

Highland Beach Planning Board Meeting

June 11, 2026

Greg Babij Comments:

Topic A – Unfinished Business: Hard Surface to Encroach Beyond the Property Line

First Principles:

Let's start with the purpose of a seawall. It is NOT to keep the water out of a property. That is impossible. Water leaks into the land below a seawall. When sea level rises, the water table on the landward side of the seawall rises commensurate with the water level outside of the wall

The purpose of a seawall is to stop land (dirt) from eroding into the body of water. That is it. Contain the land.

The BIGGEST risk in replacing a seawall is removing the old seawall. By removing the old seawall, the subject property can collapse into the water AND the NEIGHBORING properties can collapse into the water as well, even if they have a seawall in place. Collapse meaning dirt, pools, decking, trees, etc. into the sea water.

The Best way to ***significantly*** increase a seawall elevation (height) is to replace it with a NEW seawall, and the safest way to replace a seawall is to build a new seawall outside of an existing seawall.

Many of the existing seawalls are from the 1970s/1980s. Old seawalls can NOT safely hold a very tall new cap on top of the existing wall/cap. (seawall cap raise). Even with foam inside the new cap to lighten the load, a cap raise is not an obvious way to raise a wall. Highland Beach requires the HIGHEST seawalls - higher than ALL of the surrounding towns, and that rule essentially REQUIRES new walls to get installed, instead of cap raises.

So the current town seawall elevation requirements, which are higher than other towns, is what is forcing more new walls to be installed instead of simple cap raises.

A) Illustrations Related to the Proposed Language for Discussion.

Illustration 1:

Subject property has a property line edge further landward (i.e. Set Back) than the surrounding properties.

If a Subject property is extended out into the waterway to match the distance of surrounding properties, there is no privacy issue, and no navigation issue. This is simply a quality of life issue. There is no need to be excessively restrictive and not allow hardscape up to the waterward edge of the new land that has been created.

Illustration 2:

When a homeowner replaces a deteriorating seawall, the new wall is commonly installed a short distance waterward of the original. This is not enough extension into the waterway to become a privacy issue (more on this below). If it is believed there could be a navigation issue, the current code addresses this through the opinion of a marine expert.

Illustration 3:

If a new seawall is installed in front of an existing seawall, there may be a very thin strip of land between the walls. MOST of this thin strip of land created will be covered by the new seawall cap, so that is already hard scape.

Example Math in Illustration 3:

New seawall centerline distance outside of existing seawall: 18 inches

New seawall cap width (centered on new seawall): 24 inches

The actual amount of new dirt exposed between the original wall and the new seawall cap landward edge that is NOT covered by the seawall cap: 6 inches (math is 18 inches – (24 inches / 2)).

So to be clear, we are discussing the regulation of a zero to a 6 inch strip of land in most cases, that is relatively far landward vs the seawall cap outer edge.

It is silly to allow hardscape to go up to property line and then have a small strip of land be artificial turf, between the property line and the landward edge

of the new seawall cap. This 6 inch strip of land itself is not causing a privacy issue (perhaps the cap outside of the land strip could be, but that is by definition hard scape)

B) Lets review how surrounding Towns deal with regulating the additional land created between a new and an existing seawall

Generally surrounding towns don't have specific language because this most of this debate is "a solution in search of a problem."

There have not been any issues between neighbors in terms of privacy or navigation on the water solely because a new seawall was extended further into the waterway in front of an existing seawall.

Again, the current town code already allows for the opinion of an outsourced Marine Expert to determine if any additional waterfront development (seawall location, dock, boatlift etc.) creates a navigational hazard.

The town of Jupiter which has very significant water frontage does have specific language related to this topic.

How Jupiter handles this

The Town of Jupiter Building Department permit checklist for seawalls and bulkheads, citing Town Code § 27-2624, requires plans to:

*"Show Proposed bulkhead up to 18" waterward of existing bulkhead or landward of the MHW line... **NOTE: One Time ONLY allowance.**"*

The Jupiter code is worth the Board's attention.

First, supposedly the 18-inch limit matches the Florida DEP and Army Corps short-form authorization that drives most seawall replacements (Town Attorney please verify).

Second, the "one time only" rule is the key innovation: a property owner can move the seawall waterward once, but future replacements must match the

new location. This prevents cumulative drift that would, over decades, narrow the waterway generation by generation.

Here is a Summary of Jupiter's Code:

Aspect	Jupiter
How far can a new seawall move?	Within 18 inches of existing, one time only
Reference point for measuring yard / setbacks	Recorded property line (seawall must be at or near it)
What goes on the strip between property line and seawall?	Strip is small ($\leq 18"$) and unregulated as separate
Hard surface attached to seawall?	Effectively allowed in the gap

C) My recommendation is to revise the draft language to take into account the following:

1. Current code is applied to any additional property added up to 18 inches of additional land created beyond the property line. No more restrictive, no less restrictive. (This is addressing the 6 inch strip of new dirt in Illustration 3).
2. Match Jupiter's language and allow **up to** 18 inches of additional "property created" through the installation of a new seawall outside of

an old seawall, on a **One Time Only** basis. Measure it related to surrounding property corners, meaning illustration 1 can go out to 18 inches beyond the property line corners of neighboring properties. So if the subject property is set back, they can add more than 18 inches as there is no privacy risk (Revisit Illustration 1)

3. Simply don't allow any further extension into the waterway than 18 inches just like the Jupiter code describes (If we are allowed to do so – subject to Senate Rule 180)
4. If the board really wants to be cautious and minimize privacy related issues then make the “One Time” 18 inches maximum distance **as measured to the outer (waterward) edge** of the new seawall cap on top of the new seawall. Since seawall caps are 18 to 24 inches wide, that would effectively eliminate any excess strip of land.
5. Don't penalize subject properties that are set back relative to surrounding neighbor properties. This is an unintended consequence of the proposed language reviewed in the past meeting.

ILLUSTRATION 1:

Current code



Subject lot is simply set back further than both neighbors. No privacy or navigation issue present.

Proposed code



Catch-up to neighbors' waterfront
Current Code should apply to new land created.

ILLUSTRATION 2:



ILLUSTRATION 3:

