

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

**TOWN OF HIGHLAND BEACH
ORDINANCE NO**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING ARTICLE III, “DEVELOPMENT REVIEW,” OF CHAPTER 30, “ZONING CODE,” OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-66, “OTHER REQUIREMENTS” TO ALLOW A HARD SURFACE TO ENCROACH BEYOND THE PROPERTY LINE FOR PROPERTIES ABUTTING A WATERWAY, CANAL OR LAKE IN ORDER TO PROVIDE ACCESS TO A SEAWALL, DOCK, OR ABUTTING INTRACOASTAL WATERWAY BEACH AREA AND AMENDING SECTION 30-68, “SUPPLEMENTAL DISTRICT REGULATIONS,” TO CLARIFY THE MEASUREMENT OF THE WIDTH OR LENGTH OF A DOCK WHEN COMBINED WITH A SEAWALL CAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

19 **WHEREAS**, the Town of Highland Beach, Florida, is a duly constituted municipality
20 having such power and authority conferred upon it by the Florida Constitution and Chapter 166,
21 Florida Statutes; and

22 **WHEREAS**, on August 14, 2025, the Planning Board approved a motion to the Town
23 Commission to consider an amendment to Section 30-66(c)(1)a. of the Town Code of Ordinances
24 to allow for hard surfaces to extend waterward from the property line to a dock; and

25 **WHEREAS**, on February 3, 2026, the Town Commission approved a motion to refer the
26 issue to the Planning Board and have the Board study and review it, and the Planning Board
27 provided its recommendation to the Town Commission; and

28 **WHEREAS**, the Town Commission wishes to amend Chapter 30, “Zoning Code,” of the
29 Town Code of Ordinances in order to allow a hard surface to encroach beyond the property line
30 for properties abutting a waterway canal or lake for the sole purpose of accessing a seawall, dock,
31 or Intracoastal beach area and to clarify how the length or width of docks will be measured when
32 the seawall cap is waterward of the property line; and

33 **WHEREAS**, the Town Commission has determined that the amendments to the Town
34 Code of Ordinances are in the best interest of the Town of Highland Beach.

35 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
36 **TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:**

- 1 b. Overhangs, pursuant to section 30-68(p).
- 2 c. Air conditioner condensers, pool heaters, pool equipment or heat
- 3 pumps, not to exceed five (5) feet in height, from the finished grade,
- 4 unless otherwise approved by the building official due to flood
- 5 elevation requirements, shall not extend any closer than seven (7)
- 6 feet to the closest property line.
- 7 d. Steps/stairways for the principal building shall not extend any closer
- 8 than seven (7) feet to the closest property line.
- 9 e. Electric meters, fuse boxes, generator control boxes and tankless hot
- 10 water heaters shall be allowed to be mounted on a wall or structure,
- 11 provided such attachments do not horizontally extend beyond the
- 12 roof overhang or two (2) feet from the exterior face of the wall,
- 13 whichever is less. Hose bibs shall be allowed to extend no further
- 14 than two (2) feet horizontally from the exterior face of the wall.
- 15 f. If the rear property line borders a body of water, screen enclosures
- 16 may extend to not less than five (5) feet from the right-of-way line
- 17 or bulkhead line, whichever is further landward.
- 18 (2) Unless otherwise provided in the Code, the following structures are allowed
- 19 in front, side or rear required setbacks as set forth herein.
- 20 a. All fences, walls, and hedges may be erected or maintained along or
- 21 adjacent to a lot line, and shall comply with the requirements of
- 22 subsection 30-68(e).
- 23 b. Permanently installed generators shall not extend any closer than
- 24 seven (7) feet to the closest property line.
- 25 c. Buried propane tanks, where the fillable portion of the tank is at or
- 26 below the adjacent natural grade shall not extend any closer than
- 27 seven (7) feet to the closest property line.
- 28 (3) Equipment allowed in setbacks that emit noise, odors or fumes shall be fully
- 29 shielded or screened via landscaping in such a way to minimize such noise,
- 30 odor or fumes as required by the building official prior to the issuance of a
- 31 permit.

