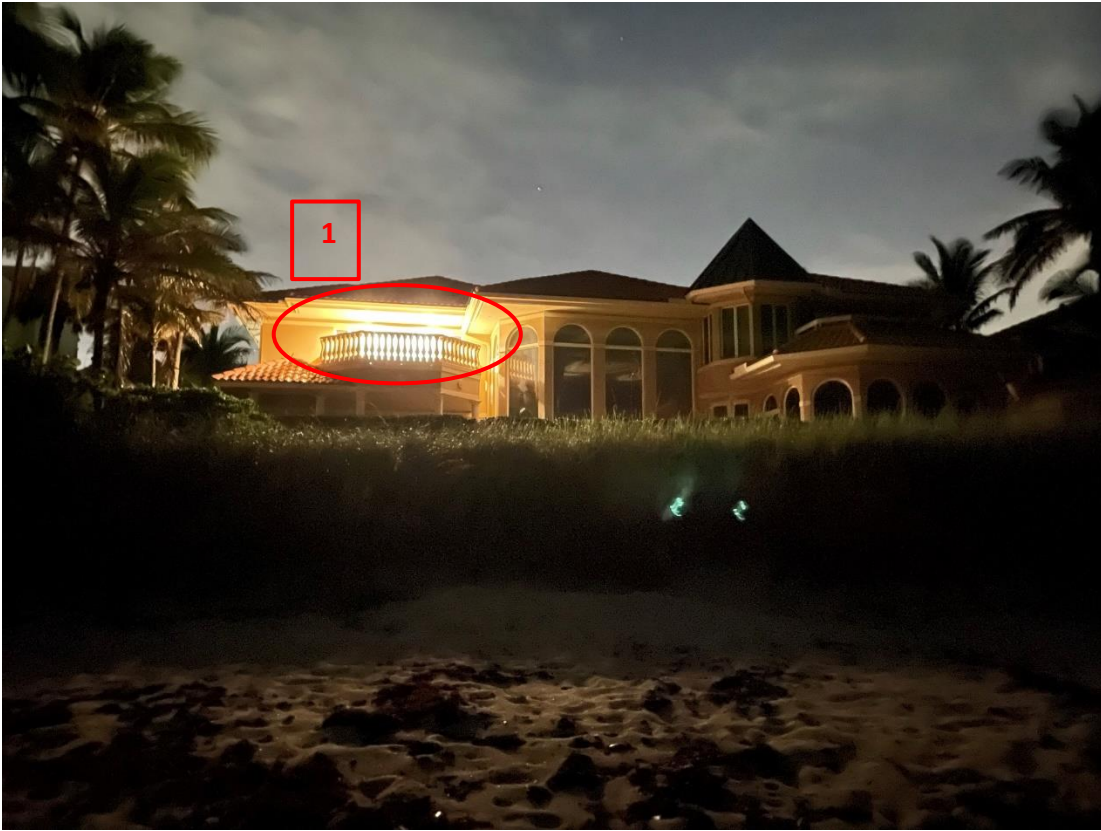
<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Wall mount	1	Roof
2	Ceiling mount	1	East, balcony
3	Interior	Unknown	East
4	Indirect illumination	Unknown	In-between buildings

September 02, 2021  
4221 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021  
4301 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	East, over balcony

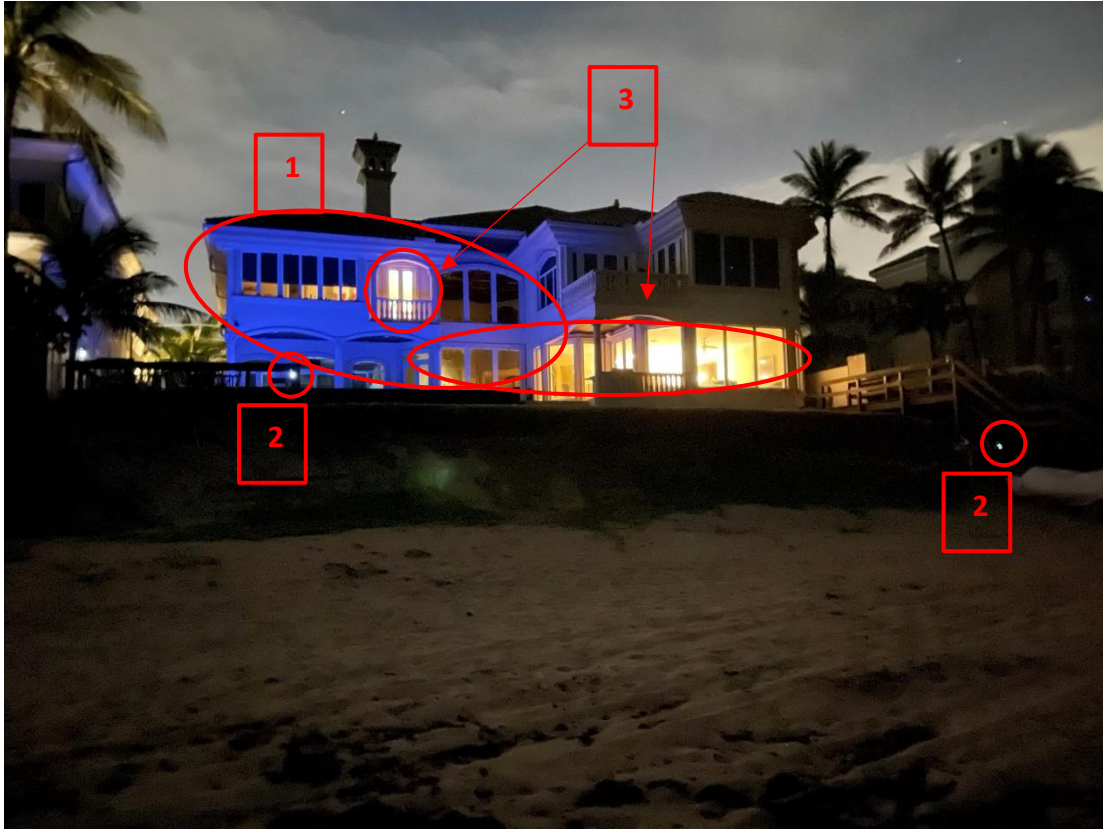
September 02, 2021  
4307 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	~ 2 rooms	East

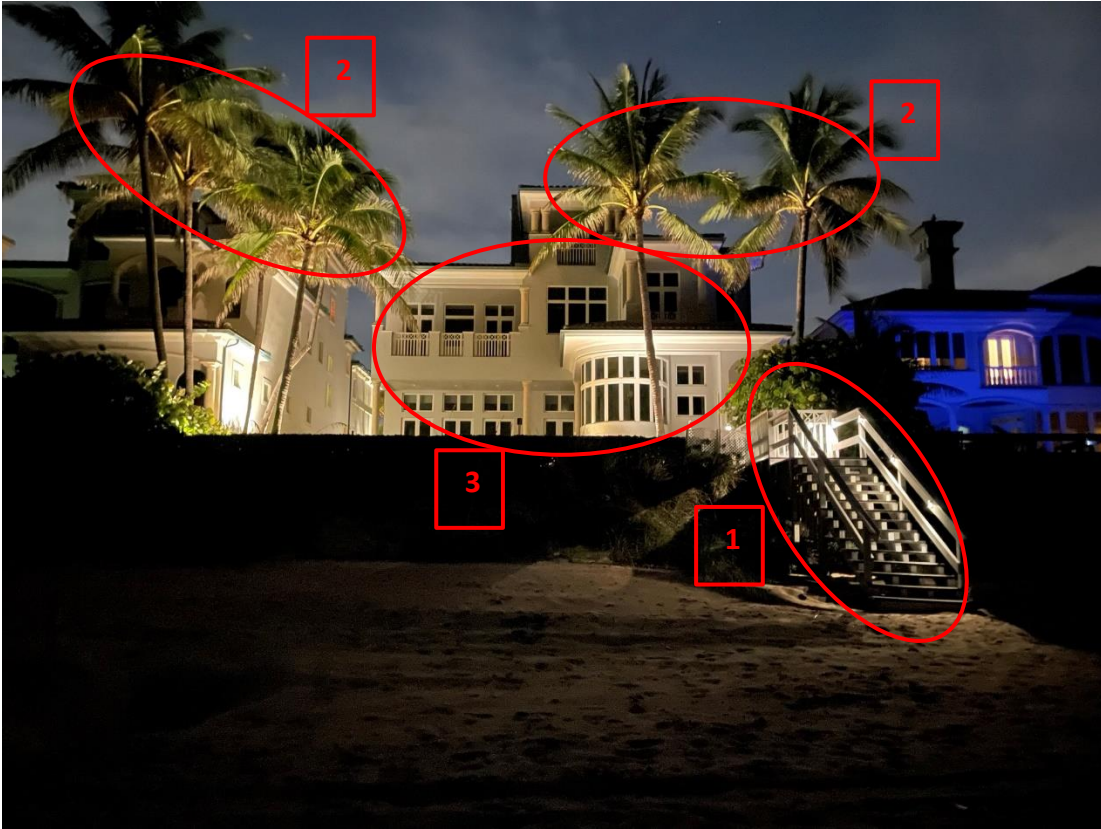


September 02, 2021  
2 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Small blue solar path light	2	East
3	Interior	~2 Rooms	East

September 02, 2021  
3 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Beach access lighting	~5-10	East
2	Up lighting on vegetation	~5	Southeast, Northeast
3	Indirect illumination	Unknown	East

September 02, 2021  
4 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination (multiple sources)	Unknown	East, from pool

September 02, 2021  
6 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Beach access lighting	~10	East
2	Up lighting on vegetation	~7-10	East
3	Indirect illumination	Unknown	East



September 02, 2021  
7 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pathlights	~5	East
2	Up lighting on vegetation	~5-10	East
3	Interior	Unknown	East

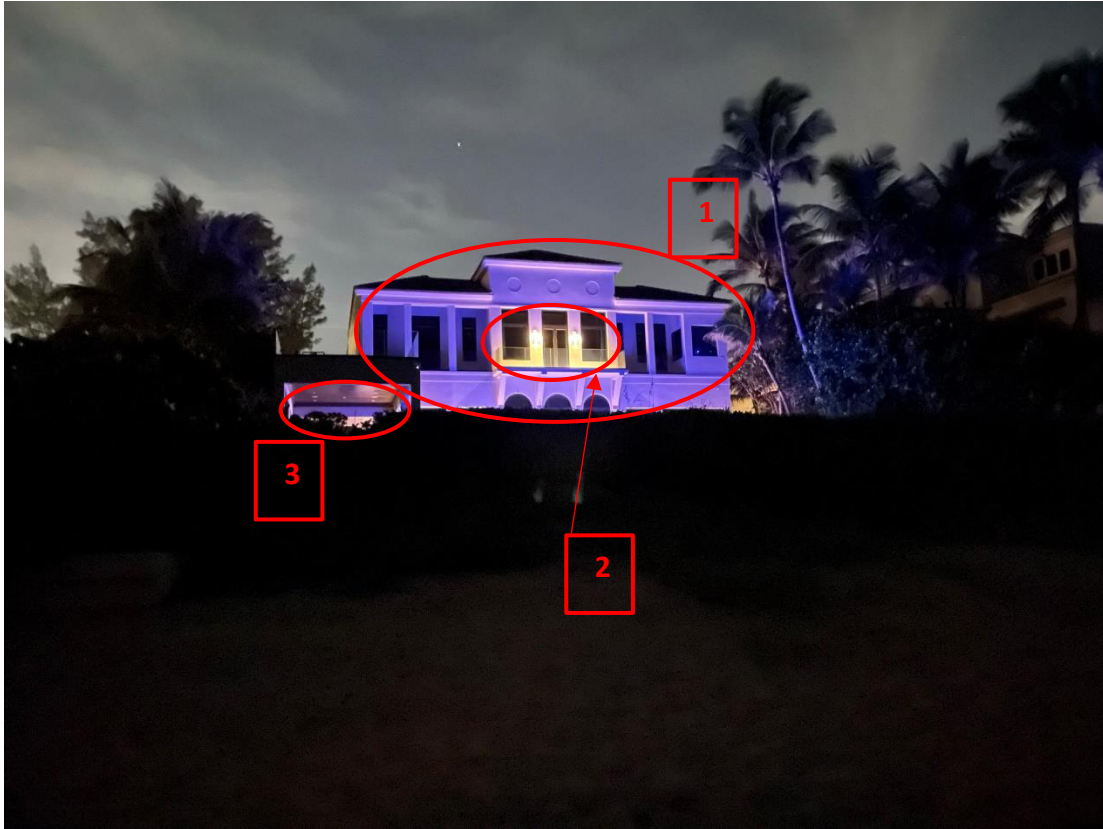


September 02, 2021  
8 Ocean Place



<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Ceiling mounted	~5	East
2	Indirect illumination from up lighting	~2-4	North face
3	Interior	Unknown	East

September 02, 2021  
11 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Wall mounts	2	East
3	Bollards	Unknown	East, under cabana



September 02, 2021  
4505-4511 S Ocean Blvd



September 02, 2021  
4505-4511 S Ocean Blvd





September 02, 2021  
 4505-4511 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Parking garage lighting	Unknown	North and South
2	Yellow pole mounted	~5	Northwest parking lot
3	Indirect illumination from pool lighting	Unknown	Center of two buildings
4	Rope lights	1	East, on steps to beach
5	Interior	Unknown	East, West, South

September 02, 2021  
4519-4515 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lights on vegetation	Unknown	North
2	Interior	2 rooms	

September 02, 2021  
4605 S Ocean Blvd



**September 02, 2021**  
**4605 S Ocean Blvd**

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Pole mount	1 visible but probably multiple	South
2	Indirect illumination	Unknown	South, North

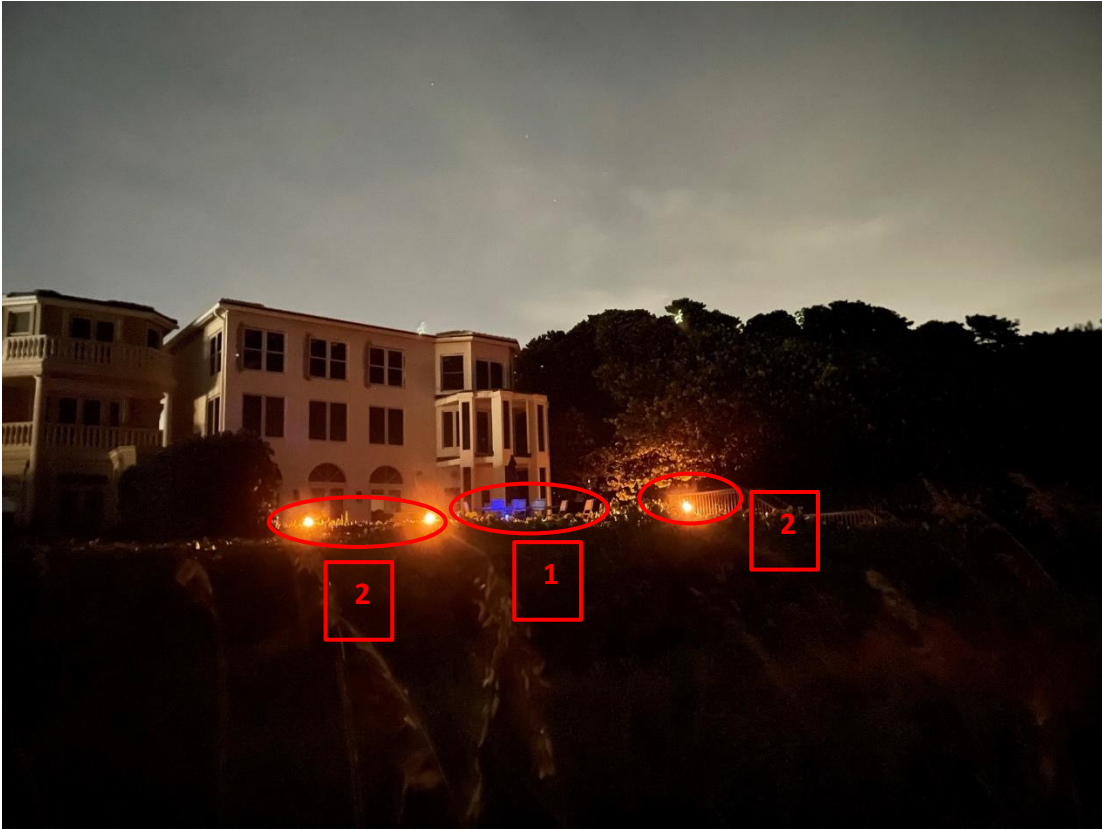
September 02, 2021  
4621 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Uplights on vegetation	Unknown	East
2	Indirect illumination	Unknown	East
3	Path lights	Unknown	East



September 02, 2021  
4713 S Ocean Blvd



September 02, 2021  
4713 S Ocean Blvd

<b>ITEMS</b>	<b>FIXTURE TYPE</b>	<b>QUANTITY</b>	<b>LOCATION</b>
1	Blue path lights	2	East
2	Ground spotlights	4	East

September 02, 2021  
4715 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Spotlight	1	Southeast

September 02, 2021  
4801 S Ocean Blvd





September 02, 2021  
4801 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	South breezeway/patio, north stairwell, west of pool
2	Pole lights	4	North and west of pool area
3	Wall mounted	Unknown	East, north face
4	Spotlight	1	West of West stairs to pool
5	Step lights	Unknown	East, stairs to second floor
6	Interior	Unknown	East



**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 Feb 27, 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: February 28, 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  
7385966

**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, March 9, 2023 at 9:30 AM in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following proposed ordinance:

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 4-8 "LIGHTING RESTRICTIONS FOR PROTECTION OF SEA TURTLES" AND SECTION 30-85 "COASTAL LIGHTING" OF THE TOWN CODE OF ORDINANCES TO INCORPORATE LIGHTING REGULATIONS FOR NEW AND EXISTING COASTAL STRUCTURES IN ORDER TO MINIMIZE THE AFFECT OF ARTIFICIAL LIGHT ON SEA TURTLE POPULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

A copy of the proposed ordinance will be available for inspection in the Town Clerk's Office, Monday through Friday, during normal business hours 8:30 A.M. to 4:30 P.M. and on the Town's webpage at <https://mmportal6.teamunicode.com/> no later than Friday, March 03, 2023.

