



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** January 16, 2024

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

**SUBJECT:** Amendment Number Eight (8) to the Florida Department of Transportation’s Landscape Inclusive Memorandum of Agreement for the property located 3425 South Ocean Boulevard

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**SUMMARY:**

On July 20, 2017, the Florida Department of Transportation (FDOT) and the Town of Highland Beach entered into a Landscape Inclusive Maintenance Memorandum of Agreement (“Agreement”) for the purpose of maintaining landscape improvements on State Road A1A (South Ocean Boulevard). Since the execution of this Agreement, there have been eight (8) amendments to the Agreement as follows:

AMENDMENT NUMBER	LOCATION	FDOT PERMIT NO.	DATE OF EXECUTED AMENDMENT
1	3615 S. Ocean Blvd.	2019-L-496-00005	February 5, 2020
2	Several (crosswalks)	2020-L-496-00002	February 19, 2020
3	2352 S. Ocean Blvd.	2020-L-496-00005	December 21, 2020
4	2500 S. Ocean Blvd.	2021-L-496-00004	January 21, 2022
5	4005 S. Ocean Blvd.	2022-L-496-00008	September 13, 2022
6	3805 S. Ocean Blvd.	2023-L-496-00004	August 26, 2023
7	3521 S. Ocean Blvd.	2023-L-496-00006	October 10, 2023
8	3425 S. Ocean Blvd.	2023-L-496-00009	TBD*
9	2362 S. Ocean Blvd.	2023-L-496-00005	TBD**

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*\* Due to the Applicant's newly proposed landscape improvements in FDOT's ROW, they were required to go back before the Planning Board for an amendment to their previously approved landscape plan (part of their Major Modification approval, DO-23-0003) to reflect those new landscaping improvements in FDOT's Right-of-Way.*

*\*\* Resolution No. 2023-036 was approved by the Town Commission on 12-19-23 and was forwarded to FDOT for execution.*

Landscaping improvements are proposed to be installed in FDOT's Right-of-Way (ROW) along State Road A1A at 3425 South Ocean Boulevard and therefore an amendment (No. 8) to the Agreement is required. While this amendment to the Agreement indicates that the Town will maintain the additional landscape improvements, Section 28-10(a) of the Town Code of Ordinances, requires the property owner to be responsible for the maintenance of all landscaping on adjacent public rights-of way as follows:

**Sec. 28-10. - Maintenance standards for cultivated landscape areas.**

*(a) General: The owner, and/or lessee of land subject to this chapter shall be responsible for the maintenance of all landscaping located on their property and on adjacent public rights-of-way, which shall be maintained in good condition so as to present a healthy, neat and orderly landscape area which shall include, but not be limited to, weeding, mulching, fertilizing, pruning, mowing, and edging as generally set forth in this section.*

At the December 14, 2023 Planning Board ("Board") meeting, the Board granted an amendment to a previously approved major modification to an existing building (Development Order No. 23-0003) to modify the landscape plan to reflect landscaping improvements in FDOT's ROW (State Road A1A) adjacent to the subject property. Note that the initial major modification approval (Development Order No. 23-0003) included a landscape plan for the property only and not for the adjacent FDOT ROW. The FDOT ROW landscaping approved by the Board is consistent with the ROW landscaping plan approved by FDOT via permit number 2023-L-496-00009. The Town's Public Works Director, Pat Roman, has indicated that the proposed landscaping in FDOT's ROW does not conflict with existing Town utilities.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Aerials

Resolution

Amendment Number eight (8) to FDOT Landscape Inclusive Memorandum of Agreement.

FDOT Inclusive Landscape Maintenance Memorandum of Agreement – July 20, 2017.

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**RECOMMENDATION:**

At the discretion of the Town Commission