



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE December 17, 2024

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Proposed amendment to the Town Code of Ordinances regarding Accessory Marine Facilities (AMF) and seawall regulations.

SUMMARY:

At the April 2, 2024 Town Commission meeting, the Commission considered a discussion item on the proposed amendment concepts to the AMF and seawall regulations of the Town Code of Ordinances ("Town Code"). Consensus from the Town Commission was to proceed with amendment concept numbers 1 through 4, and 6 while a "no action" option was provided for concept numbers 5 and 7 (see table below). The Commission directed staff to draft an Ordinance on the selected amendment concepts.

At the September 17, 2024 Town Commission meeting, the Commission discussed a draft Ordinance and made a motion to send the Ordinance (as amended) to the Planning Board that encompasses approved concepts one (1) through four (4) and asked that the Board discuss and provide more detailed information regarding ladders to include timing, placement, and whether they should be mandatory or voluntary (Motion carried 5-0). Pursuant to Section 30-44(c) of the Town Code, the Planning Board shall provide a recommendation to the Town Commission on Zoning Code text amendments.

PROPOSED AMENDMENT CONCEPT	PLANNING BOARD ("Board") RECOMMENDATION	TOWN COMMISSION (4-2-24)
1. Maximum height for AMFs: Base Flood Elevation (BFE) plus 7 feet.	Maximum height for AMFs: BFE plus 8 feet.	Agree with Board recommendation, include definition of "top of boat lift."
2. 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.	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."	Agree with Board recommendation.
3. Maximum seawall cap width = 3 feet; maximum seawall cap plus dock width = 8 feet.	Maximum seawall cap plus dock width at eight (8) feet.	Agree with Board recommendation.

PROPOSED AMENDMENT CONCEPT	PLANNING BOARD (“Board”) RECOMMENDATION	TOWN COMMISSION (4-2-24)
4. Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).	Encroachment into water for AMFs at 25 feet or 25 percent of the waterway width, whichever is less, (excludes AMFs along the Intracoastal Waterway) to be measured from <i>wetface of seawall or bulkhead</i> .	Agree with Board recommendation.
5. 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.	No side setback for docks Townwide. A minimum 10-foot side setback for all other AMFs Town wide (For lots less than 100 feet in width, setback is 10% of width, setback cannot be less than 5 feet). Such recommendation does not apply to floating vessel platforms which are regulated by Florida Statute.	No action.
6. Require a ladder for every 50 feet of dock.	Provide one (1) ladder for each 100 feet abutting waterway, canal or lake, for properties less than 100 feet, provide one ladder. The ladder shall be either adjustable or fixed and shall extend into the water at mean low tide. Ladder requirement would be triggered as part of a special exception request.	Provide two (2) versions of amendment to include a ladder “requirement” verses a ladder “encouragement.” In addition, exempt single-family residences located on the Intracoastal Waterway from any ladder provision.
7. Maximum seawall height (additional concept, not included in initial proposal)	Maximum seawall height: BFE plus one (1) foot.	No action.

A ladder provision that “encourages” the use of marine-related ladders has been incorporated into the Ordinance as follows:

Section 30-68(g)(8): Ladders are permitted on docks, seawalls, finger piers or other mooring facilities.

A proposed ladder “requirement” which was previously considered by the Town Commission at their September 17, 2024 meeting is provided below and is based on the Planning Board’s initial recommendation. For reference purposes, a table of other municipal regulations pertaining to marine-related ladders is attached.

Section 30-68(g)(8):

All properties, with the exception of single-family residences (located within a single-family zoning district) that abut the Intracoastal Waterway, shall provide one (1) ladder for each 100 feet abutting waterway, canal or lake. For properties less than 100 feet, provide one

ladder. Such ladder requirements shall coincide with a request for special exception. The ladder shall be either adjustable or fixed and shall extend into the water at mean low waterline.

The proposed Ordinance also contains non-substantive housekeeping changes including the addition of “designee” where particular Town staff duties are referenced. Rather than referencing each specific staff member that may exert such duties, a general reference to “designee” is more efficient.