Public participation will be in the forms of in-person, Zoom or telephone call. Persons desiring to participate in the meeting must preregister by contacting Town Clerk Lanelda Gaskins at email address [publiccomments@highlandbeach.us](mailto:publiccomments@highlandbeach.us) or by submitting public comment to the Town of Highland Beach's Agendas and Meetings webpage <https://mmportal6.teamunicode.com/>. At the top of the webpage, click on "Public Comments" complete the electronic form and click submit. The submitted comment will be read into record during the corresponding portion of the meeting. All requests will be accepted up until 9:30 A.M. on Wednesday, March 08, 2023.

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

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

**SUN-SENTINEL**

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  
2/27/2023 7385966

Order # - 7385966

**File Attachments for Item:**

C. Development Application No. 22-0010 / Leonard Zelin

Application By Akbar Mondal Nunez, Boat Lifts & Docks of South Florida, for a special exception approval to install a 13,000-pound capacity boat lift for the property located at 4216 Intracoastal Drive.



## HIGHLAND BEACH BUILDING DEPARTMENT

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

## PLANNING BOARD STAFF REPORT

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**MEETING OF:**       **March 9, 2023**

**TO:**                   **PLANNING BOARD**

**FROM:**              **INGRID ALLEN, TOWN PLANNER**

**SUBJECT:**           **APPLICATION BY AKBAR MONDAL NUNEZ, BOAT LIFTS &  
DOCKS OF SOUTH FLORIDA, FOR A SPECIAL EXCEPTION  
APPROVAL TO INSTALL A 13,000 POUND CAPACITY BOAT  
LIFT FOR A PROPERTY LOCATED AT 4216 INTRACOASTAL  
DRIVE (DO#22-0010)**

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### I. GENERAL INFORMATION:

**Applicant (Property Owner):**       Leonard Zelin  
4216 Intracoastal Drive  
Highland Beach, Fl. 33487

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

**Property Characteristics:**

**Comprehensive Plan Land Use:**   Single Family

**Zoning District:**                   RS, Residential Single Family

**Parcel PCN#:**                       24-43-47-04-02-004-0230



## **Request and Analysis:**

The Applicant is proposing to install a four (4) post, 13,000 pound capacity boat lift at the property located at 4216 Intracoastal Drive.

The Applicant has obtained Florida Department of Environmental Protection (FDEP ) (File No. 50-152067-006-EE) and US Army Corps of Engineers (File No. SAJ-2011-02027(GP-JLA) authorizations for the proposed boat lift.

Pursuant to Section 30-68(g)(6)d.1. of the Town Code, the Applicant's request is in compliance with the required 25-foot side yard setback for boatlifts located in a Single-family zoning district. According to the Applicant's boat lift detail (sheet DET), the top of the lift measures four (4) feet from the existing dock. The Applicant has not dimensioned the superstructure components of the boat on the lift detail (this is not a requirement of the Town Code). That said and at the request of staff, the Applicant has included on sheet DET, a note referencing the boat lift definition found in Section 30-131 of the Town Code which is as follows:

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

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

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

Staff has reviewed the Applicant's proposed request including plans date stamped received by the Building Department on January 31, 2023 and finds that the project is consistent with the Zoning Code (Chapter 30) including the special exception criteria of Section 30-36, were applicable, and the Town Comprehensive Plan.

**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**  
**ACOE authorization**  
**Applicant Plans**



# TOWN OF HIGHLAND BEACH

Application # \_\_\_\_\_

**PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION**

Address: 4216 Intracoastal Dr PCN: 2443-47-04-02-004-023D

Full Legal Description of the Property [as described in the deed] or reference to an attachment:

Bel Bids LT 23 BLK 4

Zoning District:

What is the location of the installation?  
 Intracoastal Waterway (ICW)     Interior Canal/Basin     N/A

**PROPERTY OWNER (APPLICANT) INFORMATION**

Name: Leonard Zelim Phone: 202 9446785 Fax:

Mailing Address: 4216 Intracoastal Dr

Email Address: lbz60@aol.com

**APPLICANT'S AGENT INFORMATION**

Name: AKBAR MOUNDAL Phone: 9549710811 Fax:

Company Name: Boat Lifts & Sales of S. Florida

Mailing Address: 989 NW 31 Ave, Pompano Beach

Email Address: akbarmou@gnail.com

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

Installation of 13k aluminum 4-Post Boat Lift.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Applicant's Signature: *Kevin Stum* Date: 07/20/22

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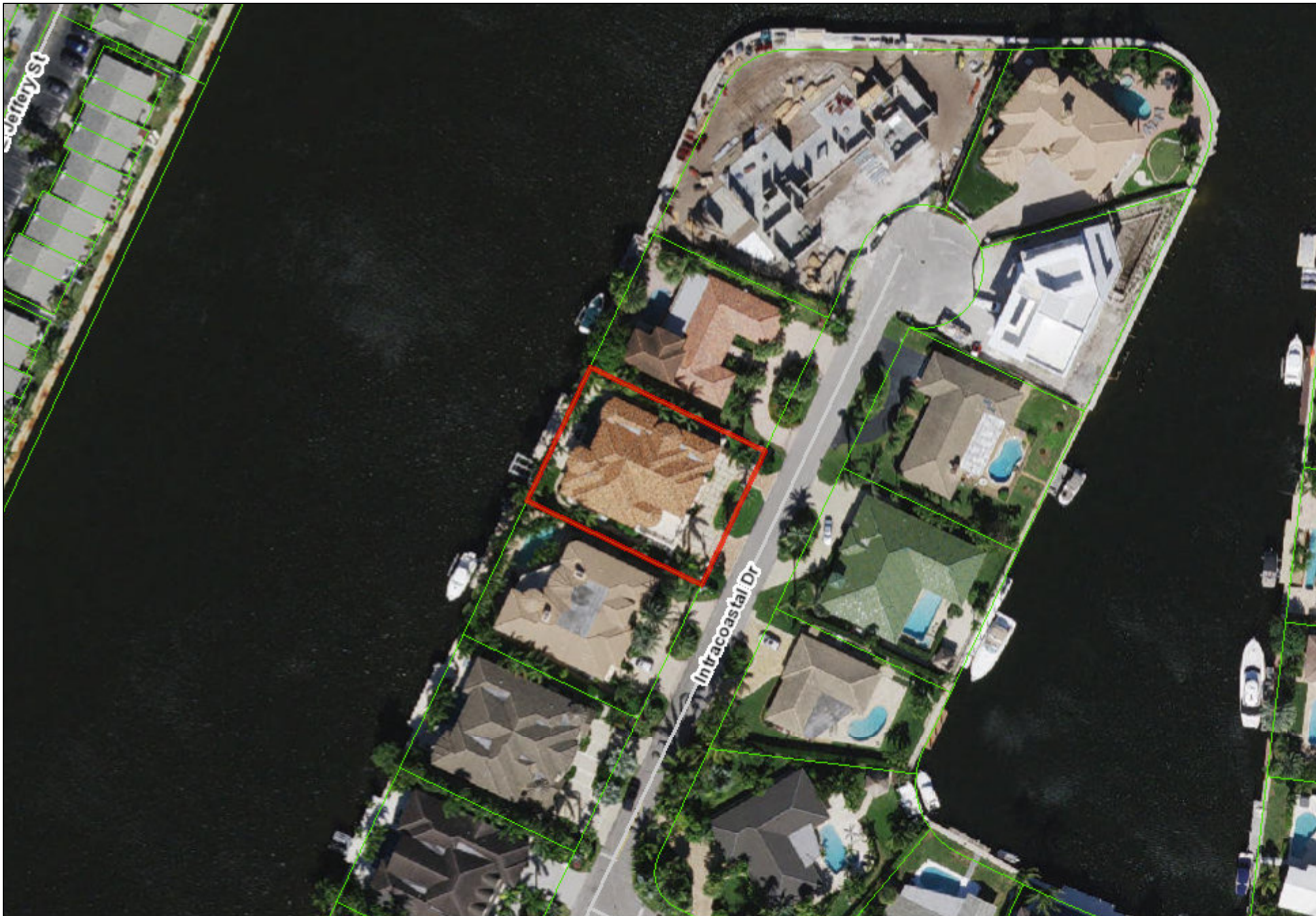
*Received by the Town Clerk's Office:*

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

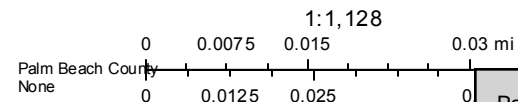
Date Public Notices Mailed: \_\_\_\_\_

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





# 4216 Intracoastal Drive





# 4216 Intracoastal Drive



01/09/2023



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

June 23, 2022

Leonard Zelin  
4216 Intracoastal Dr,  
Highland Beach, FL 33487  
Sent via e-mail: [lbz60@aol.com](mailto:lbz60@aol.com)

Re: File No.: 50-152067-006-EE  
File Name: Zelin Lenny Boat Lift 25

Dear Mr. Zelin:

On June 15, 2022, we received your request for verification of exemption to install a boatlift. The project is located in the Intracoastal Waterway, Class III Waters, adjacent to 4216 Intracoastal Dr, Highland Beach (Section 4, Township 47 South, Range 43 East), in Palm Beach County (Latitude N 26°24'2.8953", Longitude W 80°4'7.7272").

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal authorization of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

If you have any questions regarding this matter, please contact Ingrid Fuquene at the letterhead address or at 561-681-6600, [Ingrid.Fuquene@FloridaDEP.gov](mailto:Ingrid.Fuquene@FloridaDEP.gov) .

### **1. Regulatory Review – VERIFIED**

Based on the information submitted, the Department has verified that the activity as proposed is exempt under Chapter 62-330.051(5)(h), Florida Administrative Code, the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

### **2. Proprietary Review- NOT REQUIRED**

The activity does not require further authorization under chapter 253 of the Florida Statutes, or chapters 18-20 or 18-21 of the Florida Administrative Code.

### **3. Federal Review - NOT APPROVED**

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:

[\(https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/\)](https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/).

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

### **Additional Information**

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

### **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.



**EXECUTION AND CLERKING**

Executed in West Palm Beach, Florida.

**STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**



---

Jeffrey L. Meyer  
Environmental Administrator  
Southeast District

**Enclosures:**

Attachment A: Specific Exemption Rule(s)  
Project drawings, 4 pages

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

FDEP – Jeff Meyer, Ingrid Fuquene  
Steve Garbutt, Boatlifts & Docks of South Florida, [docksandlifts@gmail.com](mailto:docksandlifts@gmail.com)

Additional mailings:  
Matt Mitchell, Palm Beach County, Environmental Resources, [mmitchell@pbcgov.org](mailto:mmitchell@pbcgov.org)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Mandakini Patel      June 24, 2022  
Clerk                              Date

## **Attachment A**

### **62-330.051 Exempt Activities.**

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

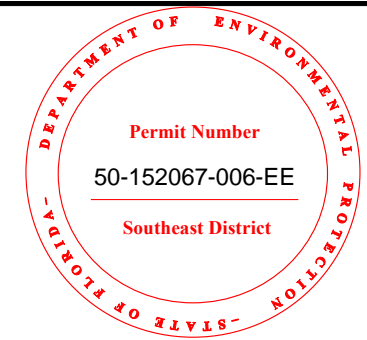
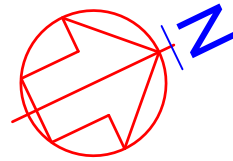
#### **(5) Dock, Pier, Boat Ramp and Other Boating-related Work –**

**(h)** The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

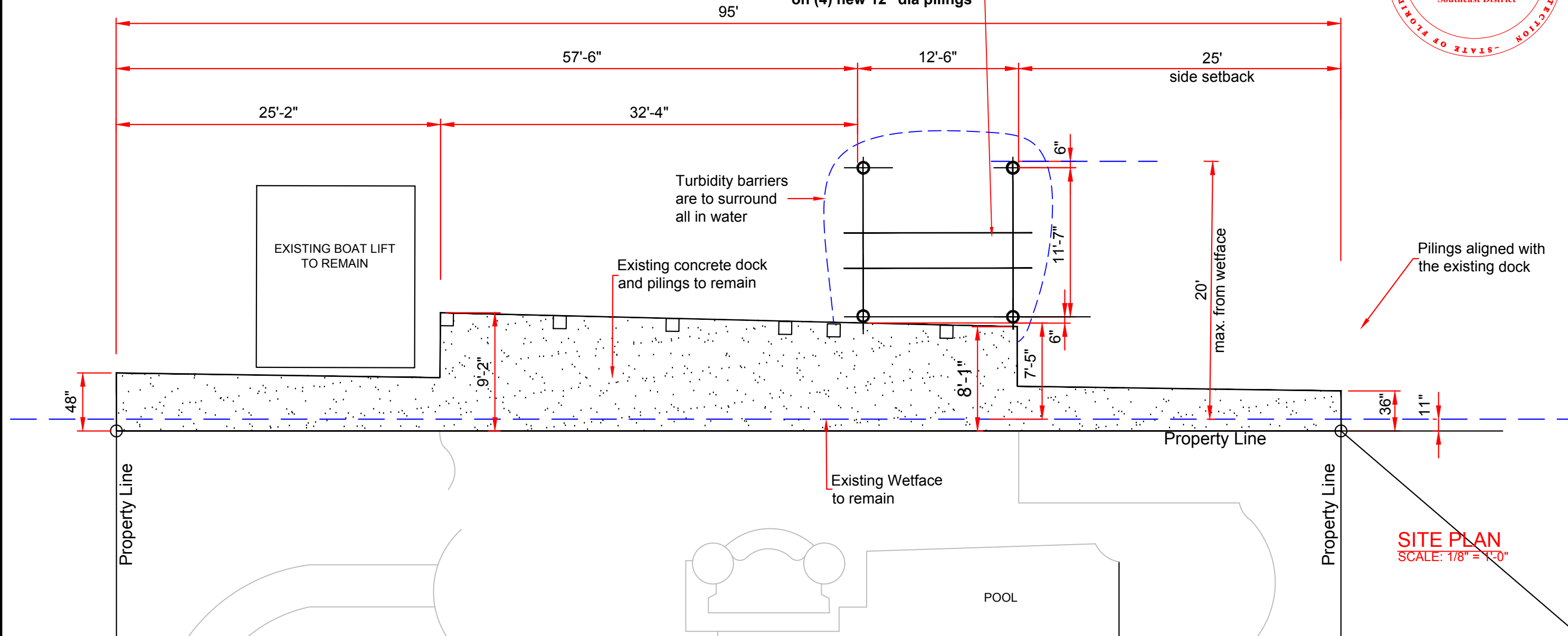
1. Such installation does not conflict with a condition of a permit issued thereunder;
2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

# INTRACOASTAL WATERWAY

300' R/W CANAL



**New Installation 13000lb  
4-Post Boat Lift mounted  
on (4) new 12" dia pilings**



**SITE PLAN**  
SCALE: 1/8" = 1'-0"

**General Notes:**

1. New Installation 13000lb 4-Post Boat Lift mounted on (4) new 12" dia. wood pilings.
2. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
3. Elevations shown are based on the North American Vertical Datum of 1988.
4. Design in accordance with 2020 7th Edition of the Florida Building Code.
5. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
6. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.
7. Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting.
8. **Engineer's Limitations of Responsibility:** The Engineer shall not be responsible for the quality or composition of materials, fabrications, construction inspection, supervision, or review, special inspection, or the quality and correctness of construction unless the appropriate submissions, reports, approvals, inspections, site visit, construction review, or special inspections are performed by the Engineer or his representative as required herein, and then only such responsibility as is associated with the specific work performed as is commonly assigned a structural engineer in relation to other engineering and construction disciplines associated with the project.
9. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employee of all subcontractors to the project.
10. **Engineer's Statement of Compliance:** To the best of the Engineer's knowledge, the structural plans and specifications presented herein comply with the applicable minimum building codes, standards, and practices.