- 1 (4) Repair and maintenance of existing equipment and structures within the
2 setback areas is allowed. Replacement is also permitted so long as the
3 equipment is being replaced in the same location and the replacement
4 equipment does not result in any additional encroachment into the required
5 setback.

6 * * *

7 **Section 3.** The Town of Highland Beach Code of Ordinances is hereby amended by
8 amending Section 30-68, “Supplemental district regulations,” to read as follows (deleting is
9 ~~stricken through~~ and adding is underlined):

10 * * *

- 11 (g) *Accessory marine facilities.*

12 * * *

- 13 (6) *Installation.* Accessory marine facilities shall comply with the installation
14 standards listed below:

- 15 a. In waterways regulated by the U.S. Army Corps of Engineers or other
16 governmental regulatory agency, docks and mooring facilities shall
17 not extend into the water more than twenty-five (25) feet or twenty-
18 five percent (25%) of the waterway width, whichever is less (excludes
19 docks and mooring facilities located along the Intracoastal Waterway),
20 measured from the wet face of the seawall or bulkhead.
- 21 b. The maximum combined seawall cap and dock width shall not exceed
22 eight (8) feet.
- 23 c. Measurement of the width or length of a dock, ~~as applicable~~, shall be
24 made from the property line or, when combined with a seawall cap,
25 from the landward edge of the seawall cap, as applicable.
- 26 d. Marine facilities shall comply with the side yard setbacks listed below.
- 27 1. Single-family zoning districts: Twenty-five (25) feet;
28 provided, however, the side yard setback shall be fifteen (15)
29 feet for any single-family lot with a lot width of fifty (50) feet
30 or more but less than seventy (70) feet. For those lots with less
31 than fifty (50) feet abutting the water, the planning board may

1 grant a special exception for the installation of a seawall
2 mounted davit type lifting device (but not a dock structure)
3 after being satisfied as to the protection of neighboring
4 property and no infringement of standard navigation practices.
5 2. Multifamily zoning districts: Five (5) feet, measured from the
6 perimeter property lines. In multifamily residential zoning
7 districts, marine facilities shall be exempt from side yard
8 setback requirements for all interior lot lines.

9 * * *

10 **Section 4. Severability.** The provisions of this Ordinance are declared to be severable and
11 if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid
12 or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,
13 clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent
14 that this Ordinance shall stand notwithstanding the invalidity of any part.

15 **Section 5. Repeal of Laws in Conflict.** All ordinances or parts of ordinances in conflict
16 herewith are hereby repealed to the extent of such conflict.

17 **Section 6. Codification.** Section 2 of the Ordinance may be made a part of the Town
18 Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word
19 “ordinance” may be changed to “section,” “division,” or any other appropriate word.

20 **Section 7. Effective Date.** This Ordinance shall be effective immediately upon adoption
21 at second reading.

22 The foregoing Ordinance was moved by _____, seconded by
23 _____ and upon being put to the vote, the vote was as follows:

24
25 Mayor Natasha Moore _____
26 Vice Mayor David Stern _____
27 Commissioner Judith Goldberg _____
28 Commissioner Don Peters _____
29 Commissioner Jason Chudnofsky _____

30
31 PASSED on first reading at the Regular Commission meeting held on this _____ day of
32 _____, 2026.

33
34 The foregoing Ordinance was moved by _____, seconded by
35 _____ and upon being put to the vote, the vote was as follows:
36

1 Mayor Natasha Moore _____
2 Vice Mayor David Stern _____
3 Commissioner Judith Goldberg _____
4 Commissioner Don Peters _____
5 Commissioner Jason Chudnofsky _____
6
7

8 PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held
9 on this _____ day of _____, 2026.

10
11 _____
12 Natasha Moore, Mayor
13

14 ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

15
16
17
18 _____
19 Lanelda Gaskins, MMC
20 Town Clerk

Leonard G. Rubin, Town Attorney
Town of Highland Beach