

**Topic Summary:**

Current town code: Section 30-66 ( c ) 1 ( a ):

(c)

*Encroachments into setbacks in the RE, RS, RML, RMM and RMH zoning districts:*

(1)

Unless otherwise provided in the Code, the following structures are allowed in the side or rear required setbacks as set forth herein.

a.

Walkways, patios and other hard surfaces for walking, gathering, and sitting shall be constructed of porous/pervious based materials, no closer than four (4) feet to the closest property line provided the height of the areas does not extend more than four (4) inches above the finished grade.

Notwithstanding the foregoing, when such walkways, patios and other hard surfaces abut a waterway, canal or lake, such hard surfaces may be constructed of nonporous/non pervious based materials (although porous/pervious based materials are encouraged) and may encroach up to the property line or seawall abutting the water, **whichever is further landward**, so long as adequate onsite drainage, as prepared by a registered design professional, is provided for such hard surfaces.

This topic came up at the Planning Board meeting on August 14, 2025 when the property at 2564 S Ocean Blvd requested to build a new Seawall that is 3 feet further into the Intracoastal waterway as measured from the existing property line.

The Florida Department of Environmental Protection and the Army Corps of Engineers approved this plan. The Highland Beach Planning Board also approved the plans and recommended that the Commission grant the property extension 3 feet further into the water.

The property owner is approved to install a new seawall, but the way the current Code is written, they cannot have a solid walkway from the property line to the seawall/dock since the property line is further landward than the seawall.

Logically this makes no sense.

The current code also creates a situation where it may not be completely safe for a boater to utilize the accessory marine facilities on the property. Most all homes with boats contain a dock and perhaps a boatlift. Most homes also contain a hard walking path from house to dock, so that a cart can be utilized to transport heavy items such as coolers, ice, inflatable emergency life rafts (weight of approximately 90 lbs) and other gear to and from the boat.

Rolling a heavy cart across grass or artificial grass (which has sand underneath) is difficult. The cart can sink in, and grass/dirt also gets on the boat when transitioning from walking on grass to getting on to a boat. There is no need to force this added inconvenience driven by requiring the hard path on the property to end before it gets to the seawall and dock.

**Recommendation:**

Ask the planning board to review this provision and come up with a recommended change to the code language that would permission a solid walkway all the way to the seawall, even if the property line is further landward.

There is no logical reason to require that the additional property created between the property line and a seawall should forbid a walkway to the dock or boatlift.



Not to scale:

Orange: Property line  
Green: New seawall face

A hard path from from Orange to Green is not permitted I the current code.