**CARL G. FORBES PE**  
1839 SOUTH DIXIE HIGHWAY WEST  
POMPANO BEACH, FL 33060  
EMAIL: CARLFORBES@BELL-SOUTH.NET  
PHONE: 954-682-6651 FAX: 954-403-4284  
**STATE OF FLORIDA LICENSE PE 20699**

**BOATLIFTS & DOCKS  
OF SOUTH FLORIDA**  
989 NW 31ST AVENUE  
POMPANO BEACH, FL 33069  
954-971-0811 SCC13151479

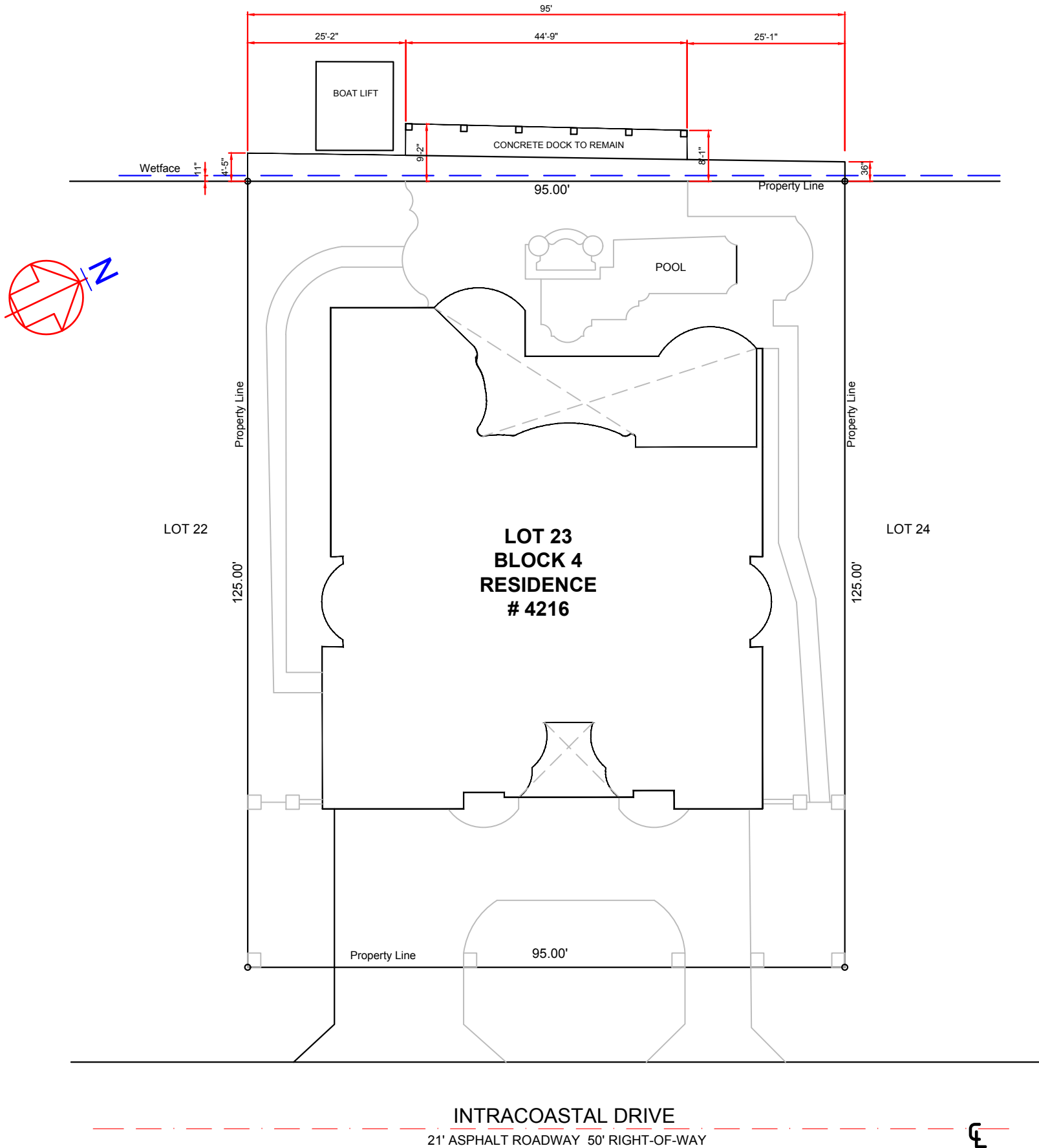
**BOAT LIFT FOR:**  
**ZELIN RESIDENCE**  
4216 INTRACOASTAL DR  
HIGHLAND BEACH, FLORIDA

**NOTES/REVISIONS**

DATE	DESCRIPTION
06-14-22	new side setback 25'

Drawn by: Del Ry  
Checked by:  
Date: 04/05/2022

INTRACOASTAL WATERWAY  
300' RW CANAL



**CARL G. FORBES PE**  
2394 SOUTH DIXIE HIGHWAY WEST  
POMPANO BEACH, FL 33060  
EMAIL: CARLFORBES@BELL-SOUTH.NET  
PHONE: 954-682-6651 FAX: 954-403-4284  
STATE OF FLORIDA LICENSE PE 20699

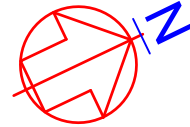
PREPARED FOR:  
**BOATLIFTS & DOCKS  
OF SOUTH FLORIDA**  
989 N.W. 31ST. AVENUE  
POMPANO BEACH, FL 33069  
954-971-0811 SCC131151479

BOAT LIFT FOR:  
**ZELIN RESIDENCE**  
4216 INTRACOASTAL DR  
HIGHLAND BEACH, FLORIDA

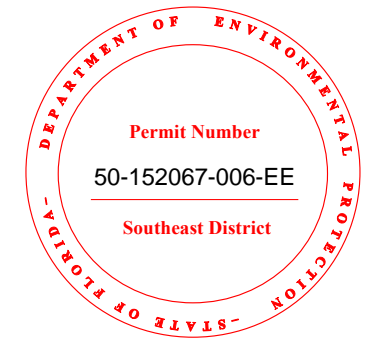
DATE	NOTES/REVISIONS

Drawn by: Del Ry  
Checked by:  
Date: 04/05/2022  
Job No.: 22-013

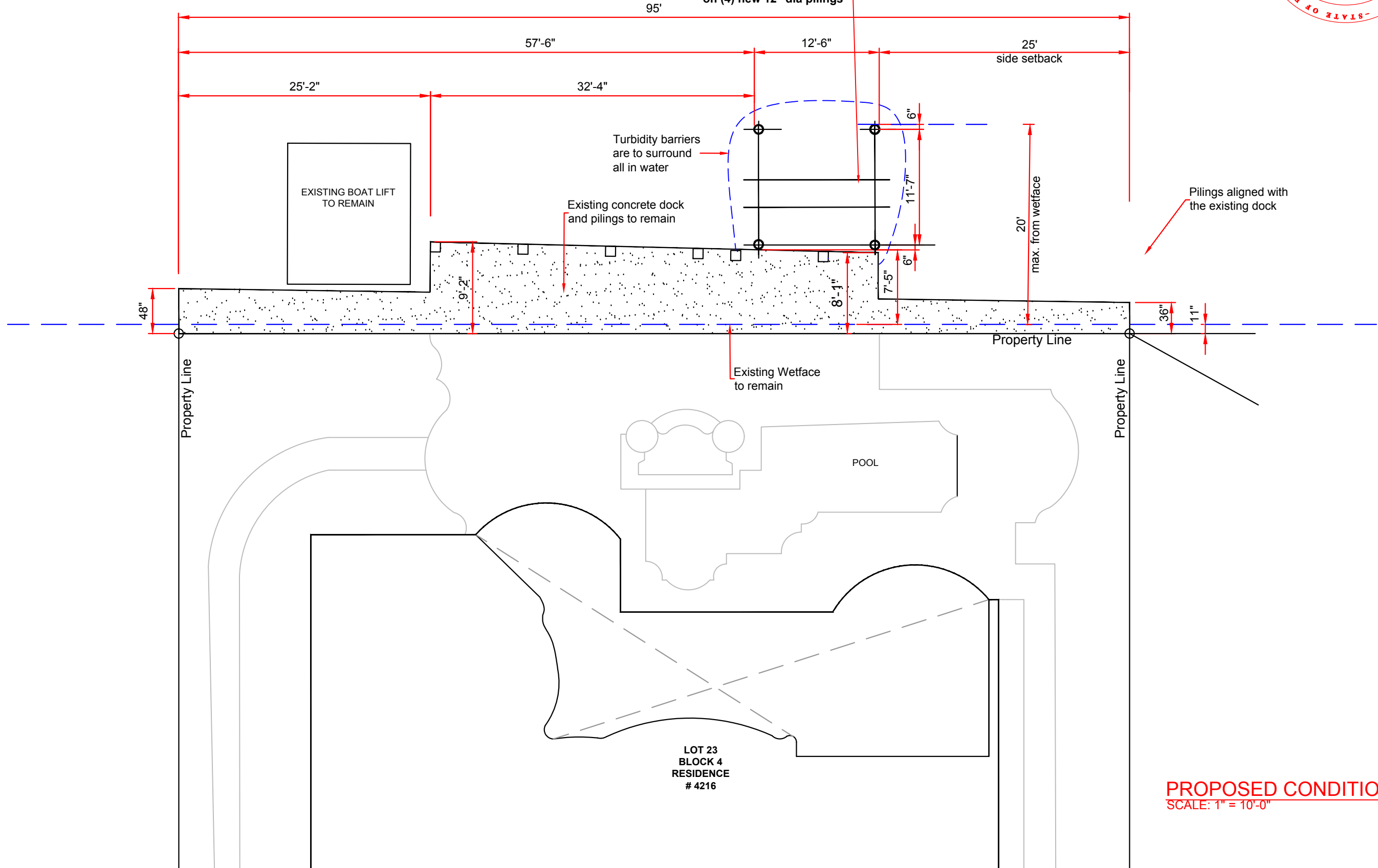
**EXISTING CONDITIONS**  
SCALE: 1" = 20'-0"



# INTRACOASTAL WATERWAY 300' R/W CANAL



New Installation 13000lb  
4-Post Boat Lift mounted  
on (4) new 12" dia pilings



**CARL G. FORBES PE**  
2391 SOUTH DIXIE HIGHWAY WEST  
POMPANO BEACH, FL 33060  
EMAIL: CARL.FORBES@BELL.SOUTH.NET  
PHONE: 954-682-6651 FAX: 954-903-4284  
STATE OF FLORIDA LICENSE PE 20869

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

**ZELIN RESIDENCE**  
4216 INTRACOASTAL DR  
HIGHLAND BEACH, FLORIDA

DATE	NOTES/REVISIONS
06-14-22	new side setback 25' simulation

Drawn by: Del Ry  
Checked by:  
Date: 04/05/2022  
Job No: 22-019

**PROPOSED CONDITIONS**  
SCALE: 1" = 10'-0"







DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
4400 PGA BLVD. STE 500  
PALM BEACH GARDENS, FLORIDA 33410

January 4, 2023

Regulatory Division  
South Branch  
Palm Beach Gardens Section  
SAJ-2011-02027(GP-JLA)

Leonard Zelin  
4216 Intracoastal Drive  
Highland Beach, FL 33487

Dear Mr. Zelin:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on October 13, 2022. Your application was assigned file number SAJ-2011-02027. A review of the information and drawings provided indicates that the proposed work would result in safe mooring for a vessel installing a 13k boat lift on new piles (4).

The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located in waters of the United States within the Intracoastal Waterway adjacent to 4216 Intracoastal Dr, in Section 19, Township 48 South, Range 43 East, Highland Beach, Palm Beach County, Florida.

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

**You must comply with ALL the RGP general, special, and/or regional Conditions, attached and/or incorporated by reference, and the Project Specific Special Conditions and General Conditions, listed below, or you may be subject to enforcement action.**

Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2011-2027 (GP-JLA), on all submittals.

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

**3. As-Built Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification by Professional Engineer or Surveyor" form (Attachment C) to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer or surveyor and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with an overlay of the work as constructed. The plan view drawing should show all existing water management structures and the completed structures, dredge/fill activities, and wetland impacts.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification by Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification by Professional Engineer" form does not constitute approval of any deviations by the Corps.

c. The Department of the Army permit number on all sheets submitted.

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

**5. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or

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

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

**11. Cultural Resources/Historic Properties:**

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

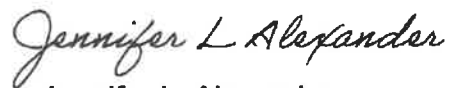
b. If, during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell,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

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical

Should you have any questions related to this verification letter or have issues accessing the documents reference in this letter, please contact Jennifer L. Alexander at the letterhead address above, via telephone at 561-472-3529, or via e-mail at Jennifer.L.Alexander@usace.army.mil.

Sincerely,



Jennifer L. Alexander  
Project Manager

Enclosures

Attachment A-Drawings

Attachment B-Commencement Form

Attachment C-As Built Form

Attachment D-Notice of Permit

Attachment E-Consent to Easement Application

Attachment F-Standard Manatee Conditions

Cc:

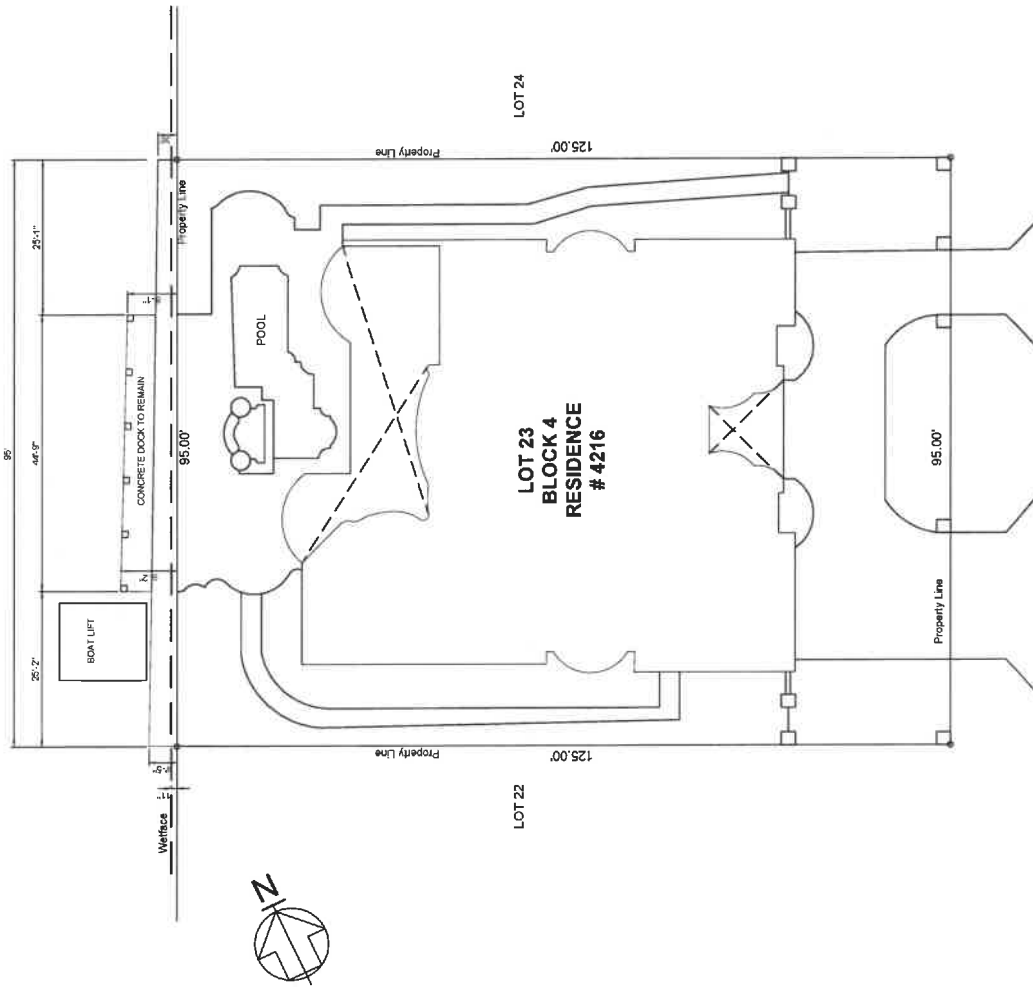
Agent-Akbar Mondal <docksandlifts@gmail.com>

CESAJ-RE

CESAJ-RD-E



INTRACOASTAL WATERWAY  
30' PER CANAL



EXISTING CONDITIONS  
SCALE: 1" = 20'-0"

INTRACOASTAL DRIVE  
21' ASPHALT ROADWAY 50' RIGHT-OF-WAY

**CARL G. FORBES PE**  
 894 SOUTH DIXIE HIGHWAY WEST  
 POMPANO BEACH, FL 33060  
 EMAIL: CARL@FORBESPELLSOUTHNET  
 POMPANO BEACH, FL 33060  
 PHONE: 954-662-6669 FAX: 954-703-1294  
 STATE OF FLORIDA LICENSE # 23060

**BOATLIFTS & DOCKS OF SOUTH FLORIDA**  
 984 NW. 31ST. AVENUE  
 POMPANO BEACH, FL 33064  
 954-971-0911 SC131151479

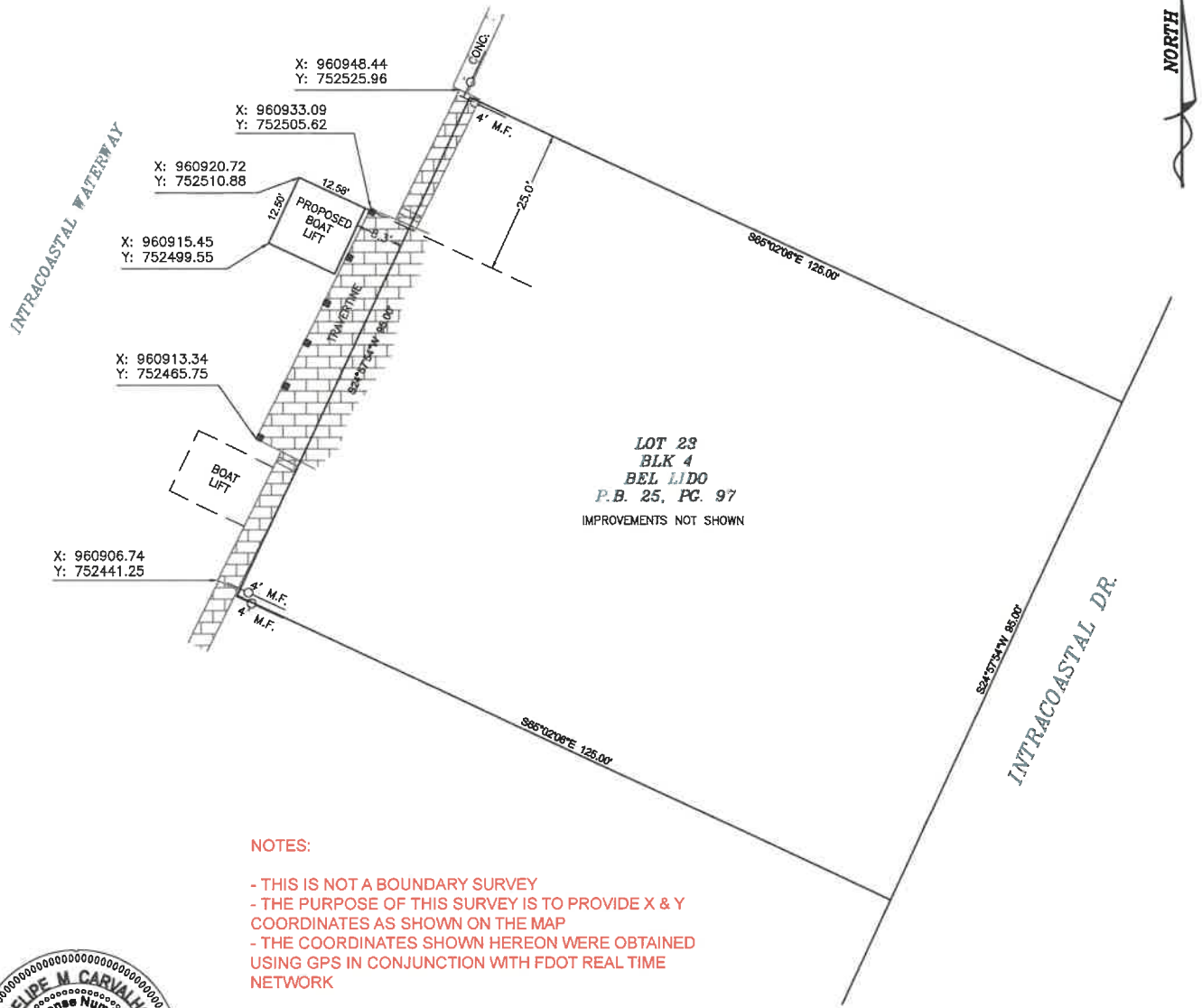
BOAT LIFT FOR:  
 ZELIN RESIDENCE  
 4216 INTRACOASTAL DR  
 HIGHLAND BEACH, FLORIDA

DATE	
NOTES/REVISIONS	
Checked by	Dr. Iry
Created by	
Date	04/05/2022
Job No.	22-013

**EC**



**2206.0115  
X & Y COORDINATES SURVEY  
PALM BEACH COUNTY**



**NOTES:**

- THIS IS NOT A BOUNDARY SURVEY
- THE PURPOSE OF THIS SURVEY IS TO PROVIDE X & Y COORDINATES AS SHOWN ON THE MAP
- THE COORDINATES SHOWN HEREON WERE OBTAINED USING GPS IN CONJUNCTION WITH FDOT REAL TIME NETWORK

**COORDINATE SYSTEM:**

- UNITES STATES/STATE PLANE 1983
- FLORIDA EAST 0901
- DATUM: NAD 1983 (CONUS)



Use of this survey for purposes other than intended, without written verification, will be at the users' sole risk and without liability to the surveyor. Nothing herein shall be construed to give any rights or benefits to anyone other than those certified.

