



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE June 17, 2025

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Amendment Number Ten (10) to the Florida Department of Transportation's Landscape Inclusive Memorandum of Agreement for the property located 3515 South Ocean Boulevard

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 nine (9) 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	January 22, 2024
9	2362 S. Ocean Blvd	2023-L-496-00005	December 27, 2023

The proposed amendment to the Agreement (No. 10) provides for landscaping improvements to be installed in FDOT's Right-of-Way (ROW) along State Road A1A at 3515 South Ocean Boulevard. 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 March 13, 2025 Planning Board ("Board") meeting, the Board granted an amendment to a previously approved major modification to an existing building (DO# 24-0002) in order to add a 21 square foot balcony to the west side of the residence, and a landscaping plan. The latter approval was subject to the following conditions given FDOT's approval of the proposed landscaping in their ROW was pending (Note that Town Manager, Marshall Labadie, authorized staff to bring forward to the Planning Board the proposed request with the conditions stated below):

1. FDOT approval of proposed landscaping in right-of-way.
2. Town Commission approval of an amendment to FDOT's Landscape Inclusive Memorandum of Agreement.

On May 23, 2025, FDOT provided Town staff amendment No. 10 to the MMOA thereby agreeing to the proposed landscape improvements in FDOT's ROW for the subject property. The FDOT ROW landscaping plan approved by the Board on March 13, 2025 is consistent with the ROW landscaping plan approved by FDOT (FDOT permit number 2025-L-496-00001).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Aerials

Resolution

Amendment Number Ten (10) to FDOT Landscape Inclusive Memorandum of Agreement.

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

RECOMMENDATION:

At the discretion of the Town Commission