



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Planning Board (“Board”) Meeting

MEETING DATE September 21, 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 August 10, 2023 Planning Board meeting, Board discussion on the proposed amendment concepts to the AMF and seawall regulations of the Town Code included the following:

- No side setback for docks Townwide; however, keep proposed minimum 10 foot side setback for all other accessory marine facilities Town wide (For lots less than 100 feet in width, setback is 10% of width, setback cannot be less than 5 feet).
- Provide one (1) ladder for each 100 feet abutting waterway, canal or lake, for properties less than 100 feet, provide one ladder. Ladder shall be either adjustable or fixed and shall extend into the water at mean low tide. Require a building permit for marine-related ladders.
- Encroachment into water for AMFs at 25 feet or 25 percent of the waterway to be measured from *wetface of seawall or bulkhead*.
- Exempt personal watercraft (PWC) lifts from the requirement that “in no case shall the lift be higher than the superstructure of the boat when lifted” OR remove requirement.

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

July 13, 2023

Dr. Michael G. Jenkins of ATM (the Town’s Coastal and Marine consultant) recommended a maximum seawall height of Base Flood Elevation (BFE) plus one (1) foot. Note that Section 6-128(b) of the Town Code provides a minimum seawall height (for seawalls west of State Road A1A) at BFE or higher as provided by the FEMA FIRM maps. The Board agreed on Dr. Jenkin’s recommendation on a draft basis.

- Type and distance of ladders (concept tabled).
- Encroachment into water for AMFs at 25 feet or 25 percent of the waterway to be measured from wetface of seawall. For unique encroachment circumstances, require marine expert review.
- No marine side setbacks for docks; however, boat lifts should have setbacks (Note that the Town Code currently requires a marine setback for AMFs including docks for properties located in Single-Family zoning districts).

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- Dr. Jenkins agreed with the proposed amendment concept that would exempt personal watercraft lifts (e.g. jet ski lifts) from the definition of boat lift which requires that the lift cannot be higher than the superstructure of the boat when lifted.

June 8, 2023

The Planning 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

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. 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.
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
Maximum height for AMF = BFE plus 7 feet	Maybe the proposed “7 feet” is not high enough but there should be a limit.
Require a ladder for every 50 feet of dock	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.
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.	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.