BUYER:

CLIENT NUMBER: DATE: 06/27/22

SELLER:

CERTIFIED TO: ZELIN LEONARDB & ZELIN MOIRAS



**G.T.T. Surveyors  
& Mappers, Inc.**

LEGAL DESCRIPTION

LOT 23, BLOCK 4, BEL LIDO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 97, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. EASEMENT INTEREST:

FOR THE PURPOSE OF ACCESS TO THE ATLANTIC OCEAN OVER THE NORTH 8.4 FEET OF A PARCEL OF LAND IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 140, ON THE EAST BY THE WATERS OF THE ATLANTIC OCEAN, ON THE SOUTH BY A LINE PARALLEL TO AND 1,000 FEET NORTH OF, MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 4, AND ON THE NORTH BY A LINE PARALLEL TO AND 4,450 FEET SO OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 4, SAID PARCEL BEING APPROXIMATELY 116.8 FEE IN WIDTH, FROM NORTH TO SOUTH, AND EXTENDING EASTERLY FROM THE RIGHT OF WAY STATE ROAD NO. 140 TO THE WATERS OF THE ATLANTIC OCEAN. AND A PERPETUAL RIGHT OF USE FOR PURPOSES INCIDENTAL TO OCEAN BATHING ONLY, THAT PART OF THE 100 FEET OF OCEAN BEACH WHICH LIES BETWEEN THE HIGH AND LOW WATER MARK OF THE ATLANTIC OCEAN, ALONG THE EAST BOUNDARY OF THE FOLLOWING DESCRIBED REAL PROPERTY. THAT CERTAIN TRACT OF LAND LYING AND BEING IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS, TO-WIT: ON THE NORTH BY A LINE PARALLEL TO AND 4350 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION, ON THE SOUTH BY A LINE PARALLEL TO AND 4450 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION; ON THE EAST BY THE ATLANTIC OCEAN; AND ON THE WEST BY THE EAST RIGHT OF WAY LINE OF STATE ROAD A1A, FORMERLY NO. 140, AS NOW LAID OUT AND IN USE.

SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, NORTH BY A LINE PARALLEL TO AND 4350 FEET SOUTH OF, MEASURED AT RIGHT OUTH BY A LINE PARALLEL TO AND 4450 FEET SOUTH OF, MEASURED AT RIGHT EAST BY THE ATLANTIC OCEAN; AND ON THE WEST BY THE EAST RIGHT OF S NOW LAID OUT AND IN USE.

SURVEYOR'S LEGEND

Table with columns for LINE TYPES, SURFACE TYPES, SYMBOLS, and IDENTIFICATION. Includes symbols for boundary lines, structures, fences, and various survey markers.

General Surveyor Notes

- 1. The Legal Description used to perform this survey was supplied by others. This survey does not determine or imply ownership.
2. This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
3. If there is a septic tank, or drain field shown on this survey, the location is approximate as the location was either shown to Surveyor by a third party or it was estimated by metal detection, probing rods, and visual above ground inspection only. No excavation was performed in order to determine the exact and accurate location.
4. This survey is exclusively for the use of the parties to whom it is certified.
5. Additions or deletions to this survey map and report by other than the signing party or parties is prohibited without written consent of the signing party or parties.
6. Dimensions are in feet and decimals thereof.
7. Due to varying construction standards, house dimensions are approximate.
8. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain such data was performed at www.fema.gov.
9. All corners marked as set are at a minimum a 1/2" diameter, 18" iron rebar with a cap stamped LB48200.
10. If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter 5J-17.062 (3) of the Florida Administrative Code. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey, which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor. If this document is in paper format, it is not valid without the signature and original raised seal of a Florida Licensed Surveyor.
11. Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
12. The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the center of the field location, and may not represent the actual shape or size of the feature.
13. Points of Interest (POI's) are selected above-ground improvements which may be in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POI's may not represent all items of interest to the viewer.
14. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
15. The information contained on this survey has been performed exclusively, and is the sole responsibility, of Geomatics Top Team Inc.

POINTS OF INTEREST NONE VISIBLE

JOB SPECIFIC SURVEYOR NOTES:

FLOOD INFORMATION: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE (WITH A BASE FLOOD ELEVATION OF 6'). THIS PROPERTY WAS FOUND IN TOWN OF HIGHLAND BEACH, COMMUNITY NUMBER 125111, DATED 10/05/2017 .

In complete accordance with Florida Statute 472.025 and Pursuant to the Electronic Signature Act of 1996 or Florida Statute TITLE XXXIX, Chapter 668, if this document was received electronically via PDF, then it has been lawfully Electronically Signed. Therefore, this survey PDF, if authentic, is completely official and Insurable. In order to validate the "Electronic Signature" of PDF surveys sent via www.surveystars.com you must use a hash calculator. A free hash calculator is available for download at: www.softpedia.com/get/System/File-Management/Hash-Calculator-Kgjl.html

In order to validate the Electronic Signature of any survey PDF sent via www.surveystars.com:

- 1. Download the Hash Calculator available at: www.softpedia.com/get/System/File-Management/Hash-Calculator-Knjl.shtml
2. Save the Survey PDF onto your computer from www.surveystars.com or from the email sent from www.surveystars.com.
3. Click the square Browse button in the upper right hand corner of the Hash Calculator to find and select the saved Survey PDF document, and click the COMPUTE button in the lower right hand corner of the Hash Calculator.
4. Compare the 40 digit string of characters in the SHA-1 line to the 40 digit SHA-1 characters for the survey in the job file in www.surveystars.com which is also printed on the invoice for that survey.
5. If the 40 digit string of SHA-1 characters are exactly the same on the invoice (or in the survey file at www.surveystars.com) as they are in the Hash Calculator, then this PDF is authentic. If the 40 digit string of characters does not match exactly, then this PDF has been tampered with and it is not authentic.



G.T.T. Surveyors & Mappers, Inc.

Geomatics Top Team, Inc. 6224 Mohawk Terrace Margate, FL 33063

(754)303-7703 felipe@geotopteam.com





Prepared by:

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

### **NOTICE OF DEPARTMENT OF THE ARMY PERMIT**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification SAJ-2011-02027 to Leonard Zelin (Permittee) on January 4, 2023, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) on a parcel of land known as Folio/Parcel ID: 4843-19-01-00 located at 4216 Intracoastal Drive, in Section 19, Township 48 South, Range 43 East, Highland Beach, Palm Beach County, Florida.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the area authorized to be filled (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any works, including dredging or filling, or any other work within, over, or under waters of the United States (including wetlands) without first having obtained a permit from the Corps in the purchaser's name.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in the Intracoastal Waterway. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:  
U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:  
U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

**Conflict Between Notice and Permit**

**APPLICATION FOR CONSENT TO CROSS U.S. GOVERNMENT EASEMENT**

APPLICATION IS MADE for a Department of the Army Consent to Easement to construct, maintain, control, operate and repair a (state type of structure) \_\_\_\_\_

\_\_\_\_\_ over, under, across, in, or upon the Easement vested in the United States of America as shown on the attached [include boundary survey map with legal description/construction plans and specifications of project], and situated in Section \_\_\_\_, Township \_\_\_\_, South, Range \_\_\_\_, East, County of \_\_\_\_\_, Florida.

Names and Mailing Addresses of Record Owners: \_\_\_\_\_

Physical Address (location of project work): \_\_\_\_\_

Applicant understands that permanent structures affixed to the land or otherwise constructed or situated in a manner lasting or meant to last indefinitely and not expected to change in status, condition, or place are not permitted within the U.S. Easement. Unauthorized structures include, but are not limited to, residential and commercial buildings, swimming pools, patios, outbuildings, fences, gazebos, satellite dishes, oil and gas wells, boat ramps and seawall enclosures of docking areas or other structures as defined in CFR Title 36, Section 327.20. Noncompliance may subject the Applicant to possible removal and enforcement action.

The undersigned agrees that construction of the facility or structure involved in this application shall not begin until the Consent to Cross U.S. Government Easement, herein applied for, shall have been granted and appropriate rights shall have been acquired from the record owners and encumbrances of the underlying fee in the land involved.

\_\_\_\_\_  
Property Owner(s) Name (Print)

\_\_\_\_\_  
Property Owner(s) Name (Print)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

DATE: \_\_\_\_\_

**RETURN TO:** US Army Corps of Engineers, Jacksonville District  
ATTN: Real Estate Division  
P.O. Box 4970  
Jacksonville, FL 32232-0019

# CAUTION: MANATEE HABITAT

All project vessels

## IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work  
all in-water activities must

## SHUT DOWN

Report any collision with or injury to a manatee:

Wildlife Alert:

1-888-404-FWCC(3922)

cell \*FWC or #FWC



REPORT OF SURVEY

LEGAL DESCRIPTION

LOT 23, BLOCK 4, BELLIDO, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 25, PAGE 97, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. EASEMENT INTEREST:

FOR THE PURPOSE OF ACCESS TO THE ATLANTIC OCEAN OVER THE NORTH 8.4 FEET OF A PARCEL OF LAND IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE WEST BY THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 140, ON THE EAST BY THE WATERS OF THE ATLANTIC OCEAN, ON THE SOUTH BY A LINE PARALLEL TO AND 1,000 FEET NORTH OF, MEASURED AT RIGHT ANGLES TO, THE SOUTH LINE OF SAID SECTION 4, AND ON THE NORTH BY A LINE PARALLEL TO AND 4,450 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 4, SAID PARCEL BEING APPROXIMATELY 116.8 FEET IN WIDTH, FROM NORTH TO SOUTH, AND EXTENDING EASTERLY FROM THE RIGHT OF WAY STATE ROAD NO. 140 TO THE WATERS OF THE ATLANTIC OCEAN, AND A PERPETUAL RIGHT OF USE FOR PURPOSES INCIDENTAL TO OCEAN BATHING ONLY, THAT PART OF THE 100 FEET OF OCEAN BEACH WHICH LIES BETWEEN THE HIGH AND LOW WATER MARK OF THE ATLANTIC OCEAN, ALONG THE EAST BOUNDARY OF THE FOLLOWING DESCRIBED REAL PROPERTY, THAT CERTAIN TRACT OF LAND LYING AND BEING IN SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BOUNDED AS FOLLOWS TO-WIT: ON THE NORTH BY A LINE PARALLEL TO AND 4350 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION, ON THE SOUTH BY A LINE PARALLEL TO AND 4450 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION; ON THE EAST BY THE ATLANTIC OCEAN; AND ON THE WEST BY THE EAST RIGHT OF WAY LINE OF STATE ROAD A1A, FORMERLY NO. 140, AS NOW LAID OUT AND IN USE.

SECTION 4, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, NORTH BY A LINE PARALLEL TO AND 4350 FEET SOUTH OF, MEASURED AT RIGHT OUTH BY A LINE PARALLEL TO AND 4450 FEET SOUTH OF, MEASURED AT RIGHT EAST BY THE ATLANTIC OCEAN; AND ON THE WEST BY THE EAST RIGHT OF WAY LINE OF STATE ROAD A1A, FORMERLY NO. 140, AS NOW LAID OUT AND IN USE.

Z206.0115

This is page 2 of 2 and is not valid without all pages.

SURVEYOR'S LEGEND

Table with columns for symbols and descriptions. Includes categories like SURFACE TYPES, UNCONFINED, CONFINED, and various utility lines.

General Surveyor Notes

- 1. The Legal Description used to perform this survey was supplied by others. The survey does not determine or imply ownership.
2. This survey only shows improvements bound above ground. Underground facilities, utilities and encroachments are not located on this survey map.
3. If there is a water tank, or drain field shown on this survey, the location is approximate as the location was either shown to Surveyor by a third party or it was estimated by metal detection, probing rods, and visual above ground inspection only. No excavation was performed in order to determine the exact and accurate location.
4. This survey is not intended for the use of the property owner. It is intended for the use of the signing party or parties.
5. Dimensions are in feet and decimals thereof.
6. Dimensions to varying construction standards, loose dimensions are approximate.
7. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain such data was performed at www.fema.gov.
8. All corners marked as set are at a minimum a 22" diameter, 10" from center with a cap stamped L34162500.
9. The survey was performed using a total station and a Leica TS15. The survey was performed using a total station and a Leica TS15.
10. The survey was performed using a total station and a Leica TS15. The survey was performed using a total station and a Leica TS15.
11. Utilities shown on the subject property may or may not indicate the existence of unrecorded utility easements.
12. The information contained on this survey has been performed carefully and is the sole responsibility of Geomatics Top Team Inc.

POINTS OF INTEREST

NONE VISIBLE

JOB SPECIFIC SURVEYOR NOTES:

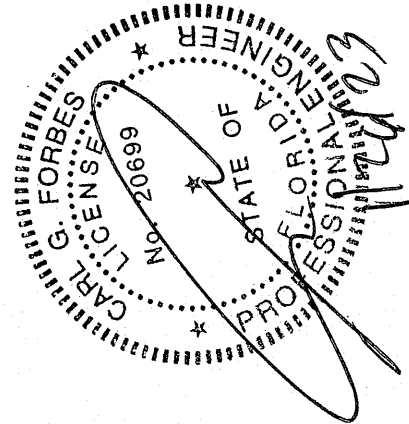
FLOOD INFORMATION: BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE (WITH A BASE FLOOD ELEVATION OF 6'). THIS PROPERTY WAS FOUND IN TOWN OF HIGHLAND BEACH, COMMUNITY NUMBER 125111, DATED 10/05/2017.

In complete accordance with Florida Statute 472.025 and Paragraphs to the Electronic Signature Act of 1996 or Florida Statute 472.025, the Surveyor hereby certifies that this survey was prepared electronically, the PDF file is a true and correct copy of the original survey, and the PDF file is a true and correct copy of the original survey. In order to validate the Electronic Signature of PDF surveys sent via www.surveystars.com you must use a hash calculator. A free hash calculator is available for download at: www.surveystars.com/Tools/Hash-Calculator.html. In order to validate the Electronic Signature of any survey PDF sent via www.surveystars.com: 1. Download the Hash Calculator available at: www.surveystars.com/Tools/Hash-Calculator.html. 2. Save the Survey PDF onto your computer from www.surveystars.com or from the email sent from www.surveystars.com. 3. Click the square Browse button in the upper right hand corner of the Hash Calculator to find and select the saved Survey PDF document, and click the COMPUTE button in the lower right hand corner of the Hash Calculator. 4. Compare the 40 digit string of characters in the SHA-1 line to the 40 digit SHA-1 characters to the survey in the job file in www.surveystars.com which is also printed on the invoice for that survey. 5. If the 40 digit string of SHA-1 characters are exactly the same on the invoice for the survey file at www.surveystars.com as they are in the Hash Calculator, then this PDF is authentic. If the 40 digit string of characters does not match exactly, then this PDF has been tampered with and it is not authentic.



G.T.I. Surveyors & Mappers, Inc.

