

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 581.18

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES BY AMENDING ARTICLE IV OF CHAPTER 46 ENTITLED WATERWAYS TO REQUIRE ADDITIONAL CONSTRUCTION SURVEYS AND CERTIFICATION OF SEAWALLS AS THEY ARE CONSTRUCTED AND INCREASING MINIMUM AND MAXIMUM SEAWALL HEIGHTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council periodically studies land development trends and issues and amends the Town's Land Development Regulations accordingly; and

WHEREAS, the Town Council has studied the current Code provisions of the Town and find that certain modifications are necessary and desirable to update various requirements for Seawall construction; and

WHEREAS, a public meeting was held before the Local Planning Agency (LPA) of the Town to review the proposed modifications to the Town's Land Development Regulations; and

WHEREAS, the Town Council held duly advertised public meetings to consider the proposed modifications to the Town's Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA:

Section 1. Recitals Adopted. That the preceding "Whereas" clauses are ratified and incorporated as a record of the legislative intent of this Ordinance.

Section 2. Code Amended. That the Town of Golden Beach Code is hereby amended to modify Chapter 46 - Waterways of the Code of Ordinances as more fully set forth in the attached Exhibit "A", and by reference are made a part hereof.

Section 3. Severability. That if any section, paragraph, sentence or word of this Ordinance or the application thereof to any person or circumstance is held invalid, that the invalidity shall not affect the other sections, paragraphs, sentences, words or application of this Ordinance.

Section 4. Codification. That it is the intention of the Town Council of Golden Beach, and it is therefore ordained, that the provisions of the Ordinance shall become and be made a part of the Town of Golden Beach Code of Ordinances, that sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Repealer. That all Ordinances, parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be in full force and take effect immediately upon its passage and adoption.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Councilmember Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Jaime Mendal	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

PASSED AND ADOPTED on first reading this 17th day of April, 2018.

The Motion to adopt the foregoing Ordinance was offered by
Councilmember Lusskin, seconded by Vice Mayor Mendal, and on roll call the
following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Jaime Mendal	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>

PASSED AND ADOPTED on second reading this 15th day of May, 2018.

ATTEST:

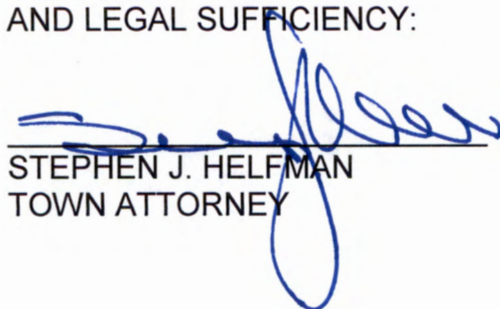


LISSETTE PEREZ
TOWN CLERK



MAYOR GLENN SINGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT "A"

**The Town of Golden Beach, Florida Code of Ordinances
is hereby amended as follows:**

CHAPTER 46 WATERWAYS

ARTICLE IV. SEAWALLS AND DOCKS

Sec. 46-76. - Seawalls required.

Seawalls shall be required on all property adjacent to any waterfront, other than the Atlantic Ocean. It shall be unlawful for any Owner of property adjacent to any waterfront, other than the Atlantic Ocean, to fail to have a seawall or fail to maintain a seawall or bulkhead in accordance with the requirements and specifications of this article.

Sec. 46-77. - Building permit required for seawalls and docks.

No Person shall construct a dock or seawall without first applying for and obtaining a building permit from the Town and other applicable jurisdictions. The building permit fee and cash bond shall be established by resolution and posted in accordance with the approved plan and specifications.

Sec. 46-78. - Design, construction of seawalls.

All seawalls shall be designed and certified by a registered engineer proficient in structural design to prepare such plans and constructed by a licensed contractor in substantial accordance with the permit plans and specifications approved in advance by the Building Official.

Sec. 46-79. - Inspection.

(a) The seawall shall be built in substantial accordance with the approved plan and specifications and shall be subject to proper inspection by the Building Official-Inspector during its construction.

