



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Planning Board (“Board”) Meeting

MEETING DATE June 8, 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. The Board will provide its recommendations on each proposed amendment concept to the Town Commission. At the May 11, 2023 Board meeting, Board discussion and commentary on the proposed amendment concepts included the following:

-Consider mooring setback to address moored boats extending beyond individual property lines.

-Maintain current accessory marine facility setbacks for those single-family properties located within Byrd Beach (if majority of residents agree). The following setbacks currently apply to all single-family zoning districts (Sec. 30-68(g)(6)):

Single-family zoning districts: Twenty-five (25) feet; provided, however, the side yard setback shall be fifteen (15) feet for any single-family lot with a lot width of fifty (50) feet or more but less than seventy (70) feet. For those lots with less than fifty (50) feet abutting the water, the planning board may grant a special exception for the installation of a seawall mounted davit type lifting device (but not a dock structure) after being satisfied as to the protection of neighboring property and no infringement of standard navigation practices.

-What was the intent for the proposed change to the accessory marine facility setback? 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 (see attached). The proposed change to side setbacks for accessory marine facilities is found on page 3.

-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 following proposed amendment concept:

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.

The Town Manager, Marshall Labadie, has agreed to such request. Staff will be coordinating site visits with members of the Board.

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

April 13, 2023

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. <i>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
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
 - 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.