Geomatics Top Team, Inc. 6224 Mohawk Terrace Margate, FL 33063 (754)303-7703 felpe@geotopteam.com



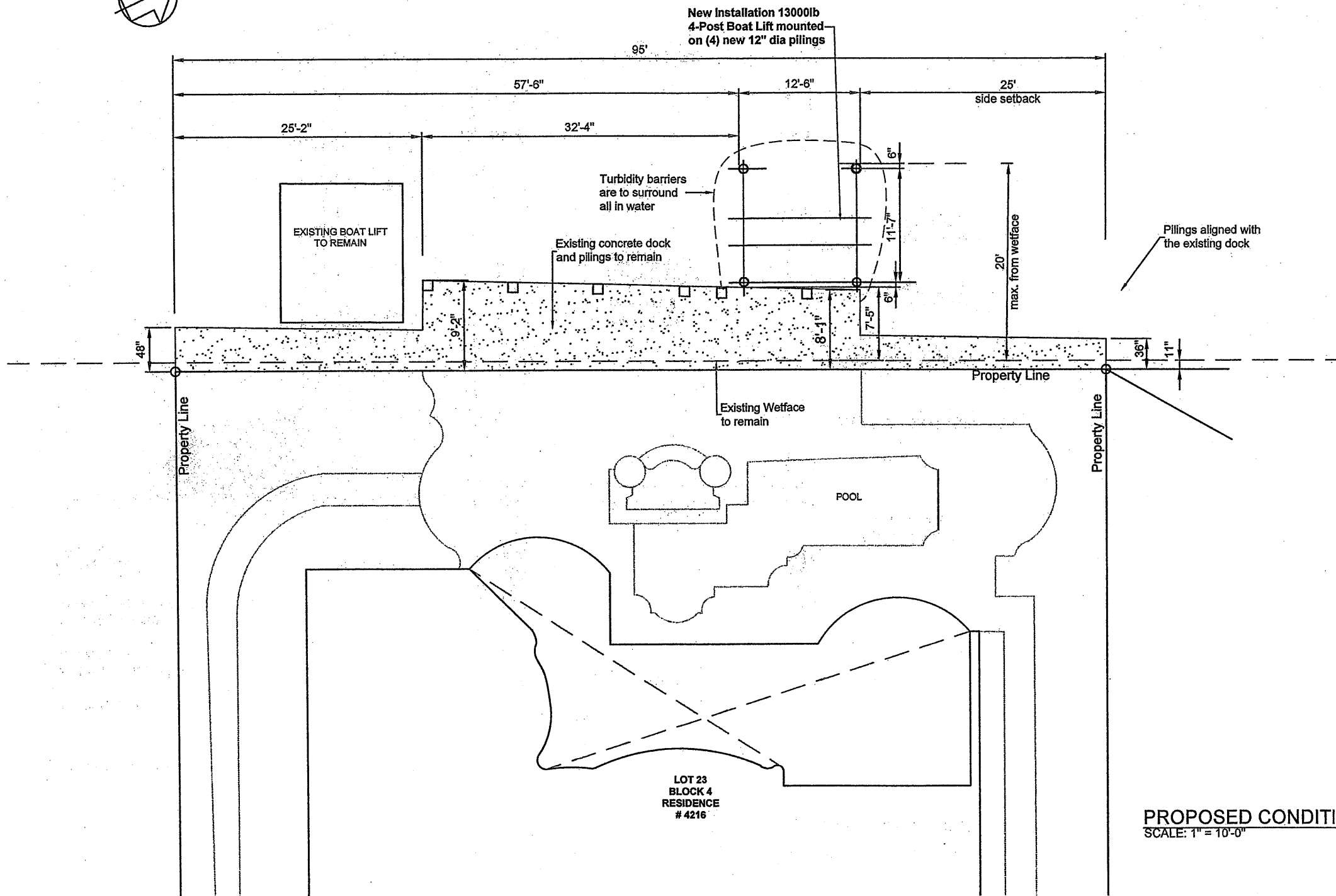






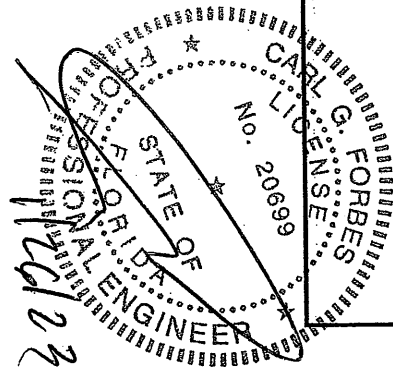


INTRACOASTAL WATERWAY  
300' R/W CANAL



LOT 23  
BLOCK 4  
RESIDENCE  
# 4216

PROPOSED CONDITIONS  
SCALE: 1" = 10'-0"



CARL G. FORBES PE  
1924 SOUTH DIXIE HIGHWAY WEST  
POMPANO BEACH, FL 33060  
PAUL CARLEBERG BELLSOUTH  
PHONE 954-692-4481 FAX 954-608-1074  
STATE OF FLORIDA LICENSE # PE 20699

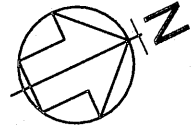
PREPARED FOR:  
BOATLIFTS & DOCKS  
OF SOUTH FLORIDA  
484 N.W. 31ST AVENUE  
POMPANO BEACH, FL 33064  
454-471-0811 SC015151474

BOAT LIFT FOR:  
ZELIN RESIDENCE  
4216 INTRACOASTAL DR  
HIGHLAND BEACH, FLORIDA

DATE	NOTES/REVISIONS
05-14-22	new 12\"/>

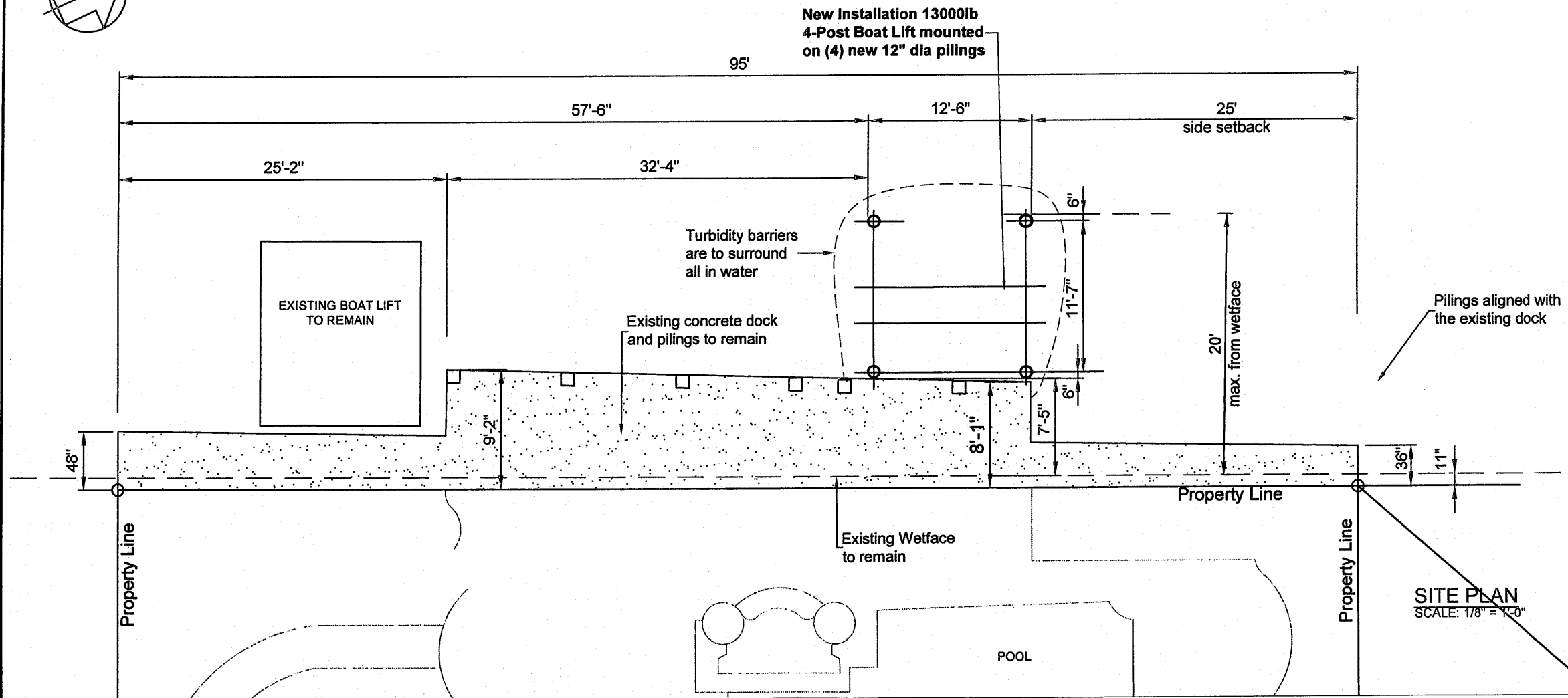
Drawn by: Del Ry.  
Checked by:  
Date: 04/05/2022  
Job No.: 22-013

PC



# INTRACOASTAL WATERWAY

300' R/W CANAL



**New Installation 13000lb  
4-Post Boat Lift mounted  
on (4) new 12" dia pilings**

**EXISTING BOAT LIFT  
TO REMAIN**

Turbidity barriers  
are to surround  
all in water

Existing concrete dock  
and pilings to remain

Existing Wetface  
to remain

Pilings aligned with  
the existing dock

**SITE PLAN**  
SCALE: 1/8" = 1'-0"

**General Notes:**

1. New Installation 13000lb 4-Post Boat Lift mounted on (4) new 12" dia. wood pilings.
2. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
3. Elevations shown are based on the North American Vertical Datum of 1988.
4. Design in accordance with 2020 7th Edition of the Florida Building Code.
5. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
6. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.
7. Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting.
8. **Engineer's Limitations of Responsibility:** The Engineer shall not be responsible for the quality or composition of materials, fabrications, construction inspection, supervision, or review, special inspection, or the quality and correctness of construction unless the appropriate submissions, reports, approvals, inspections, site visit, construction review, or special inspections are performed by the Engineer or his representative as required herein, and then only such responsibility as is associated with the specific work performed as is commonly assigned a structural engineer in relation to other engineering and construction disciplines associated with the project.
9. The Engineer shall not be responsible for site and construction safety and/or the safety of construction workers. Site and construction safety is the responsibility of the Contractor. The Contractor shall be responsible for the safety of his employees and the safety of the employee of all subcontractors to the project.
10. **Engineer's Statement of Compliance:** To the best of the Engineer's knowledge, the structural plans and specifications presented herein comply with the applicable minimum building codes, standards, and practices.

**CARL G. FORBES PE**  
2294 SOUTH DIXIE HIGHWAY WEST  
POMPANO BEACH, FL 33060  
EMAIL: CARL.FORBES@SOUTHFLORIDAENGINEERING.COM  
PHONE: 954-422-4661 FAX: 954-422-4662  
STATE OF FLORIDA LICENSE # 20084

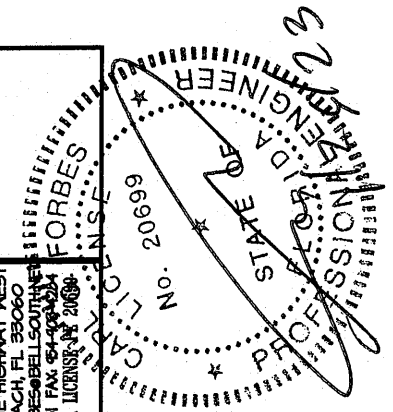
**BOATLIFTS & DOCKS  
OF SOUTH FLORIDA**  
9194 NW 31ST AVENUE  
POMPANO BEACH, FL 33064  
954-471-0811 SC012151474

**BOAT LIFT FOR:**  
**ZELIN RESIDENCE**  
4216 INTRACOASTAL BLVD  
HIGHLAND BEACH, FLORIDA

DATE	NOTES/REVISIONS
05-14-22	new side setback 25'

Drawn by: \_\_\_\_\_ Del Ry  
Checked by: \_\_\_\_\_  
Date: 04/05/2022  
Job No.: 22-013

**SP**





**Town of Highland Beach  
Town Commission Development Order (PB)  
Application No. 22-0010**



**Applicant: Akbar Monal Nunez  
Property Address: 4216 Intracoastal Dr.  
Highland Beach, Florida 33487**

**CERTIFICATE OF MAILING AFFIDAVIT**

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. 22-0010 for the property located at 4216 Intracoastal Dr., 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 4216 Intracoastal Dr., Highland Beach, Florida 33487.

The mailings consisted of 112 notices that were sent first class mail and 02 notices that were sent by International Mail.

This 22<sup>th</sup> day of February 2023.

Highland Beach Town Clerk's Office

Ganelle Thompson  
Administrative Support Specialist



**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 Feb 27, 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: February 28, 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  
7379349

**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, March 9, 2023, at 9:30 AM in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following:

APPLICATION NO. 22-0010 BY AKBAR MONDAL NUNEZ, BOAT LIFTS & DOCKS OF SOUTH FLORIDA, FOR A SPECIAL EXCEPTION APPROVAL TO INSTALL A 13,000 POUND CAPACITY BOAT LIFT FOR A PROPERTY LOCATED AT 4216 INTRA-COASTAL DRIVE.

APPLICANT: AKBAR MONDAL NUNEZ

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

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

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

For additional information, please contact the Town Planner at (561) 278-4540.  
TOWN OF HIGHLAND BEACH, BUILDING DEPARTMENT  
2/27/2023 7379349



**File Attachments for Item:**

D. Discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility and seawall regulations of the Town Code



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board Meeting

**MEETING DATE** March 9, 2023

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

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

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## **SUMMARY:**

At the February 7, 2023 Town Commission meeting, the Commission considered a discussion item pertaining to the recently held Accessory Marine-related Public Input Meetings including a summary of the public input received (see below) and next steps. Consensus from the Commission was to have the Planning Board review the proposed amendment concepts (noted below) and provide their recommendations to the Commission. Additional discussion from the Commission included:

- Proposed encroachments into the water may not work in narrow canals and therefore different zones may need to be recognized.

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

Note that the proposed “amendment concepts” were first introduced to the Town Commission on March 15, 2022. The Commission memorandum from this March meeting (attached) provides an introductory review and analysis of the amendment concepts. Note that after the March 15, 2022 meeting, an additional proposed change to the Town Code pertaining to a “maximum seawall height” was added to the list of amendment concepts. The latter concept was presented at the Public Input Meetings held in December 2022. Currently, the Town Code does not have a maximum seawall height requirement; however, Section 6-128 of the Town Code requires that all seawalls west of State Road A1A be at Base Flood Elevation or higher as provided by the FEMA FIRM maps.

## **PROPOSED AMENDMENT CONCEPTS**

- Maximum height for AMFs = 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.

Summary of Public Input Meetings:

On December 5<sup>th</sup>, 7<sup>th</sup>, and 13<sup>th</sup>, 2022, the Town held Public Input Meetings regarding proposed changes (“amendment concepts”) to the Accessory Marine Facility and seawall regulations of the Town Code of Ordinances. An identical PowerPoint presentation was presented at each meeting which identified each amendment concept, any corresponding Town Code regulation that may apply to the concept, and a “no action” option. Staff prepared a comment sheet which was available at all three (3) meetings as well as on the Town’s website. Attached are the comment sheets received. In addition to the comment sheets, staff took notes of comments and concerns raised by residents in attendance at each meeting. These meeting comments are provided below by meeting date. The following meeting comment (*in italics*) required some additional research by staff which is provided in the table below:

*Look at other municipalities with direct Intracoastal Waterway (ICW), how do they handle encroachment (Comment from December 5<sup>th</sup> meeting)?* **Staff response:** The following table provides regulations applicable to other municipalities:

City	Dock Encroachment	Boat Lift Encroachment
Boca Raton	<b>6 ft for canals and waterways less than 100 ft in width or 8 ft for canals and waterways 100 ft or more in width</b> (exclusive of pilings), measured from the property line, seawall or bulkhead, whichever is nearest to the waterway.	<b>25% of width of canal or waterway or 20 ft</b> , whichever is less. For portions of a boat lift constructed beyond 20 percent of the width of a <b>canal</b> , only wood pilings may be utilized and no part of a boat lift structure shall extend beyond the face of the wood pilings nearest the canal center.
Pompano Beach	<b>5 ft for canals and waterways 50 ft in width or less for canals and waterways more than 50 ft in width, 8 ft (or 10% of width of canal and waterway, whichever is less)</b> , as measured from the property line or measurement reference line.	<b>20% of width of canal or waterway or 20 feet</b> , whichever is less, as measured from the property line or measurement reference line.

Delray Beach	<b>5 ft into waterway, if no existing seawall</b> , measured from water's edge at mean low tide; <b>5 ft if existing or proposed seawall without batter piles</b> , measured from face of seawall; <b>7 ft if existing or proposed seawall with or without a seawall cap with batter piles</b> , measured from the face of seawall.	<b>20 ft into waterway</b> from the property line or seawall or bulkhead, whichever is nearer to the waterway.
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ft = feet

**December 5, 2022** (12 residents in attendance, does not include Town Commission or Planning Board members):

1. Look into FEMA preliminary maps, boat lift height should go up not down.
2. Consider seawall height range to accommodate existing (older) structures. For example, Fort Lauderdale has a range from 4 feet to 6 feet.
3. Consider measuring encroachment into the water from existing bulkhead line given some property lines are in the water.
4. Need clear process based on Army Corps of Engineers approval.
5. Support for 10 foot dock setback.
6. Look into provisions for in kind replacement of lifts.
7. Seawall verses property line, consider the one that leaves greater canal space to traverse.
8. Identify properties that may be disadvantaged when measuring encroachment into waterway from property line verses seawall.
9. Datum increase of 1.5 feet, maybe height should be increased by 1.5 feet.
10. Consideration for homes built before change to North American Vertical Datum (NAVD).
11. Support for personal watercraft (PWC) exemption.
12. Support for 10 foot setbacks
13. Byrd Beach property owners reject 25 foot setback.
14. Ladder requirement:
  - should be homeowner's choice.
  - one (1) ladder per waterfront property.

**December 7, 2022** (2 residents in attendance, does not include Town Commission or Planning Board members):

1. Facilities located within property line should be allowed.
2. Ladder requirement equals safety.

**December 13, 2022** (15 residents in attendance, does not include Town Commission or Planning Board members):

1. Floating docks create conflicts and should be addressed in amendment concepts.
2. Boat lift pilings to have 10-15 feet (30 feet maximum) setback, different than docks and davets.
3. No special exception approval by Planning Board if compliant with proposed concepts.
4. Provide setback for moored boats like Pompano Beach.
5. Proposed amendments to apply to structure as well as boat.

- 
6. Allow accessory marine facilities within the property line, when property line is in the water.
  7. Proposed Base Flood Elevation threshold should not apply to nonconforming structures.
  8. Have no special exception requirements if proposed thresholds are met.
  9. Grandfather existing accessory marine facilities to replace in kind (regardless of setback so long as structure was previously permitted and is not a safety hazard).
  10. Reduce speed in Intracoastal Waterway. Speed causing wake issue.
  11. Increase in seawall height should be mandated given sea level rise.
  12. If accessory marine facility is located within property line and property line is in waterway, it should not need to comply with any proposed encroachment threshold.
  13. Make the setback same for single-family and multi-family, not based on lot width.
  14. Consider for those developments that wish to replace a continuous dock, that the proposed 10 foot setback would not prevent a continuous dock from being reinstalled.

Note that on February 23, 2023, staff will present (at the request of the Bel Lido HOA president) the proposed amendment concepts at the Bel Lido HOA meeting. Any additional comment sheets received from this meeting will be provided to the Board.

For reference purposes, a brief history on hearings held (and other related matters) relating to proposed accessory marine facility amendments to the Town Code are provided below:

November 17, 2020 - Town Commission authorized Vice-Mayor Greg Babij to sponsor the review and propose any amendment(s) to the accessory marine structure ordinance provisions (motion carried 5-0).

March 15, 2022 – Town Commission considers introduction to proposed amendment concepts regarding the accessory marine facility provisions of the Town Code. Commission consensus was to establish a process for review of such amendment concepts to include public participation and review by the Planning Board.

April 19, 2022 – Town Commission provides direction in establishing a process for review of amendment concepts as follows:

1. Requests that the Planning Board watch the April 19, 2022 Town Commission discussion on such item (Number 10D).
2. Requests that the Planning Board physically observe the various canal/lot widths and existing accessory marine facilities including boat lifts located within the Town.
3. Create maps of the various waterway widths (including canal and lakes).
4. Once Board site observations are complete, staff is to send out notices to all waterfront property owners (west of State Road A1A) prior to the Planning Board meeting where the Board will discuss proposed amendment concepts as provided to the Town Commission on March 15, 2022.

May 12, 2022 – Planning Board considers the April 19, 2022 direction provided by the Town Commission regarding Board review process for proposed amendments to the Accessory Marine Facility regulations of the Town Code.