(1) As part of a building permit application to construct a new seawall or modify an existing seawall, two (2) copies of a physical lot survey (conducted within the last 6 months) shall be provided to the Town. The survey shall show spot elevations of the existing seawall at each edge of the lot and at 20-foot intervals along the seawall using the North American Vertical Datum of 1988 (NAVD-88), the exact location of the existing or proposed seawall, the width of the seawall cap and any supporting structures, and the location of related structures (docks / pilings / rip-rap / etc.).

(2) Immediately after installation of the piles, an inspection and corresponding pile log shall be submitted to Town, showing pile location and pile capacity. The pile log

shall be reviewed and approved by the Town's building department prior to erecting the seawall forms.

(3) Upon the completion of the installation of the seawall forms, two (2) updated surveys shall be provided to the Town showing the proposed location of the seawall and indicating conformance with approved plans. The surveys must be reviewed and approved by the Town's building department, prior to scheduling the required field inspection and before any concrete is poured.

(4) Upon completion of the seawall construction two (2) updated signed and sealed as-built surveys shall be submitted to Town. Surveys shall show the finished elevation of the seawall height above NAVD-88 at the same intervals set forth in subsection (1) above, indicating the location and thickness of the seawall and, the width and thickness of the seawall cap. A final inspection may then be scheduled with the building department.

Sec. 46-80. - Completion of construction, approval.

Seawalls, when completed and backfilled to grade, shall be plumb and the coping straight before final acceptance by the Town and release of the bond.

Sec. 46-81. - Extension of seawall into waterways.

No part of any seawall, including slabs may extend beyond any lot property line into any waterway in the Town. The piles and cap beam may encroach into the waterway, if approved by the agency having jurisdiction. If during the construction of a new seawall or renovation of an existing seawall it is found that portions of the existing seawall encroach into a public waterway adjoining a lot, those portions of the seawall encroachment shall be modified or removed, unless a variance is granted by the Town. See section 46-86 below for the definition of legal nonconformity, and requirements for modification, removal, and compliance with the new standards.

Sec. 46-82. - Use of concrete slab.

All seawalls shall be built of reinforced concrete, with a cap-beam and be supported on pilings. Repairs to existing seawalls may incorporate other methods of construction and materials such as precast panels, sheet metal pilings and batter piles so long as they are consistent with the original design and appearance of the existing seawall and the majority of seawalls existing within the Town. No other type of seawall construction, including rip-rap, shall be permitted.

Sec. 46-83. - Repair and replacement.

The Town Council finds that docks and seawalls, if deteriorated, broken, cracked or in a state of disrepair, are unsafe structures and shall be repaired or replaced after notice to repair is served on the Owner as provided in section 14-31.

Sec. 46-84. - General specifications for docks.

No dock shall be permitted to be constructed, repaired, or reconstructed within the limits of the Town which shall extend more than six feet outside the lot property line into an

inside (width of 100 feet or less) waterway nor more than ten feet outside the lot property line into an outside (width greater than 100 feet) waterway.

Sec. 46-85. Height of seawalls and docks and extensions of deck of dock.

No ~~seawall and no~~ dock of any dock shall exceed an elevation of ~~five~~ 3.425 feet above the North American Vertical Datum of 1988 (NAVD-88) ~~National Geodetic Vertical Datum (N.G.V.D.)~~. ~~Deck decks shall not extend more than six feet behind the seawall and~~ No cover shall be permitted to be erected in connection with any dock. The minimum elevation of the top of any seawall shall be ~~four~~ 3.425 feet above NAVD-88 the N.G.V.D. and the maximum elevation shall be 4.425 feet NAVD-88. For general historical information only, the May 8, 2018 amendment to this section, converted measurements from N.G.V.D. to NAVD resulting in revised seawall heights from a minimum of 4 feet N.G.V.D. to a minimum of 5 feet N.G.V.D. and from a maximum of 5 feet N.G.V.D. to a maximum of 6 feet N.G.V.D.

Sec. 46-86. - Application of article and nonconforming seawalls.

(a) All properties, except as provided for in subsection (b), shall comply with and be subject to the requirements of this article.

