



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE June 6, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Update on Planning Board's ongoing discussion of proposed changes ("amendment concepts") to the Accessory Marine Facility and seawall regulations of the Town Code

SUMMARY:

At the February 7, 2023 Town Commission meeting, the Commission considered a discussion item pertaining to the December 2022 Accessory Marine-related Public Input Meetings including a summary of the public input received and next steps. Consensus from the Commission was to have the Planning Board review the proposed amendment concepts (noted below) and provide their recommendations to the Commission. The Commission emphasized that the process for the Board's review not be rushed. Therefore, since March 2023, the proposed amendment concepts have been a continuing item of discussion on the Board's meeting agendas. It is anticipated that this ongoing discussion will ensue for an approximate 8-12 month timeframe.

The proposed "amendment concepts" were first introduced to the Town Commission on March 15, 2022. The Commission memorandum from this March meeting (attached) provides an introductory review and analysis of the amendment concepts. Note that after the March 15, 2022 meeting, an additional proposed change to the Town Code pertaining to a "maximum seawall height" was added to the list of amendment concepts. The latter concept was presented at the Public Input Meetings held in December 2022. Currently, the Town Code does not have a maximum seawall height requirement; however, Section 6-128 of the Town Code requires that all seawalls west of State Road A1A be at Base Flood Elevation or higher as provided by the FEMA FIRM maps.

The Planning Board's ongoing discussion and commentary on the proposed amendment concepts are provided in the tables below:

May 11, 2023

AMENDMENT CONCEPT	BOARD DISCUSSION
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 ft.	<ul style="list-style-type: none">-Maintain current accessory marine facility setbacks for those single-family properties located within Byrd Beach (if majority of Byrd Beach residents agree).-What was the intent for the proposed change to the accessory marine facility setback?-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 this proposed amendment concept.

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. 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	<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>

For reference purposes, a brief history on hearings held (and other related matters) relating to proposed accessory marine facility amendments to the Town Code 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 accessory marine facility 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 accessory marine facilities 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 Accessory Marine Facility regulations of the Town Code.

May 23-27, 2022 – Individual Board site observations, as noted above, are conducted 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 Accessory Marine Facility and seawall regulations of the Town Code of Ordinances were held at the Town Library.

ATTACHMENTS:

- March 15, 2022 Town Commission memorandum regarding introduction to proposed changes to Accessory Marine Facility regulations.

RECOMMENDATION:

At the discretion of the Town Commission.