May 23-27, 2022 – Individual Board site observations, as noted above, are conducted via the Police Department's Marine Patrol Unit (for those Board members who do not have

access to a boat). Note five (5) of the seven (7) Board members conducted their observations on the Marine Patrol Unit vessel.

June 21, 2022 – Town Commission considers a discussion on a “review timeline” for proposed amendment concepts. Consensus from the Commission was to hold neighborhood meetings at the Town library in an effort to engage input from residents on the proposed changes, and that such meetings commence in October or November upon return of seasonal residents

August 16, 2022 - Town Commission considers a discussion on a “review timeline” for proposed amendment concepts. Consensus from the Commission is to hold three (3) evening meetings in early November 2022.

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**ATTACHMENTS:**

- March 15, 2022 Town Commission memorandum regarding introduction to proposed changes to Accessory Marine Facility regulations.
  - Comment sheets received regarding proposed amendment concepts.
  - Sign-in sheets from Public Input Meetings.
- 

**RECOMMENDATION:**

At the discretion of the Board.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

**MEETING TYPE:** Town Commission Meeting

**MEETING DATE:** March 15, 2022

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

**SUBJECT:** Introduction to a proposed amendment to the Town Code of Ordinances regarding Accessory Marine Facilities.

**SUMMARY:**

Former Vice-Mayor, Greg Babij, is sponsoring an amendment to the Accessory Marine Facilities regulations found in Section 30-68(g) and (h) of the Town Code. This proposed amendment is further detailed in Mr. Babij’s attached draft report (Attachment No. 1). Staff has prepared the following table which compares each proposed change with any current Town Code regulation that may apply:

Proposed amendment	Current Town Code regulation
1. Maximum height for accessory marine facilities at Base Flood Elevation (BFE) plus 7 feet.	Town Code is silent on maximum height for accessory marine facilities; however, the definition of “boat lift” requires that in no case shall the lift be higher than the superstructure of the boat when lifted ( <b>Sec. 30-131</b> ).
2. Exempt personal watercraft (PWC) lifts (as defined in Sec. 30-131) from the requirement that “in no case shall the lift be higher than the superstructure of the boat when lifted” or remove requirement from Town Code. <i>Note that given the low profile of such PWCs, compliance is problematic unless a variance is sought by Applicant.</i>	Boat Lift is defined as “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.” ( <b>Sec. 30-131</b> ).  Personal Watercraft lift (PWL) includes a mechanical/electrical device for lifting jet skis, canoes, kayaks or other small watercraft out of the water. ( <b>Sec. 30-131</b> ).



Proposed amendment	Current Town Code regulation
3. Maximum seawall cap width of 3 feet and maximum 8 foot width for seawall cap plus dock, as measured from the property line.	In waterways not regulated by the U.S. Army Corps of Engineers, docks and mooring structures shall not extend into any waterway more than five (5) feet. In waterways regulated by the U.S. Army Corps of Engineers, docks and mooring structures may extend to that distance allowed by said agency ( <b>Sec. 30-68(g)a. and b.</b> ). <i>Note that USACE regulates Intracoastal Waterway, canals and lakes in Town.</i>
4. Encroachment into water is 25 ft or 25% of waterway width (measured from the shortest distance adjacent to property line) whichever is less.	See No. 3 above.
5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 ft.	Single-family zoning districts: <b>25 foot</b> side setback. For lots with a width of 50 feet or more but less than 70 feet, <b>15 foot</b> side setback. For lots with less than fifty feet abutting the water, the planning board may grant a special exception for the installation of a seawall mounted davit type lifting device (but not a dock structure) after being satisfied as to the protection of neighboring property and no infringement of standard navigation practices. Multi-family Zoning districts are exempt from side setback ( <b>Sec. 30-68(g)(6)d.</b> )
6. Require a ladder for every 50 feet of dock.	Town Code is silent on ladders.

Note that at the September 10, 2020 Planning Board meeting, staff provided, at the request of the Planning Board Chair, a discussion item that included other municipal piling height limits. Given the proposed amendment to the Town Code includes a maximum height for accessory marine facilities, the Commission may find the discussion memorandum helpful in the review and consideration of this introduction item (Attachment No. 2). Staff has also prepared a table that lists recent Town boat lift requests and their corresponding piling height and extension into the waterway (Attachment No. 3). The table also compares the applicable extension requirements for both the Cities of Pompano Beach and Boca Raton.

The proposed amendment was reviewed by Applied Technology & Management, Inc. (ATM), a coastal and marine engineering consultant who has a Professional Services Agreement with the Town. A report was provided by Dr. Michael G. Jenkins, ATM's Coastal Engineering Principal (Attachment No. 4). Dr. Jenkins indicates under item No. 1 of his report, that the Town's requirement that all accessory marine facilities receive Planning Board approval (Sec. 30-68(g)) is not a common requirement and that Board approval is typically reserved for sites with special and unique circumstances. Note that Section 30-46 of the Town Code currently requires public notice for Planning Board hearings. Although not included in Mr. Babij's

proposed amendment, the Town Commission should be mindful that if Commission consideration is given to reserving Planning Board approval only for those sites with special and unique circumstances, public notice provisions and public comment would only then apply to such special and unique sites. Those accessory marine facility requests that are not special and unique sites would be administratively approved by staff so long as they are consistent with Town Code regulations.

For reference purposes, attached are the current regulations applicable to accessory marine facilities found in Section 30-68 (g) and (h) of the Town Code (Attachment No. 5).

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Attachment No. 1 – Draft report from Greg Babij

Attachment No. 2 - Planning Board discussion memorandum – September 10, 2020

Attachment No. 3 - Recent Town boat lift requests table

Attachment No. 4 - ATM report

Attachment No. 5 - Section 30-68 (g) and (h) Town Code of Ordinances

Ordinance Process flowchart

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**RECOMMENDATION:**

At the discretion of the Commission.

# ATTACHMENT NO. 1

## 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.

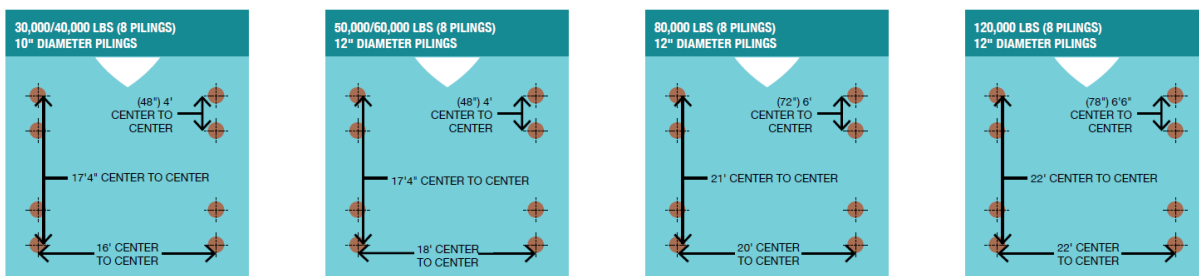
This very standard lift size could be installed at any home that has also conformed to the recommended seawall cap and dock widths, and stay at the 25 ft maximum distance:  
3 ft seawall cap + 5 foot dock + 17 foot boatlift = 25 ft.

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.



## TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Virtual Planning Board Meeting

**MEETING DATE** 9/10/2020

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

**SUBJECT:** Discussion on piling height limits and Town Code deficiencies pertaining to accessory marine facilities.

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### BACKGROUND:

On August 15, 2020, Planning Board Chairperson, David Axelrod, made the following two inquiries to Town staff:

1. Whether other local municipal codes provide height limits on pilings; and
2. Whether there are any other deficiencies in the Town Code as it pertains to accessory marine facilities.

Staff was directed by Town Manager, Marshall Labadie, to proceed with preliminary research on these inquiries.

### SUMMARY:

#### Height limits on pilings:

The Town of Highland Beach's Code of Ordinances does not provide height limits for boat lift pilings. Upon staff review of the municipal codes for Boca Raton, Delray Beach, Manalapan, North Palm Beach and Ocean Ridge, no provisions for lift piling height were found. The municipal codes of Sanibel and Cape Coral both provide height provisions for mooring pilings as provided in Table 1 below (Note that Cape Coral also provides a maximum elevation provision for "pilings"). Jupiter Island's municipal code states for pilings supporting a dock or used in conjunction therewith shall not be higher than eight feet above mean high water. Moreover, Jupiter Island provides hoisting and daviting provisions for boats as follows:

***Section 3.07F.(b) No boat shall be hoisted or davited to such a height that the top of the main superstructure, but not including masts, antennas, outriggers or other attachments to said boat, shall be more than eight feet above mean high water, and no boat exceeding 31 feet in overall length shall be hoisted or davited from the water and supported by a dock, unless approved by the impact review committee using the standards set forth in article X, division II, section 2.04 (see Attachment No. 1)***

The municipal code for Lighthouse Point contains provisions for the number of individual pilings which may be installed adjacent to any property as provided in Table 2 below.

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**TABLE 1**

<b>MUNICIPALITY</b>	<b>PILING HEIGHT PROVISION</b>	<b>NOTES</b>
Sanibel	Height of mooring pilings, maximum ten feet above mean high water (Sec. 126-886).	“Mooring Piling” is not defined in Sanibel’s Municipal Code.
Cape Coral	Mooring Pilings shall not be higher than eight feet above mean high water (Section 5.4.5.).	“Mooring Piling” is not defined in Cape Coral’s Municipal Code.
	The elevation of pilings shall not exceed 10 feet above the seawall cap or, if no seawall exists, 13 feet above mean water level (Section 5.4.2.).	
Jupiter Island	Pilings supporting a dock or used in conjunction therewith shall not be higher than eight feet above mean high water (Section 3.07C1.b.)	

**TABLE 2**

LIGHTHOUSE POINT: Section 42-380(d)(1) The number of individual pilings which may be installed adjacent to any property shall be as follows:

Properties With Eight (8) Foot Side Setbacks		Properties With Seven and One-Half (7½) Foot Side Setbacks	
Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed	Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed
0—60	0	0—60	0
Over 60—136	2	Over 60—135	2
Over 136—176	3	Over 135—175	3
Over 176 +	4	Over 175 +	4

Deficiencies:

Section 30-68 (g)(6)d.2. of the Town Code provides for a contradictory provision regarding the side yard setback requirement for accessory marine facilities in multifamily zoning districts. This section currently reads as follows:

*Multifamily zoning districts: Five (5) feet, measured from the perimeter property lines. In multifamily residential zoning districts, marine facilities shall be exempt from side yard setback requirements for all interior lot lines.*

Initially, the provision states that a five (5) foot setback is applicable; however, the second sentence exempts multifamily residential zoning districts from the side yard setback requirement. While this conflicting text could be addressed independently from the other accessory marine facility regulations, staff suggests that a marine consultant be retained to holistically assess the current Town Code regulations pertaining to accessory marine facilities and determine deficiencies. Marine consultant considerations could include whether provisions for lift piling height or hoisting of boats, along with corresponding definitions, should be incorporated into the Town Code.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Attachment No. 1 – Jupiter Island standards for impact review.

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**RECOMMENDATION:**

Board discussion.



Sec. 2.04. - Standards for impact review of hoisted boats in excess of 31 feet in length or in excess of eight feet in height above mean high water.

The decision-maker shall approve an application for a hoisted boat that exceeds the maximum length and/or height if the applicant demonstrates that:

- A. The proposed hoisted boat will not adversely affect the public interest; and
- B. The proposed hoisted boat is consistent with the surrounding neighborhood character; and
- C. The visibility of the proposed hoisted boat from public rights-of-way and adjacent properties is minimized in a manner that is consistent with the surrounding neighborhood character; and
- D. The landscape buffer along the side property lines minimizes the visibility of the proposed hoisted boat; and
- E. The proposed hoisted boat will not cause substantial injury to the value of any other property in the neighborhood where it is to be located; and
- F. The proposed hoisted boat will be compatible with adjoining properties and the intended purpose of the district in which it is to be located; and
- G. The proposed hoisted boat will not result in an obvious departure from the aesthetic character of the neighborhood; and
- H. The proposed hoisted boat is situated in a manner that does not materially obstruct the waterfront views from neighboring property; and
- I. The proposed hoisted boat will be associated with a dock which is conforming to all town regulations; and
- J. The proposed hoisted boat does not exceed 41 feet in length or contain more than two levels.

(Ord. No. 342, § 2, 9-17-13)

**ATTACHMENT NO. 3**

**BOAT LIFTS REQUESTS**

ADDRESS	# OF PILINGS	HEIGHT OF PILING/TOP OF LIFT BEAM <sup>1</sup>	LIFT EXTENDS INTO WATERWAY (FROM PL)	POMPANO BCH REGULATIONS FOR EXTENDING INTO WATERWAY (FT) <sup>2</sup>	BOCA RATON REGULATIONS FOR EXTENDING INTO WATERWAY (FT) <sup>3</sup>	NOTES
<b>2021</b>						
4205 Intracoastal Dr <i>APPROVED</i>	8	5'/6'6"	25'	20 (Approx. 145 ft width of waterway)	20	
4408 Intracoastal Dr <i>APPROVED</i>	0	0/6'6"	18'	18.6 (Approx. 93 ft width of waterway)	20	
4206 Intracoastal Dr <i>APPROVED</i>	4	5'/6'6"	18.5'	20 (Approx. 100 ft width of waterway)	20	
1118 Bel Air Dr <i>APPROVED</i>	0	0/7'8"	16	20(Approx. 155 ft width of waterway)	20	
<b>2020</b>						
1006 Grand Ct <i>DENIED</i>	10	7'/8'6"	18'6"	20 (Approx. 150 ft width of waterway)	20	
4318 S Ocean Blvd <i>APPROVED</i>	0	0/7'3"	20'	20 (Approx. 100 ft width of waterway)	20	
<b>2019</b>						
2727 S. Ocean Blvd (slip 5A and 5B) <i>APPROVED</i>	4	Not provided on plans	33'9" (SEE NOTES)	20 (Approx. 316 ft width across ICW)	20	Extension into waterway was measured from seawall. Note that property line is west of seawall, in the water.
4014 S. Ocean Blvd <i>APPROVED</i>	4	Not provided on plans	21'6" (SEE NOTES)	20 (Approx. 337 ft width across ICW to dock)	20	Extension into waterway was measured from dock. Note that property line is west of dock, in the water.

<sup>1</sup>Measured from the dock.

<sup>2</sup>Pompano Beach allows lift to extend to a distance **20%** of the width of the waterway or 20 feet, whichever is less.

<sup>3</sup>Boca Raton allows lift to extend to a distance **25%** of the width of the waterway or 20 feet, whichever is less. For portions of a boat lift constructed beyond 20 percent of the width of the canal, only wood pilings may be utilized and no part of a boat lift structure shall extend beyond the face of the wood pilings nearest the canal center.

**PL** – Property Line

**FT** – Feet

Note: Neither Pompano Beach nor Boca Raton code regulations provide for a maximum piling height.

## ATTACHMENT NO. 4



A Geosyntec Company

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

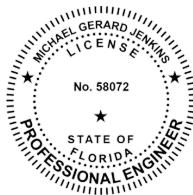
Regulation of boat lifts through minimum setbacks, size and height limitations are generally sufficient to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view for waterways that are generally uniform in dimension adjacent to the regulated 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**

Digitally signed by  
Michael G Jenkins  
Date: 2022.02.24  
09:00:36 -05'00'

*Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.*

## ATTACHMENT NO. 5

→ Sec. 30-68. - Supplemental district regulations.

(g) *Accessory marine facilities:*

- (1) *Accessory use.* Accessory marine facilities, including docks, piers, launching facilities, boat basins, freestanding pilings and lifting and mooring devices, are permitted as accessory uses in all residential zoning districts. Accessory marine facilities shall be reviewed as special exceptions by the planning board which shall be the final authority on all applications unless the accessory marine facility is part of a site plan submittal or other application requiring town commission approval as provided for in section 30-36.
  - a. Accessory marine facilities shall not be used for commercial purposes.
  - b. Accessory marine facilities shall be used only by residents or their guests, and shall not be rented or leased to nonresidents or any other person other than owners or residents of the principal dwelling or dwellings. For the purpose of this section, the term guest shall mean a person or persons residing in a dwelling unit for a limited period of time, not to exceed a period of sixty (60) days within one calendar year, at the invitation of the owner or resident of the dwelling.
  - c. Accessory marine facilities shall not be a hazard to navigation.
- (2) *Boat basins.* Boat basins are allowed in all zoning districts and reviewed by a special exception, subject to the additional standards listed below:
  - a. The edge of any improvements associated with a boat basin shall be located at least twenty-five (25) feet from side property lines.
  - b. The total length of improvements associated with a boat basin shall not exceed one-third (33.3%) of the length of the property line in which the basin is located.
  - c. Not more than twenty-five (25) percent of any boat moored in a boat basin may extend waterward of property line in which the basin is located.
  - d. The town, at the expense of the applicant, may utilize appropriate marine, engineering, construction, and related professionals to review all aspects of such application. Such professionals shall be utilized to ensure compliance with the requirements herein, to ensure a proposed basin will not be a hazard to navigation, and to ensure a proposed boat basin will not pose a potential hazard, via erosion or other action, to the stability of neighboring properties.
- (3) *Lifting devices.* The installation of lifting devices or other means of securing boats (but not a boat dock) is allowed in all zoning districts. In addition to the requirements for a special exception, the planning board must also find that the lifting device will provide adequate protection of neighboring property and that there is no infringement of standard navigational practices.
- (4) *Boats and setbacks.* When moored, any portion of a boat shall not extend beyond any property line, as extended waterward.
- (5) *Enclosures.* Accessory marine facilities shall not be enclosed with walls, roofs, or any other structures or improvements.
- (6) *Installation.* Accessory marine facilities shall comply with the installation standards listed below:
  - a. In waterways not regulated by the U.S. Army Corps of Engineers, docks and mooring structures shall not extend into any waterway more than five (5) feet.
  - b. In waterways regulated by the U.S. Army Corps of Engineers, docks and mooring structures may extend to that distance allowed by said agency.

