



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Commission Meeting

MEETING DATE 09/1/2026

SUBMITTED BY: Jeff Remas, CBO, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, CONSOLIDATING AND UPDATING THE TOWN'S REGULATIONS FOR THE PROTECTION OF THE OCEAN RIDGE; AMENDING ARTICLE V, "SEAWALLS; BULKHEADS; RETAINING WALLS," OF CHAPTER 6, "BUILDINGS AND STRUCTURES," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 6-127, "CONSTRUCTION," TO REMOVE CONFLICTING REGULATIONS; AMENDING ARTICLE V, "NATURAL RESOURCES," OF CHAPTER 30, "ZONING CODE," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 30-83, "BULKHEADS, SEAWALLS, AND GROINS," TO CLARIFY AND UPDATE THE REGULATIONS APPLICABLE TO ALL CONSTRUCTION ACTIVITIES EAST OF STATE ROAD A1A; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY:

Section 6-127(d) of Chapter 6 of the Town Code contains ocean ridge construction standards that render certain oceanfront lots east of State Road A1A unbuildable due to a prohibition against construction east of the Coastal Construction Control Line (CCCL) and a mandatory seawall prerequisite that is inconsistent with current Florida Department of Environmental Protection (FDEP) permitting policy. Section 6-127(d)(12) contains a supersession clause that overrides Section 30-83 of Chapter 30, which recognizes FDEP's authority over coastal construction east of the CCCL. The proposed ordinance was referred to the Planning Board, which reviewed the matter at a duly noticed public hearing held on June 16, 2026 and recommended adoption. The ordinance makes the following changes:

- Removes the conflicting ocean ridge construction standards from Section 6-127(d), including the 120-foot protection zone, the 18-foot above mean sea level minimum elevation requirement, the mandatory seawall prerequisite, and the supersession clause. Beach cleaning vehicle regulations are retained and re-lettered as subsection (e). A cross-reference directs the reader to Section 30-83(d) of Chapter 30 as the governing standard for ocean ridge construction.

- Amends Section 30-83 of Chapter 30 to establish FDEP CCCL permit approval as the governing standard for removal of materials from the ocean ridge and for construction east of A1A. A seawall permit is required only where the FDEP CCCL permit specifically requires one. Where the FDEP CCCL permit does not require a seawall, no seawall permit shall be required as a condition for the removal of such materials.
- Adds new Section 30-83(f) establishing the lowest floor of all buildings or structures (**see amendment below**).
- Adds new Section 30-83(g) clarifying that basements are permitted subject to the Florida Building Code and the Town's floodplain regulations.
- Retains Section 30-83(h) requiring that a temporary barrier be erected before lot clearing commences as required by FDEP.
- Adds language to Section 30-83(e) establishing that a valid FDEP CCCL permit constitutes sufficient basis for approval under the exception provision, subject to applicable zoning requirements.

At its August 11, 2026 meeting, the Town Commission approved the Ordinance on first reading and requested that the Ordinance be amended to include a reference to “design flood elevation” when establishing lowest floor as initially recommended by Town Staff. The Planning Board recommended removing this language and merely referencing the Town’s floodplain regulations and the Florida Building Code. In accordance with the Commission’s direction and to provide additional clarity, the language of Section 30-83(f), has been amended to read as follows:

Lowest floor. For properties east of SR A1A located within a special flood hazard area, the lowest floor of all buildings or structures shall be elevated in accordance with the applicable design flood elevation, as determined pursuant to the current effective FEMA Flood Insurance Rate Map, the town’s floodplain management regulations, and the applicable requirements of the Florida Building Code. For purposes of this subsection, “lowest floor” shall be determined in accordance with applicable federal and state floodplain regulations and the Florida Building Code.

The revised language is highlighted in the Proposed Ordinance.

FISCAL IMPACT:

No direct fiscal impact

ATTACHMENTS:

Proposed Ordinance

RECOMMENDATION:

Staff recommends consideration by the Town Commission on second and final reading.