Effective October 1, 2023, Section 166.041(4), Florida Statutes requires that before the enactment of a proposed ordinance, the governing body of a municipality shall prepare or cause to be prepared a Business Impact Estimate (see attached).

PLANNING BOARD RECOMMENDATION:

At the November 14, 2024 Planning Board meeting, the Board moved to recommend approval of the proposed amendment to the Town Commission (motion carried 7-0).

HISTORY:

A brief history on hearings held and other related matters pertaining to the proposed amendments to the accessory marine facility and seawall regulations are provided below:

November 17, 2020 - Town Commission authorized Vice-Mayor Greg Babij to sponsor the review and propose any amendment(s) to the accessory marine structure ordinance provisions (motion carried 5-0).

March 15, 2022 – Town Commission considers introduction to proposed amendment concepts regarding the AMF provisions of the Town Code. Commission consensus was to establish a process for review of such amendment concepts to include public participation and review by the Planning Board.

April 19, 2022 – Town Commission provides direction in establishing a process for review of amendment concepts as follows:

1. Requests that the Planning Board watch the April 19, 2022 Town Commission discussion on such item (Number 10D).
2. Requests that the Planning Board physically observe the various canal/lot widths and existing AMFs including boat lifts located within the Town.
3. Create maps of the various waterway widths (including canal and lakes).
4. Once Board site observations are complete, staff is to send out notices to all waterfront property owners (west of State Road A1A) prior to the Planning Board meeting where the Board will discuss proposed amendment concepts as provided to the Town Commission on March 15, 2022.

May 12, 2022 – Planning Board considers the April 19, 2022 direction provided by the Town Commission regarding Board review process for proposed amendments to the AMF regulations of the Town Code.

May 23-27, 2022 – Planning Board participates in individual site observations of the Town waterways via the Police Department’s Marine Patrol Unit (for those Board members who

do not have access to a boat). Note five (5) of the seven (7) Board members conducted their observations on the Marine Patrol Unit vessel.

June 21, 2022 – Town Commission considers a discussion on a “review timeline” for proposed amendment concepts. Consensus from the Commission was to hold neighborhood meetings at the Town library in an effort to engage input from residents on the proposed changes, and that such meetings commence in October or November upon return of seasonal residents.

August 16, 2022 - Town Commission considers a discussion on a “review timeline” for proposed amendment concepts. Consensus from the Commission is to hold three (3) evening meetings in early November 2022.

December 5, 7, 13, 2022 – Public Input Meetings regarding proposed changes (“amendment concepts”) to the AMF and seawall regulations of the Town Code of Ordinances were held at the Town Library.

February 7, 2023 – Town Commission discussion on December 2022 Public Input Meetings to include summary and next steps.

February 23, 2023 - At the request of the Bel Lido HOA president, staff presented the proposed amendment concepts at the Bel Lido HOA meeting.

June 6, 2023 – At the request of the Town Commission, an update on the Planning Board’s ongoing discussion of the amendments concepts was provided to the Commission.

June – July 2023 - At the request of the Planning Board, an additional round of individual Board member site observations of the Town waterways was conducted via the Police Department’s Marine Patrol Unit. Note five (5) of the seven (7) Board members participated.

September 21, 2023 and October 12, 2023 – The Planning Board approved recommendations on the proposed amendment concepts. *For Amendment Concept No. 1, motion carried 5-2 (October 12, 2023), and for Amendment Concepts 2-7 motion carried 6-0 (September 21, 2023).*

November 7, 2023 – The Planning Board’s recommendations were presented to the Town Commission by the Planning Board Chairperson, Eric Goldenberg.

ATTACHMENTS:

Ordinance.

Business Impact Estimate

Other municipal regulations pertaining to marine-related ladders.

Draft report from Greg Babij.

ATM report, 2/11/2022.

Public Comment.

RECOMMENDATION:

At the discretion of the Town Commission.