(b) Any legal nonconforming seawall (a seawall which conformed with applicable regulations when constructed) lawfully existing prior to the effective date of any ordinance rendering such structure nonconforming, may be maintained so long as it remains otherwise lawful, unless and until one of the following occurs:

(1) Improvements, repair, or construction of a structure on the property upon which the nonconforming seawall exists, which in the opinion of the Building Official, the cost of said construction exceeds 50 percent of the assessed value of the structure for that year;

(2) Demolition of the primary structure on the property upon which the nonconforming seawall exists;

(3) In the opinion of the Building Official, the Owner intends to materially alter the seawall structure;

(4) The Building Official makes a determination that the modification or alteration of the nonconforming seawall is necessary to protect the health, safety and welfare of the Town residents.

(5) Transfer of the property by any means.

a. Prior to transfer of Title Ownership of any property and within 60 days prior to the scheduled closing date, the current owner must document the current condition of the existing seawall and provide such documentation to the Town and prospective purchaser, except when Title transfers to an immediate family member or to a Trust held by an immediate family member.

1. A report shall be made by a registered engineer proficient in design engineering, providing scientific and engineering evidence that the seawall is in good condition with adequate penetration and toe protection

to avoid settlement, toe failure, or loss of material from beneath or behind the seawall.

2. A cover letter to the report, signed and sealed by the engineer, shall be provided and contain engineering certifications as to 1. The overall seawall condition, 2. The determination of the likely remaining design life. 3. Any recommendations for the repairs currently needed for the seawall and for a long term repair basis, and 4. The current height of the elevation of the top of the seawall cap which such measurement shall be made in accordance with NAVD-88 guidelines.
 3. Such report shall be accompanied by an affidavit of the prospective purchaser acknowledging receipt of a copy of the report, the existing conditions and that all deficiencies in the report must be corrected and a building permit to correct said deficiencies filed within 180 days following the closing date of the sale.
- b. Any deficiencies noted in the report shall be corrected and a building permit application submitted within a 180 day period following the scheduled closing on the property to remedy the deficiencies, this includes raising the seawall cap if it is not in accordance to NAVD-88 requirements.

Sec. 46-87. - Proximity of lot lines.

(a) No part of any dock or any other structure shall be placed nearer than ten feet to a line formed by the projection of the sidelines of the lot.

(b) No portion of a dock, boat lift, hydro-hoist or any other method of elevation, mooring piles, boat davits, dolphin piles or any other structure, and no portion of a boat elevated above the water moored at a dock or seawall, shall protrude into the waterway, unless it is within the triangle formed by connecting the points indicated below, that form a triangle where the waterfront property line is the base of the triangle and the triangle sides extend towards the waterway at a 45 degree angle until the lines intersect on the waterway side of the lot, but never to exceed 25 feet into the waterway from each of the lot property line. Neither elevated boats nor docks shall encroach in any instance within the side setback area. The base of the triangle shall be determined as follows:

(1) The base of the D5 triangle for all lots is set back five feet inside each of the side property lines.

(2) When the lot line is curved, the base shall be measured at the straight line, forming the chord, connecting the two side property lines (or the two side setback lines) at the point where they cross the sea wall. The side setback shall be determined based upon the length of the chord as provided in this subsection, above.

(c) The keel of a raised vessel shall be no higher than the cap of the seawall and never higher than four feet above mean sea level.

(d) No dock, lift, mooring piles or moored boat shall be permitted on vacant lots. Permits for such construction will be issued after a building permit for a single-family home has been issued, but the final inspection will be performed at the same time that the single family home final inspection is given.

(e) Legal nonconforming dock structures—If more than 50 percent of the value of the dock structure, lift, dolphin pile or other structure referenced in this section, is spent to repair or renovate such dock structures, then the dock structures must conform with the provisions of this section. The fair market value shall be determined by a State certified real estate appraiser or the Building Official. Dock structures that were not legally permitted when installed shall not be improved unless they conform to this section. If an existing residence that has a dock is demolished, the dock can remain in place with the following provisions:

(1) That a new residence will be constructed and completed within two years from completion of the demolition; and

(2) A Bond in an amount equal to 120 percent of the estimated cost of the dock demolition is filed with the Town's building and zoning department; and

(3) As part of the demolition permit documents, the Owners of Record shall file an affidavit with the Town's building and zoning department, authorizing the Town to use the Bond funds to demolish the dock if a residence is not completed on the lot after the expiration of the two years' time limit.