- c. Measurement of the width or length of a dock, as applicable, shall be made from the property line.
  - d. Marine facilities shall comply with the side yard setbacks listed below.
    - 1. *Single-family zoning districts:* Twenty-five (25) feet; provided, however, the side yard setback shall be fifteen (15) feet for any single-family lot with a lot width of fifty (50) feet or more but less than seventy (70) feet. For those lots with less than fifty (50) feet abutting the water, the planning board may grant a special exception for the installation of a seawall mounted davit type lifting device (but not a dock structure) after being satisfied as to the protection of neighboring property and no infringement of standard navigation practices.
    - 2. *Multifamily zoning districts:* Five (5) feet, measured from the perimeter property lines. In multifamily residential zoning districts, marine facilities shall be exempt from side yard setback requirements for all interior lot lines.
- (7) *Perpendicular docking.* Unless otherwise provided herein, boats shall not be moored or docked perpendicular to the property at which they are located.
- a. A boat moored at the landward end of a canal constructed for boat docking purposes may be moored perpendicular to the property line, provided such mooring does not impede the navigation of adjacent property owners.
  - b. A boat moored in the Intracoastal Waterway may be moored perpendicular to the property line, subject to approval by the U.S. Army Corps of Engineers.
  - c. A request for perpendicular docking of a boat in a canal shall be considered as a special exception by the planning board. Applications for development order approval of perpendicular docking of boats shall be subject to all standards applicable to a special exception request, and the additional criteria contained herein:
    - 1. Location of docks, docked boats, and relation to side setbacks shall be established by the waterward extension of property lines.
    - 2. Perpendicular docking of boats shall not interfere with navigation of other boats within the affected canal, and will not be a hazard to navigation.
    - 3. Perpendicular docking of boats shall comply with all setbacks required for accessory marine facilities.
    - 4. Docks or accessory mooring facilities approved by the planning board for perpendicular docking of boats may exceed the maximum extension into a waterway allowed for accessory marine facilities.
    - 5. The building official or planning board may request evidence, prepared by a recognized marine expert, demonstrating the following:
      - i. Proposed perpendicular docking and related accessory marine facilities will not reasonably deny or otherwise limit the ability of abutting or adjacent property owners to construct accessory marine facilities;
      - ii. Proposed perpendicular docking and related accessory marine facilities will not reasonably deny or otherwise limit the normal ability of abutting or adjacent property owners to moor, maneuver, use or otherwise move a boat; and
      - iii. Proposed perpendicular docking and related accessory marine facilities will not deny reasonable visual access of abutting property owners to public waterways.

- (h) *Dolphins, freestanding pilings, boat lifts, docks, and moorings:*
- (1) *Installation.* In order to be installed, dolphins, freestanding pilings, boat lifts, docks, and moorings (collectively "mooring facilities") shall comply with all standards listed below:
    - a. The installation shall be subject to special exception approval by the planning board at an advertised public hearing.
    - b. The mooring facilities will be located in a canal or waterway at least eighty (80) feet in width.
    - c. The mooring facilities will not create a hazardous interference with navigation, endanger life or property, or deny the public reasonable visual access to public waterways.
    - d. Construction of all mooring facilities shall require a building permit.
  - (2) *Public notice.* In addition to the requirements of section 30-46, written notice must be provided by first class mail to owners of property abutting the canal and located within five hundred (500) feet, as measured from both property lines along the canal bank, of the property in question.
  - (3) *Documentation.* The building official or planning board may request evidence, prepared by a recognized marine expert, demonstrating the proposed mooring facilities will not be a hazard to navigation and will not deny reasonable visual access to public waterways.
  - (4) *Adjacent property.* Installation of the mooring facilities shall not cause a hazardous interference with navigation, endanger life or property, or deny the adjacent property owners or public reasonable visual access to the public waterway.
  - (5) *Navigation.* Installation of such mooring facilities shall not infringe upon standard navigational practices that are or may be used by abutting property owners.
  - (6) *Floating docks.* Floating docks are permitted, subject to conformance with all zoning code requirements herein and compliance with all applicable building codes.

→ 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.

*Note that Section 30-131 has several accessory marine facility-related definitions including "dock, residential," "dolphin pilings," etc.*

## 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.

Staff/Legal Team  
Research & Draft  
Ordinance

## ADVISORY BOARD(S)

The appropriate advisory board review and proposes any edits 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 and recommendation with the final draft to the commission for consideration for a First reading.

## TOWN COMMISSION -- 1<sup>st</sup> 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 2<sup>nd</sup> Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

## TOWN COMMISSION -- 2<sup>nd</sup> 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



# COMMENT SHEETS RECEIVED

From: thomas.stevens  
To: Ingrid.Allen  
Subject: AMF Comment sheet submittal  
Date: Wednesday, December 14, 2022 2:59:50 PM

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AMF Comment Sheet

NAME: Thomas Stevens      ADDRESS: 2358 South Ocean Blvd. Highland Beach, Florida      EMAIL: Thomasjstevens@hotmail.com

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1) Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.

I have no objection to this change.

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2) 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.

No action required. leave the code as is.

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3) Maximum seawall cap width of 3 feet: maximum 8-foot width for seawall cap plus dock.

I have no objection to this change.

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4) Encroachment of AMF's and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line)

I respectfully object to any rule allowing a property owner to build any pier, seawall or structure beyond the 8 feet allowed for the seawall cap plus dock. As a waterfront property owner I am well aware the sides of the intercoastal waterway are used by Manatees as a throughfare during their migration north and south. They travel close to the seawalls to avoid being struck by boats. Any encroachment of man made structures will force the manatees to travel further out into the intercoastal where they will be in danger of serious injury or death from boat strikes. The manatees are struggling from a loss of critical habitat caused by human encroachment. I hope our town leaders would prioritize the needs of a struggling species over the whims and desires of some waterfront property owners to build needless structures out into our waterways .

---

5) 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width: however, setback cannot be less than 5 feet.

I am against any change shortening the side setbacks from 25 feet. The setbacks as they are now ensure privacy, maintain unimpeded views, and maintain a quality of life that waterfront property owners want.

---

6) Require a ladder for every 50 feet of dock.

I respectfully object to the addition to the code requiring a ladder every 50 feet for waterfront properties for the following reasons;

Reason 1: this rule will not grant or convey any waterfront property owner a right to install a ladder on their property that they don't already have. Any property owner who wants or feels they need a ladder can have one. There is no rule stopping them from installing a ladder.

Reason 2) It will take away a property owners right to determine if they want a ladder or not. The Town has left the decision up to the waterfront property owner for decades, I see no reason to change it.

Reason 3) The ladder requirement would be a solution to a problem that does not exist. I don't see an epidemic of deaths from falls off docks where the death was the directly attributed to the lack of a ladder present.

Reason 4) Other local municipalities of similar size and demographics (ie. Gulfstream and Manalapan) do not require a seawall ladder.

Reason 5) The presence of a ladder will increase a property owners risk of being burglarized by criminals using a boat. The ladder will facilitate easier access to the property via a ladder. My home owners insurance company does not require me to have a ladder, but does require me to have a security alarm system. Why is this? It's because my insurance company knows there is a high probability of my home being burglarized and a very very low probability of someone dying from a fall into the water.

For these reasons I urge the Town of Highland Beach to drop any addition to the code mandating a ladder be required on waterfront properties. Although a well meaning proposal the facts do not support the town mandating this requirement. Allow the waterfront property owners to continue to decide for themselves as they have throughout the towns existence.

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7) Maximum seawall height.

Maximum seawall height should be the height of Base Flood Elevation.

The question in regards to giving property owners the ability to replace there seawall by building 3 feet in front of the existing wall should be allowed. It should only be allowed to be done once. A one time exemption only. This should prevent someone gaming the system and repeatedly replacing there seawall so they build further and further out into the water.

---

Additional Comments:

I regards to the question of where should the town determine seawall placement? Where the existing seawall is located now should be the determinate of all future seawall location placement. If you give Property owners the right to extend out to there underwater property lines you will end up with chaotic, and uneven seawalls projecting out haphazardly throughout the Town.



# COMMENT SHEET

1092 Bel Lido Drive

Highland Beach, FL 33487

gregbabie@comcast.net

NAME Paul Gregory Babie

ADDRESS

EMAIL ADDRESS

1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.

*I support the proposed change. Open to revisions as well, up to even 9 feet, The goal is to stop boats lifted to extreme elevations*

2. 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.

*I support the proposed change*

3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.

*I support the proposed change*

4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).

*I support the proposed change*

5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.

*I support the proposed change*

6. Require a ladder for every 50 feet of dock.

*I support the proposed change, 1 ladder every 100 feet is ok as well*

7. Maximum seawall height.

*Defer to Jenkins (Marine Expert), Base Flood Elevation or even BFE + 3 feet.*

**Additional Comments:**

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If you prefer, you can email your comment sheet to [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)  
THANK YOU FOR YOUR INPUT...



# COMMENT SHEET

David Willens

NAME

2362 South Ocean Blvd

ADDRESS

dwillens65@gmail.com

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

I support the proposed change.

**2. 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.**

I support the proposed change.

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

I support the proposed change.

**4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).**

I support the proposed change, except that for properties located directly on the Intracoastal waterway, such encroachment distance should be allowed to a greater extent if and as approved and permitted by the Federal Army Corps of Engineers.

**5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.**

I emphatically support the proposed change. The foremost reason residents buy navigable waterfront properties is marine access/usage, including boating at their home. The current SFR code 25' setback is grossly inconsistent with and much more restrictive than every other local town: ex. Deerfield Beach-5 ft; Gulfstream-5 ft; Boca Raton and Delray-10ft. The code makes absolutely no sense when a SFR with 70' frontage can have a 40' dock vs a SFR with 80' only permits a 30' dock?

**6. Require a ladder for every 50 feet of dock.**

I think one ladder for every 100 feet of water frontage is sufficient and makes better sense conceptually and from a safety perspective to measure by water frontage rather than dock length.

**7. Maximum seawall height.**

I would propose to allow seawalls up to a maximum height equal to the then current base flood elevation.

**Additional Comments:**

~~The dock set back issue is the big issue in my opinion. I live directly on the intracoastal and my property frontage is 80 ft. limiting me to a 30 ft dock. The IC is extremely busy and there are no wake restrictions. Accordingly, without a longer dock and associated "T" dock incorporating a water break design, it is impracticable to dock a boat at my home or even board or access a boat at most times due to boat traffic. A longer dock and water break (as the code amendment is proposed I would be entitled to a 64' dock) would allow a reasonable size vessel to dock within the protected area including to utilize a lift during busy IC use benefitting from reduced wave action at the lift. In fact, I have already obtained Army Corps of Engineers and DEP approval for same but the town Code prohibits my construction permit. This grossly unreasonably restrictive code therefore deprives me of the right to use my property for boating that any reasonable person would expect and rmaterially reduces the value of my property.~~

**If you prefer, you can email your comment sheet to [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)**

**THANK YOU FOR YOUR INPUT...**





# COMMENT SHEET

Marthin De Beer

4307 Intracoastal Dr, Highland Beach

mfdebeer@mac.com

NAME

ADDRESS

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

I support this revision. Based on storm surge on the west coast, you may want to consider raising this further to 9 or 10 feet

**2. 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.**

I support this revision.

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

I support this revision.

**4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).**

I support this revision

**5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.**

I support this as long as this revision ONLY apply to AMFs and dock extending out from the seawall. As long as this setback does NOT apply to docked vessels, I am supportive. Please ensure this does not modify the current case where vessels can extend to the property line.

**6. Require a ladder for every 50 feet of dock.**

I support this

**7. Maximum seawall height.**

**Additional Comments:**

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If you prefer, you can email your comment sheet to [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)  
THANK YOU FOR YOUR INPUT...

**From:** [Richard Greenwald](#)  
**To:** [Ingrid Allen](#)  
**Cc:** [Jeff Remas](#); [Marshall Labadie](#)  
**Subject:** Marine structures  
**Date:** Thursday, December 15, 2022 12:57:54 PM

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Some first thoughts (subject to profound evolution) after public meeting Tuesday. Information presented changed some of my ideas held going in to the meeting. I think the Town was wise to elicit comments and discussion prior to enacting policy.

Easy ones:

1. Each dock, irrespective of length, should have a ladder. This is a life safety requirement.
2. Sea walls must meet new code, heights when reconstructed.
3. New, permanent lifts need to be high enough to get boats out of the water whether that is 7 or 7 1/2 feet.
4. The 25 foot or 25% (whichever is less) measured from the bulkhead (preferred over seawall?) is reasonable. The 8 foot total combined seawall and dock is reasonable. Continuing to artificially enlarge property by extending seawalls over the water is not reasonable.
5. Personal water craft such as jet skis, seadoos or even canoes, kayaks, paddle boards can have (should be encouraged to have) much lower profile lifts.

Harder ones:

1. The fact that “non-permanent” structures such as floating docks, floating lifts can not be regulated by the Town creates a big problem regarding establishing reasonable set backs. With improving technology, lower cost and lack of regulation the use of these items is likely to continue to increase. They have the potential to become increasing hazards and eyesores.

This knowledge has changed my thinking and I am feeling more restrictive regarding permanent structures. I now believe permitting for lifts will need to be configured to individual lots and in regard to neighbors lots. Otherwise conflict can be created.

Note: I find it hard to believe that the Town is powerless and has zero regulatory authority over these often large, imposing but “nonpermanent” structures. Can’t codes be approved based on “safety” or “impingement to forms of navigation e.g. neighbor’s ability to dock”? Would a legal opinion be helpful?

2. Some hypotheticals that occurred to me during the discussions:

A. An owner with 70 feet on the water requests a 50 foot dock. With 25 foot setbacks he could have a 20 foot dock. With 10 foot setbacks 50 feet is ok. At 10% it could be 56 feet long. Anyway, he applies for a 40 foot boat lift for his 45 foot boat. His neighbors on each side (worst case scenario and, I recognize, unlikely to occur) legally have plastic floating docks or lifts extending 15 feet into the water at their property lines. One has 2 jet skis, the other a kayak. No permits were required—maybe fill out a form.

Can our boat owner access his permitted lift? Show me how.

B. A new owner buys that house that now comes with a 40 foot, 8 post lift. The new owner doesn’t have or want a boat. However his southern neighbor wants to install a similar lift for his new 45 foot boat. If granted, neither one may be able to access their lifts. How will that permit process work?

3. The longer setbacks may need to be maintained. PERHAPS LIFT SIZES CAN ONLY BE APPROVED IF THE LIFT CAN BE ACCESSED FROM WATER BEHIND THAT OWNER'S PROPERTY, NOT VIA THEIR NEIGHBORS AREA. But, that is quite restrictive for owners with limited frontage.

Play with the math for different lot sizes, setbacks, lifts and boats and see what you think.

4. I liked the "fit in the box" idea but it is seriously compromised by the use of unregulated impermanent structures. The 25 feet out also compromises neighbors' views if setbacks are reduced from the current standard for single family homes.

5. There needs to be setbacks. One wants owners to enjoy their property but not intrude on others. I like the current 25 foot setbacks and would vote for that while understanding a desire to decrease them. I could possibly be talked into 15 feet. If setbacks are decreased I would favor a "stepped" box to provide less obstructive views for neighbors. I am a big fan of setbacks and protecting neighbor's views but, in fairness, why does a home with more waterfront require bigger setbacks than a smaller lot? What is the rationale for that?

6. I think moored boats should have a setback (3-5 feet?) and not extend to the property line as is allowed currently. Theoretically, neighboring boats can now be "touching". This is a navigational safety issue. Even with whips and spring lines boats can shift position. Even with side thrusters and joy sticks many boaters are less than expert dockers, particularly on windy days.

7. For the Planning Board—they need better definitions of hardship. To me, "I need a variance so I can get a bigger boat" is not a hardship.

First thoughts. Very complicated. Need to think on it some more.

Happy Holidays.

Best to all,

Rick Greenwald  
Tranquility Drive (east side of south lake)

Sent from my iPad



# COMMENT SHEET

Jeffrey Kleiman

4321 Intracoastal Drive

1084 Bel Lido Drive

Jeffreyfl@gmail.com

NAME

ADDRESS

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

I support this

**2. 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.**

I support this

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

I support this

**4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).**

I support this

**5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.**

I support this

**6. Require a ladder for every 50 feet of dock.**

I support this

**7. Maximum seawall height.**

I would think that the seawall should be allowed to be as high as a new house ground floor is allowed to be.

**Additional Comments:**

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**If you prefer, you can email your comment sheet to [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)  
THANK YOU FOR YOUR INPUT...**





# COMMENT SHEET

robert spahr

NAME

4225 Tranquility

ADDRESS

rspah50@gmail.com

EMAIL ADDRESS

**1. Maximum height for Accessory Marine Facilities (AMF) at Base Flood Elevation (BFE) plus 7 feet.**

suggest 8 ft

**2. 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.**

yes

**3. Maximum seawall cap width of 3 feet; maximum 8-foot width for seawall cap plus dock.**

yes

**4. Encroachment of AMFs and seawalls into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).**

needs some work on wording

**5. 10 foot side setback for all zoning districts. For lots less than 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.**

Yes

**6. Require a ladder for every 50 feet of dock.**

One ladder per lot/dock

**7. Maximum seawall height.**

i dont know

**Additional Comments:**

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If you prefer, you can email your comment sheet to [iallen@highlandbeach.us](mailto:iallen@highlandbeach.us)  
THANK YOU FOR YOUR INPUT...



