



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE September 19, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Amendment Number Seven (7) to the Florida Department of Transportation's Landscape Inclusive Memorandum of Agreement for the property located 3521 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 six (6) 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

Landscaping improvements are proposed to be installed in FDOT's Right-of-Way (ROW) along State Road A1A at 3521 South Ocean Boulevard and therefore an amendment (No. 7) 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 July 13, 2023 Planning Board ("Board") meeting, the Board granted site plan approval for a new three-story, 3,997 square foot single family residence at the property (Development Order No. 22-0012). This site plan approval included a landscape plan for the property and the adjacent FDOT ROW. The ROW landscaping approved by the Board is consistent with the ROW landscaping plan approved by FDOT via permit number 2023-L-496-00006 (Note that FDOT conditionally approved the ROW landscaping subject to approval by the Town Commission). It is worth noting that aside from specimen or historic trees, Section 20-124(a) of the Town Code exempts single-family homes from the tree removal regulations of Chapter 20, Article IV (Resource Protection Standards).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Aerials

Resolution

Amendment Number seven (7) 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