



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Planning Board (“Board”) Meeting

MEETING DATE July 13, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

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

SUMMARY:

At the June 6, 2023 Town Commission meeting, an update was provided to the Commission on the Board’s ongoing discussion of the amendment concepts. The Town Commission provided the following commentary, which was related to the Board at their June 8, 2023 Board meeting (it was suggested to the Board that they watch the June 6th Commission meeting which is available on the Town’s website):

- Consider that the redevelopment of certain parcels in the Residential Multiple Family Low Density (RML) zoning district may not allow the same number of units to be rebuilt due to maximum density requirements of the Town Code. For example, an existing structure with three (3) units may only allow one (1) unit if redeveloped (depending on the lot size and the maximum density requirement). That said, such a property would be exempt from the current accessory marine side yard setback given the RML zoning designation, and whereby a single family residence (one dwelling unit) located within a single family zoning district is required per Town Code to provide an accessory marine side setback of 25 feet (which may vary depending on lot width).
- Consider that if the proposed accessory marine side setback is approved (10 feet for all zoning districts with some variation depending on lot width), this could limit the length of a newly installed dock in the RML zoning district whereby not every owner in a triplex, for example, may be able to install a boat lift or possibly accommodate the mooring of more than one boat.
- Consider a compromise, if needed to build consensus, for the proposed side setback of 10 feet. For example, is a 15 foot or 20 foot accessory marine side setback more applicable.
- Treat canals differently and accommodate different areas - its not a one size fits all situation.
- No bump outs into the Intracoastal Waterway (ICW) for those properties with property lines located in the ICW and beyond existing docks.
- Consider king tides when contemplating a maximum seawall height.

The Board indicated that they wish to discuss the following items at the July 13, 2023 Board meeting:

- Height of seawall

- Mooring setback
- Ladder(s) on docks or seawalls

For reference purposes, the Board's previous discussions on the amendment concepts are provided in the tables below:

May 11, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
NA	Consider mooring setback to address moored boats extending beyond individual property lines.
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.	<p>-Maintain current accessory marine facility setbacks for those single-family properties located within Byrd Beach (if majority of residents agree).</p> <p>-What was the intent for the proposed change to the accessory marine facility setback? <i>The previous Vice-Mayor, Greg Babij, was authorized by the Town Commission to sponsor a review and propose any amendments to the current accessory marine facility regulations. Mr. Babij prepared a draft report on the proposed amendment concepts which was provided to the Town Commission at their March 15, 2022 Commission meeting (draft report provided to Board).</i></p> <p>Requesting additional Board site visit on the Town's marine patrol vessel to assess existing docks in multifamily zoning districts and how they may be impacted by the proposed amendment concept. <i>The Town Manager, Marshall Labadie, has agreed to such request. Staff will be coordinating site visits with members of the Board.</i></p>

April 13, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
Maximum height for AMF = BFE plus 7 feet.	There should be limit, look to Board member Brown for input.
Require a ladder for every 50 feet of dock.	Reasonable for health and safety. Consider requirement not just for docks but include seawalls. Location of ladder should not interfere with the docking or mooring of vessel.
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 ft.	Agree to apply setback for multifamily zoning districts as proposed.
NA	Floating docks should be part of the amendment (<i>Note that according to Section 30-68(h)(6) of the Town Code, floating docks are subject to conformance with all zoning requirements</i>). Town Attorney, Len Rubin, indicated that there may be some leeway in regulating setbacks for "floating vessel platforms" and "floating boat lifts" for which Florida Statutes currently provides an exemption.

	<i>Mr. Rubin will update the Board on this matter at the May 11th meeting.</i>
Maximum seawall height	<i>Expert to testify. Staff has reached out to the Town's marine expert, ATM, and will advise the Board on their availability to appear at a Board meeting.</i>
Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to the property line)	Measure from closest landward position (to accommodate PL in the water). Apply 25 feet or 25% encroachment to canals and lakes only exclude Intracoastal Waterway.

March 9, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
<i>Maximum height for AMF = BFE plus 7 feet</i>	Maybe the proposed "7 feet" is not high enough but there should be a limit.
<i>Require a ladder for every 50 feet of dock</i>	Require ladders on seawall and docks and consider adjustable ladders whereby the length of the ladder needs to be in the water at low mean tide.
<i>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 ft.</i>	10-foot setback for Multi-Family Zoning Districts needs more discussion. Consider setback for mooring of boats.

ATTACHMENTS:

- Proposed amendment concepts list
- Draft report from previous Vice-Mayor Greg Babij (presented to the Town Commission on March 15, 2022)
- ATM report (dated 2-11-2022)

RECOMMENDATION:

At the discretion of the Board.