# SIGN-IN SHEET

## AMF Public Input Meeting 12-5-22

NAME	ADDRESS	EMAIL	PHONE #
ERIC GOLDBERG	3412 S. DEAN BLVD #1102 #16thman BEACH	goldberg@gmail	610-24220
DAVID STERN	2901 S OCEAN BLVD #804 #9	dstern1043@aol.com	561 202-3205
Athene Woff Jenny Woff	1005 Russell Dr 4	woff@stake@aol.com	561 444-4985
Jordan Gulitz	402. S. Ocean Blvd 3912 Highland Beach	midasy@aol.com	201 704-0366
ZADIK KENNEDY	3914 So Ocean Blvd HB V Por 409	deskenzi133@Sprint.com	848 661 3642
EUGENE GARRETT	1070 Red Lick Dr HB	tgarray@aol.com	561 274.8769
Josiah Loeffler	4318 S DEAN BL	JAY.SEA@verizon.net	431 921 8522
Mark Dutter	7316 S. DEAN BLVD.	MOUTER1569@bman.com	Rev 713-205-3894
Thomas Stevens	2358 S Ocean Blvd	ThomasStevens@attail.com	561 563-4975



# SIGN-IN SHEET

AMF Public Input Meeting 12-5-22

NAME	ADDRESS	EMAIL	PHONE #
KARL ELLI JOHNSON	23578 S. Ocean Blvd	KELTMDP@gmail.com	561 563 4458
Robert Spahr	4225 Tanager Ct	RSPAH50@gmail.com	561 350 3028
Ted I. Allman	3912 S. Ocean Blvd	ted.allman@gmail.com	919-264-8607
KYLE MARTINEZ	2860 N.E. 1651	KMF@AMERICANBAND.com	561 809 8701



# SIGN-IN SHEET

AMF Public Input Meeting 12-5-22

NAME	ADDRESS	EMAIL	PHONE #
Greg Babij	1092 Belvid Dr	gregbabij@hco.com	
David Wilkins	2362 S. Ocean Blvd	d.wilkins65@gmail	
Mike Jenkins	11814 9th St WPB FL	mjenkins@cpw1.net	561-377-8213
Maggie Chapplear	1015 BelAir Dr #1	contactmaggiechapplear@gmail.com	571-438 2299



# SIGN-IN SHEET

AMF Public Input Meeting **12-7-22**

NAME	ADDRESS	EMAIL	PHONE #
F. GARDENBURG	REGENCY HILTHAUS (D) 3420 SO OCEAN		610-613-2426
④ J. HUNTER	3420 SO OCEAN		617-775-2305
Tom Lohbrogg	4740 S. OCEAN BLVD 206 BREEMAR		561-236-1914
L. L. Mendenhallson	3740 S OCEAN BLVD #121D	msirm1@gmail.com	561-2514965
MIMI CARTER	4311 S. Ocean Bv. N.		713-705-3891





# SIGN-IN SHEET

## AMF Public Input Meeting 12-13-22

NAME	ADDRESS	EMAIL	PHONE #
Lindsay Trivento	1103 + 1105 Russell Dr.	Lindsay.Trivento@gmail	954 8997889
Marea P Anderson	4201 Tranquility	7	561-901-7684
JOSE ANDREA	4201 TRAND. DR.		
Lynn & Lee Foeking	1041 Beck Cove Ln	l.foeking@comcast.net	815-791-5532
Robert Evans	3420 So. M Ocean Blvd.	ROBERTAYERLL@ME.COM	917-658-2380
Silvio Blaskovic	1118A Highland Beach Dr.	Sailorpa@gmail.com	561-573-4137
Robin Bida	1120 Highland Beach Dr.	C.M.BIDA@comcast.net	561-573-4139
Milena Bida	1120 Highland Beach Dr.	Milena.bida@comcast.net	561-573-4140
Sara Fogner	1083 Belvido Dr.	saraeric@yahoo.com	954 3282737



# SIGN-IN SHEET

AMF Public Input Meeting **12-13-22**

NAME	ADDRESS	EMAIL	PHONE #
Glenn Parsons	3912 S. Ocean Pk6 Highland Beach	gpinwy@ gmail.com	307-690- 3558
Tom Ruotolo	3400		
KUCKERWALD	PERRY FOREMANVILLE DR.	kagreenwald@ earthlink.net	
DEB & MARK SMITH	3720 S Ocean 9X HB		

# **PUBLIC COMMENTS RECEIVED**

RECEIVED

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

April 8, 2022

Mayor Douglas Hillman and Commissioners of Highland Beach:

Enclosed are letters, signed and dated, from 14 of the 17 (82.35%) single-family waterfront (Intracoastal) homeowners located on Byrd Beach Plat, who strongly oppose the proposed change of the 25 foot side yard setback for accessory marine facilities.

Hand Delivered by Karl-Eric Johanson, MD

Please acknowledge receipt to [kejmdpc@hotmail.com](mailto:kejmdpc@hotmail.com)

Thank you

RECEIVED

APR 08 2022

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

Town of Highland Beach, FL  
Town Clerk's Office

Dear Mayor Douglas Hillman and Commissioners of  
Highland Beach:

Please be advised that as a single-family waterfront  
(Intracoastal) homeowner (Byrd Beach), I strongly  
oppose changing the Town of Highland Beach Code of  
Ordinances Section 30-68 (g)(6)d1.

More specifically, I oppose reducing the existing 25 foot  
side yard setback to 10 feet as proposed in Amendment #5  
(10 foot side setback for all zoning) for accessory marine  
facilities for single-family waterfront residences, presented  
at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently  
exists for Byrd Beach residential single-family properties,  
in order to preserve the quality of life and the character of  
the neighborhood.

Sincerely,



Name Myrta Gonzalez  
Andrew Tuorto

Address 2332 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 6, 2022

RECEIVED

APR 08 2022

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

Town of Highland Beach, FL  
Town Clerk's Office

Dear Mayor Douglas Hillman and Commissioners of Highland Beach:

Please be advised that as a single-family waterfront (Intracoastal) homeowner (Byrd Beach), I strongly oppose changing the Town of Highland Beach Code of Ordinances Section 30-68 (g)(6)d1.

More specifically, I oppose reducing the existing 25 foot side yard setback to 10 feet as proposed in Amendment #5 (10 foot side setback for all zoning) for accessory marine facilities for single-family waterfront residences, presented at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently exists for Byrd Beach residential single-family properties, in order to preserve the quality of life and the character of the neighborhood.

Sincerely,



Name John Scott

Address 2342 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 04, 2022



RECEIVED

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

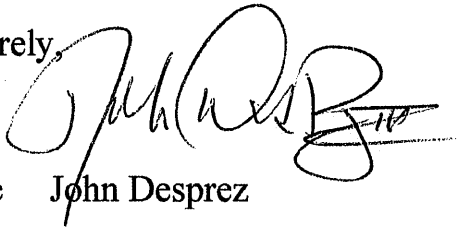
Dear Mayor Douglas Hillman and Commissioners of  
Highland Beach:

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I request leaving Section 30-68 (g)(6)d1 as it presently  
exists for Byrd Beach residential single-family properties,  
in order to preserve the quality of life and the character of  
the neighborhood.

Sincerely,



Name John Desprez

Address 2348 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 4, 2022

RECEIVED

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

Dear Mayor Douglas Hillman and Commissioners of Highland Beach:

Please be advised that as a single-family waterfront (Intracoastal) homeowner (Byrd Beach), I strongly oppose changing the Town of Highland Beach Code of Ordinances Section 30-68 (g)(6)d1.

More specifically, I oppose reducing the existing 25 foot side yard setback to 10 feet as proposed in Amendment #5 (10 foot side setback for all zoning) for accessory marine facilities for single-family waterfront residences, presented at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently exists for Byrd Beach residential single-family properties, in order to preserve the quality of life and the character of the neighborhood.

Sincerely,



Name Stuart Olsten

Address 2352 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 2, 2022

RECEIVED

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

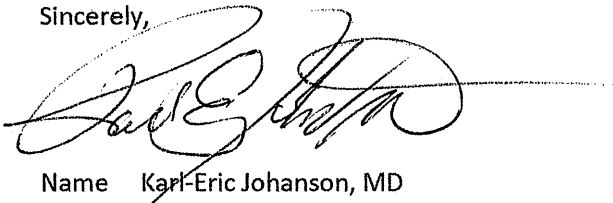
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More specifically, I oppose reducing the existing 25 foot side yard setback to 10 feet as proposed in Amendment #5 (10 foot side setback for all zoning) for accessory marine facilities for single-family waterfront residences, presented at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently exists for Byrd Beach residential single-family properties, in order to preserve the quality of life and the character of the neighborhood.

Sincerely,



Name Karl-Eric Johanson, MD

Address 2358 South Ocean Blvd  
Highland Beach, FL 33487

Dated April <sup>ST</sup> 1, 2022

RECEIVED

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

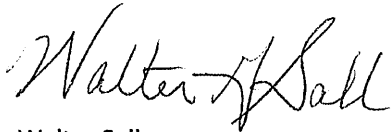
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More specifically, I oppose reducing the existing 25 foot side yard setback to 10 feet as proposed in Amendment #5 (10 foot side setback for all zoning) for accessory marine facilities for single-family waterfront residences, presented at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently exists for Byrd Beach residential single-family properties, in order to preserve the quality of life and the character of the neighborhood.

Sincerely,



Name Walter Sall

Address 2366 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 3, 2022



Adam Usdan  
Portfolio Manager

430 Park Ave.  
Suite 201  
New York, NY 10022

646-561-2626  
ausdan@trellus.com

RECEIVED

April 4, 2022

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

Dear Mayor Douglas Hillman and Commissioners of Highland Beach:

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More specifically, I oppose reducing the existing 25 foot side yard setback to 10 feet as proposed in Amendment #5 (10 foot side setback for all zoning) for accessory marine facilities for single-family waterfront residences, presented at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently exists for Byrd Beach residential single-family properties, in order to preserve the quality of life and the character of the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam Usdan', written over a light blue horizontal line.

Adam Usdan

Address: 2388 South Ocean Blvd  
Highland Beach, FL 33487

RECEIVED

APR 08 2022

Town of Highland Beach, FL  
Town Clerk's Office

Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

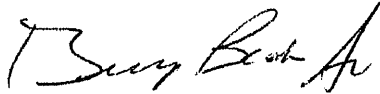
Dear Mayor Douglas Hillman and Commissioners of Highland Beach:

Please be advised that as a single-family waterfront (Intracoastal) homeowner (Byrd Beach), I strongly oppose changing the Town of Highland Beach Code of Ordinances Section 30-68 (g)(6)d1.

More specifically, I oppose reducing the existing 25 foot side yard setback to 10 feet as proposed in Amendment #5 (10 foot side setback for all zoning) for accessory marine facilities for single-family waterfront residences, presented at the Town Commission meeting on March 15, 2022.

I request leaving Section 30-68 (g)(6)d1 as it presently exists for Byrd Beach residential single-family properties, in order to preserve the quality of life and the character of the neighborhood.

Sincerely,



Name George Bach

Address 2434 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 2, 2022



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Town of Highland Beach  
3614 South Ocean Blvd  
Highland Beach, FL 33487

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the neighborhood.

Sincerely,



Name Charles Warden

Address 2444 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 12, 2022

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Town Clerk's Office

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Sincerely,



Name Beverly DeRosa

Address 2454 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 1, 2022

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Town Clerk's Office

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Sincerely,



Name Stephen Garchik

Address 2474 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 1, 2022

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Town Clerk's Office

Town of Highland Beach  
3614 South Ocean Blvd  
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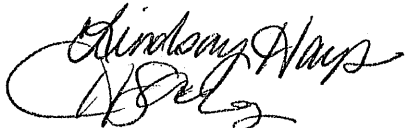
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Sincerely,



Name Lindsay Hays  
Hamed Saraj

Address 2540 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 5, 2022

RECEIVED

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Town of Highland Beach, FL  
Town Clerk's Office

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Highland Beach, FL 33487

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Sincerely,



Name Mikhail Vesselov

Address 2564 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 5, 2022

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the neighborhood.

Sincerely,



Name Christopher Kokinakos

Address 2700 South Ocean Blvd  
Highland Beach, FL 33487

Dated April 07, 2022



**From:** Marshall Labadie  
**To:** Craig Hartmann; Ingrid Allen; Jeff Remas  
**Subject:** FW: Marine ladders.  
**Date:** Thursday, April 28, 2022 8:16:44 AM

---

FYI....

Sincerely,

Marshall Labadie  
Town Manager

Town of Highland Beach  
3614 South Ocean Boulevard  
Highland Beach, FL 33487  
(561) 278-4548 Office  
(561) 265-3582 Fax  
www.highlandbeach.us

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

From: Jeffrey <jeffreyfl@gmail.com>  
Sent: Wednesday, April 27, 2022 11:26 PM  
To: Doug hillman <dchillman@aol.com>  
Cc: Marshall Labadie <mlabadie@highlandbeach.us>; Evalyn David <edavid@highlandbeach.us>; Peggy Gossett-Seidman <pseidman@highlandbeach.us>; John Shoemaker <jshoemaker@highlandbeach.us>; Natasha Moore <nmoore@highlandbeach.us>; Terisha Cuebas <tcuebas@highlandbeach.us>  
Subject: Marine ladders.

Mayor, Thank you for bringing up my concern that the marine ladder ordinance should include seawalls in addition to docks.

It's not often that I recommend a new ordinance. In fact, it's never happened before. This ordinance, together with its enforcement utilizing our police boat, has the potential to save a child's life.

Commissioner David suggested that we find a way to get ladders on properties sooner than later.

I'd like to suggest that there is no reason to wait until we adopt an ordinance. Let's immediately recommend to waterfront property owners that they install a ladder.

During regular rounds, our police boat crew could make a list of properties that are missing ladders. Our town staff could then mail out a recommendation letter to the individual property owners.

I would like to believe that once a property owner is made aware that their property does not have a life- saving ladder, most will comply.

Thank you,  
Jeffrey Kleiman  
3907 South Ocean Blvd.

**From:** [Jeff Remas](#)  
**To:** [Ingrid Allen](#)  
**Subject:** FW: Re:  
**Date:** Friday, April 1, 2022 2:47:17 PM  
**Attachments:** [image001.png](#)

---

FYI the bottom email



Respectfully,  
**Jeff Remas, CBO**  
Building Code Official  
Floodplain Administrator

*Town of Highland Beach  
3616 S. Ocean Boulevard  
Highland Beach, FL 33487  
(561) 278-4540 Office  
(561) 278-2606 Fax  
[www.highlandbeach.us](http://www.highlandbeach.us)*

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

---

**From:** [julietteidi@aol.com](mailto:julietteidi@aol.com) <[julietteidi@aol.com](mailto:julietteidi@aol.com)>

**Sent:** Wednesday, March 30, 2022 10:57 AM

**To:** [julietteidi@aol.com](mailto:julietteidi@aol.com); Douglas Hillman <[dhillman@highlandbeach.us](mailto:dhillman@highlandbeach.us)>; Natasha Moore <[nmoore@highlandbeach.us](mailto:nmoore@highlandbeach.us)>; Pgossett-seidman@highlandbeach.us; Evalyn David <[edavid@highlandbeach.us](mailto:edavid@highlandbeach.us)>; John Shoemaker <[jshoemaker@highlandbeach.us](mailto:jshoemaker@highlandbeach.us)>; Marshall Labadie <[mlabadie@highlandbeach.us](mailto:mlabadie@highlandbeach.us)>; Terisha Cuebas <[tcuebas@highlandbeach.us](mailto:tcuebas@highlandbeach.us)>; Jeff Remas <[bco@highlandbeach.us](mailto:bco@highlandbeach.us)>

**Cc:** [rdbrown1@aol.com](mailto:rdbrown1@aol.com)

**Subject:** Re:

To the entire commission and building department:

I would like to add some additional comments as well. If the 25% Greg was referring to is 25% of the total distance of each waterway, I suggest all of you come and take a look at my backyard waterway and seawall. There is nothing more "honest and real" than looking with your own eyes. Allowing 25ft or 25% on both sides of waterway's will be awfully tight for other vessels to navigate. Also keep in mind the ongoing new future construction ( especially in Bel Lido) is taking down existing homes, building new large scale residences with new seawalls ( incredibly too high) and projections out into our waterways.

I invite the entire commission and building department to venture into my backyard and look at what we our wedged between two large high end upscale residences with seawalls that are 6ft to 8ft higher than ours. In no way can we "match" their new height and raise our seawall as high as theirs. Why? because if we did the new raised seawall height would be higher than our existing finish first floor height. Water of course would drain towards the house, not away from it.

I was told, ( and correct me if I have this wrong), the Florida department of protection services has implemented a required new seawall height for all new construction BUT..... with NO height restrictions. Really? a minium is required but no height restrictions? Doesn't that sound insane? NO height restrictions?

Please feel free to drive down to our house and see with your own eyes what has occurred. here. I do NOT believe a retaining wall that both new houses has between the property lines will keep the water out of our yard or cul de sac. By the way, I have a 7ft hedge and when both homes are completed ABOVE my hedge I will see there fence and when I stand at my seawall facing theirs I will be looking at the feet at my head height. Think about what I just described. I assume none of you would appreciate this. And it actually believe it could under-value our property now.

It's unbelievable to me that existing homes in Bel Lido have absolutely no say or any rights regarding what has happened.

I am happy to invite all of you to take a look right in my backyard. You can reach my on my cell ( 954-614-0454) if anyone is interested what is happening construction wise in your town that you run and control!

Thank you all again!

Juliette Battisti

4201 Intracoastal Drive  
Highland Beach, FL 33487  
CELL: 954-614-0454  
EMAIL: [JulietteDI@aol.com](mailto:JulietteDI@aol.com)

In a message dated 3/30/2022 8:53:10 AM Eastern Standard Time, [julietteidi@aol.com](mailto:julietteidi@aol.com) writes:

My apologies. I sent the email below to the wrong emails. I beleive I have the correct emails this notice should go to? I hope I did it right!

---

**From:** [julietteidi@aol.com](mailto:julietteidi@aol.com)  
**To:** [peggygossettpr@gmail.com](mailto:peggygossettpr@gmail.com)  
**Cc:** [drhcorso@gmail.com](mailto:drhcorso@gmail.com), [bco@highlandbeach.us](mailto:bco@highlandbeach.us)  
**Sent:** 3/30/2022 8:44:20 AM Eastern Standard Time  
**Subject:**

FYI Robert just used his laser golf finder to determine the measurement at our seawall in the back to the other seawall on the other side. It was 31 yds which is a total of 93 feet. Greg's idea is too generic. It only works if the waterway is large enough to accommodate both sides of his newly proposed 25ft of seawall/dock and boat lift combined to project out into our waterway's.

Greg and Ingrid **Assumed** all the waterways are at least 100 feet. They are not. So you can not write a code that allows a 25ft total seawall or dock for every single resident. The town has to know the width of EACH waterway prior to allowing that to happen..... Now Greg's other calculation of 25% I didn't understand. 25% of what?

Again, barges and larger boats will be an issue to navigate the waterway's especially when they need to turn the vessel around. I saw it happen with the overly large long barge front end hit the neighbors fence that was along their seawall.. The Bethie Re the large luxury boat enters our waterway from the Intracoastal backwards because he cannot turn the boat around where he docks it on the North end of Tranquility. And, that is an area where nothing new has changed. All the old original seawalls remain without any of these new proposed revisions.

Please, someone take a good look at this closely. And remember, we do not have boats any

longer at our house so it doesn't effect us in a negative way. It does however, effect my fellow neighbors if you permit this.

Thank you

Juliette Battisti

4201 Intracoastal Drive  
Highland Beach, FL 33487  
CELL: 954-614-0454  
EMAIL: [JulietteIDI@aol.com](mailto:JulietteIDI@aol.com)