

To: Town of Highland Beach  
Planning Board  
Fr: Barry Donaldson  
3700 S Ocean Blvd 1608  
Highland Beach, FL 33487  
Re: Highland Beach Comprehensive Plan Amendments  
Dt: July 7, 2005



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Town of Highland Beach, FL  
Town Clerk's Office

Members of the Planning Board:

I have reviewed the proposed Comprehensive Plan and proposed amendments and would like to offer the following comments for your consideration:

#### 2045 COMPREHENSIVE PLAN EAR AMENDMENTS-Data and Analysis Memorandum

Page 2: "If existing buildings are to be rebuilt under lower density allowances, the Town is facing the possibility of population decline and may need to consider impacts of the regulations; these may include difficulties attracting developers or the costs associated with providing the same services to fewer people."

Comment: This future consideration is at the heart of some policy decisions that need to be examined with recommendations to the City Commission following additional study. This issue is also noted in the Proposed Amendments section on page 20.

Page 6: Housing Affordability " Highland Beach's Comp plan provides for adequate and affordable housing in its Housing Element Policies 1.5.1 – Policy 1.5.4. More specifically, Policy 1.5.3 requires the Town to "coordinate with the private sector to encourage new housing developments to provide for a range of housing types that are affordable to all income groups in a proportion that is reflective of demand."

Comment: To the degree this policy is pursued under a regional umbrella it is likely to produce some results. As a policy unique to the boundaries of Highland Beach it is likely unrealistic without a firm program for subsidized housing or credits for increased density in return for "affordable" housing types. Increased densities run counter to some policies for growth on barrier islands, further complicating this issue.

Page 6: Future Considerations for Housing "... the Town's code Sec. 30-105 a(2) states that should a "nonconforming structure or nonconforming portion of a structure be destroyed or damaged by any means to an extent of more than fifty (50) percent of the assessed value of the structure at the time of destruction, or damage, it shall not be reconstructed except in conformity with the provisions of this article.

Comment: The plan corrective speculates that "...decreasing the number of units allowed during reconstruction or substantial renovation could also disincentivize

investment in the redevelopment of others.” This needs further study beyond the scope of the Comprehensive Plan. It may be feasible to consider an ordinance to address this issue or consider some “overlay” districts where increased density may be permitted in the event of catastrophic damage. This might also be applied to aging properties that might be defined as “underdeveloped” that exhibit the potential for desirable increased density.

Page 7: Recreation: “The Town is currently meeting its Level of Service standards. It could consider enhancing the pedestrian path and biking trail, including working to maintain a consistently-shaded path and including benches, water facilities, and improved signage, and clearly demarcated separation and increased width.”

Comment: The residents of the town previously demonstrated an overwhelming rejection of a referendum for a prior proposed stormwater project concurrent with the 2024-25 A1A resurfacing project that would also have seen improvements to the pedestrian path and biking trail. Given this, it is time to turn attention solely to the pathway as a “linear park” with or without the Milani Park component and without addition stormwater considerations. In addition to the improvements noted on Page 20, consideration might also be given to permeable paving, accent paving in some areas, particularly near cross-walks, and some landmark public artwork/small sculptures to enhance and build on what is happening at some private residences along A1A.

Page 8: Beach Restoration: “The cost of construction is estimated at \$14 million (in 2024 dollars). A local funding plan is needed to execute the project. Because access to the dunes and beach is largely private, County, State or Federal funding is likely unavailable. Other options for funding suggested in the study include an Ad Valorem Tax, Erosion Prevention District, or Municipal Service Benefit Unit.”

Comment: While not the sole determining factor in consideration of Milani Park, it is my understanding that Federal sources for funding beach restoration are sometimes constrained to beach parks that provide a minimum of 100 parking spaces. It is also my understanding that some allow up to 20 bike parking spaces to be included in the total. In return the beach is renourished up to 1.5 miles in each direction. This would avoid the local cost while providing protection to the vulnerable southern portion of the Town.

#### Page 9 Runoff and Stormwater Management

Comment: Consideration of a Florida-friendly fertilizer ordinance appears to be worthy.

Page 20: Proposed Amendments “Perhaps the most pressing takeaway from this Evaluations and Appraisals Report is that the Town of Highland Beach is now effectively built out: it cannot accommodate new growth on vacant land, it can only redevelop; however, most of its older buildings were built at densities higher than those allowed by

current development regulations. The Town is therefore likely to face population plateau and perhaps decline, the repercussions of which the Town should consider with priority.

Comment: This takeaway is central to the future of Highland Beach. A comprehensive review of our planning and zoning regulations is suggested along with studying the impact of growth management criteria imposed by the State of Florida. This might include the previously suggested “overlay” districts for structures impacted by catastrophic events and underdeveloped areas that might increase our tax revenue. Like it or not, as a chartered residential community, the Town is in the real estate business.

