



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Planning Board (“Board”) Meeting

MEETING DATE May 11, 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:

As mentioned to the Board at the March 9, 2023 meeting, the proposed amendment concepts pertaining to AMF and seawall regulations will be an ongoing item of discussion on the Board’s meeting agendas during an approximate 8-12 month timeframe. This timeframe will give the Board sufficient time to discuss, analyze and craft a consensus. Subsequently, the Board will provide its recommendations on each proposed amendment concept to the Town Commission. At the April 13, 2023 Board meeting, Board discussion on the proposed amendment concepts included the following:

AMENDMENT CONCEPT	BOARD DISCUSSION
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. Mr. Rubin will update the Board on this matter at the May 11 th meeting.
Maximum seawall height	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.

AMENDMENT CONCEPT	BOARD DISCUSSION
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.

For reference purposes, the Board's previous discussion on the amendment concepts is provided in the table below:

March 9, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
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.</i>

ATTACHMENTS:

- Proposed amendment concepts list
 - Multifamily zoning district maps and corresponding lot widths
 - ATM report (dated 2-11-2022)
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RECOMMENDATION:

At the discretion of the Board.