## FUTURE LAND USE ELEMENT

FLU-1.1 (7) Reduce the total future demand upon the potable water supply to be provided by the Town.

Comment: This sounds like it wants to be a water conservation element, but it appears in the section regarding Land Development Regulations. Current projections show demand will be well below capacity through 2045, allowing growth (if permitted) in this FLU.

### FLU-1.1.1

Comment: I suggest the following additional change: “The Town shall establish reasonable and appropriate residential density standards and otherwise enable the Town to maintain fiscal sustainability while protecting environmental features, achieve harmonious development patterns, provide for compatibility between adjacent land uses and maintain safe and healthful living conditions.

Rationale: This goes to consideration of how the Town will remain fiscally stable while considering potential density issues.

FLU-1.1.4 Comment: This “may” provision begins to address future redevelopment. As part of a larger discussion on this topic, to what degree are we limited in growth by state regulations, and to what degree is this negotiable? This gives us the possibility of rezoning or permitting overlay districts for particular needs.

FLU-1.1.7 Comment: Change the reference of continuing care or assisted living to Community Residential Facilities to limit the size of such facilities under State Law. Facilities above the size limitation of Community Residential Homes would be considered commercial use, which is not permitted by our Charter. For what it is worth, I think any such facilities of any size on a barrier island raises a safety concern during mandatory storm evacuations. Until the state permits “shelter in place” for certified structures, this residential type should be avoided on our barrier island. In my opinion there is nothing in providing these types of facilities that achieves the limiting of seniors driving out of town

and is not consistent with the referenced objectives. Note this FLU applies to H-1.4.1 as well where the proper reference to Community Residential Facilities is made.

FLU-1.1.11 Comment: I suggest striking this Policy as it is only a suggested provision by the State of Florida and not appropriate for our particular barrier island. It would be more beneficial to facilitate rooftop solar panels and override any HOA restrictions on such panels in the Town. The Town might also want to consider the incorporation of rooftop solar panels in the 2006 proposed roof replacement at the library as a demonstration of their commitment to this energy source.

FLU-1.6 Comment: Strike the provision in the title for ~~Reduce Dependence on Automobiles~~ as it is inconsistent with the strike of similar language in the body of the FLU.

FLU-1.4 Comment: The Town needs to clarify if the understanding is that the current FDOT improvements on A1A create Bike Lanes, with signage and markings, or if it will continue to be classified as a marked shoulder. From what I previously understood, and has been reported, is that they will be Bike Lanes. If so, the reference in the FLU needs to be changed to Bike Lanes.

H-1.1 Comment: The language for compatibility (density) might also be taken as implying a restriction on architectural appearance would be acceptable as part of the comprehensive plan. I would suggest the language clarify that compatibility pertains to density and use, not appearance.

H-1.4.1 Comment: Do we fully understand what, if any, changes would likely need to be made to our regulations and zoning map to permit Community Residential homes? It is my understanding state law has restrictions on the number of residents served in order to qualify as residential use and not commercial use.

With respect to mobile homes, is this a required provision of the plan although none are permitted in Highland Beach as far as I know? Can this be modified to reference HVHZ code-compliant prefabricated dwellings not necessarily mobile in nature?

H-1.6 Comment: Best to leave these kinds of policies to the Florida Building Code with local amendments that do NOT accelerate housing costs by implementing green certification programs. If an owner wishes to build beyond code that is their personal prerogative.

CMC-2.1.9 Comment: I would recommend the Town examine the reconstruction limits and how site improvement requirements are affected by catastrophic events. From my experience in dealing with post-hurricane damage, site damage is not covered by the 50% rule that permits non-compliant "like for like" reconstruction. Planning and Zoning agencies will require full post-damage compliance with current codes which cover signage, landscaping, buffers, lighting, ground coverage and even the sound from the use of a pickleball court. We need to get in front of this in dealing with catastrophic damage to

avoid long delays in permitting replacement of site elements as they existed before the catastrophic event.

CMC-2.2 Stormwater Management. Comment: I bought a truck.

CMC-3.4.8 Comment: It is my understanding that the Energy Star program has been terminated and the WaterSense program is currently under review. It may be appropriate to revise this policy to use flexible language referencing current standards as they may change based on national or state policies.

Conclusion:

The review of the Comprehensive Plan is very involved and will likely take place over several meetings to adequately conclude your recommendations to the City Commission. Having previously participated in this review while serving on the Planning Board I can appreciate the amount of time and effort this takes and thank you for your efforts.

If I have misunderstood the intent of any of the policy items in my good faith comments I apologize in advance. There are many nuances to be considered that are best left in the hands of knowledgeable Town staff for advice. We are fortunate to be in good hands with the current management of our small barrier island Town of Highland Beach and the professionalism they all bring to the table.

END