



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: June 14, 2022

Item Number:

To: Honorable Mayor Glenn Singer &
Town Council Members

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From: Alexander Diaz,
Town Manger

Subject: Ordinance No. 600.22 – Amending the Town’s Code, Article IV
of Chapter 46 As It Relates to Seawalls.

Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 600.22 as presented.

Background:

This is the second reading of this Ordinance, it will set the top of cap for all seawalls in Town at 4.425’ NAVD (6’ NGVD) creating a standard cap height throughout Town. For years property owners have been given a choice in seawall cap heights, and what we have found is that when given a choice, most applicants would simply build to the minimum requirements.

In addressing the disparity between seawall cap heights, we create a more resilient armoring along the waterways.

It also defines substantial improvement for the purpose of Sec. 46-85, substantial improvement shall mean any repair, reconstruction, rehabilitation, alteration or other improvement to a seawall that collectively and cumulatively effects more than twenty-five percent (25%) of the linear dimensions of the seawall.

It also allows for existing homes that are not making substantial improvements to keep existing heights.

The City of Miami Beach has recently set the minimum top of cap for most of their seawalls at 5.70’ NAVD, our team of advisors and the Administration are confident that 4.425’ NAVD for the Town is appropriate.

Fiscal Impact:

None.

1 **TOWN OF GOLDEN BEACH, FLORIDA**
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3 **ORDINANCE NO. 600.22**
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5 **AN ORDINANCE OF THE TOWN OF GOLDEN BEACH,**
6 **FLORIDA, AMENDING THE TOWN'S CODE OF**
7 **ORDINANCES, CHAPTER 46, ARTICLE IV, SEAWALL**
8 **AND DOCKS; PROVIDING FOR A FIXED HEIGHT FOR**
9 **SEAWALLS AND DOCKS; PROVIDING FOR**
10 **CODIFICATION; PROVIDING FOR CONFLICTS; AND**
11 **PROVIDING AN EFFECTIVE DATE.**
12

13 **WHEREAS,** the Town of Golden Beach, Florida (the "Town") is a barrier island
14 community located between the intercostal waterway and the Atlantic Ocean; and

15 **WHEREAS,** because of its location, the Town is directly impacted by tidal action, sea
16 level rise as well as storm surge; and

17 **WHEREAS,** it is well established that the construction of a bulkhead seawall provides
18 significant protection from the adverse effects of tidal action, sea level rise and storm surge;
19 and

20 **WHEREAS,** the Town has completed an extensive study into the most efficient
21 height of seawalls to protect person's properties from the foregoing adverse impacts; and

22 **WHEREAS,** the Town Council has determined that the installation and maintenance
23 of seawalls at a height of 4.425 NAVD is the optimum height for protecting the Town, its
24 residents and properties; and

25 **WHEREAS,** the Town Council wishes to establish the said height of 4.425 NAVD as
26 the fixed uniform standard for all seawalls within the Town.

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

29 Section 1. Recitals. That the recitals set forth above are hereby adopted and
30 confirmed.

31 Section 2. Amending Code. That the Code of Ordinances of the Town of
32 Golden Beach, Florida is hereby amended by revising Chapter 46, Article IV, Seawalls
33 and Docks, Section 46-85, Height of Seawalls and Docks and Extension of Deck of Dock,
34 of the Code of Ordinances of the Town of Golden Beach, Florida is hereby amended to
35 read as follows:¹

36 ****

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

38 a. ~~No seawall and no deck of any dock shall exceed~~ All new and replacement
39 ~~seawalls and substantial improvement to existing seawalls shall be constructed at an~~
40 ~~elevation of 4.425 feet above the North American Vertical Datum of 1988 (NAVD-88).~~
41 ~~Except as provided in Section b. below, all new and replacement docks and substantial~~
42 ~~improvement to existing docks shall be constructed at a minimum height of 3.425 NAVD-~~
43 ~~88, and a maximum not to exceed 4.425 NAVD-88. No finished material installed or~~
44 ~~applied to the seawalls or docks shall exceed three (3) inches in thickness. No cover shall~~
45 ~~be permitted to be erected in connection with any dock. The minimum elevation of the top~~
46 ~~of any seawall shall be 3.425 feet above NAVD-88 and the maximum elevation shall be~~
47 ~~4.425 feet NAVD-88. For general historical information only, the May 8, 2018 amendment~~
48 ~~to this section, converted measurements from N.G.V.D. to NAVD resulting in revised~~
49 ~~seawall heights from a minimum of four feet N.G.V.D. to a minimum of five feet N.G.V.D.~~
50 ~~and from a maximum of five feet N.G.V.D. to a maximum of six feet N.G.V.D.~~

51 b. Where any legal non-confirming seawall exists, a new or replacement dock
52 may be constructed or substantially improved at an elevation which is not more than one
53 (1) foot below the top of the cap of the existing seawall.

54 c. ~~For the purpose of Sec. 46-85, substantial improvement shall mean any~~
55 ~~repair, reconstruction, rehabilitation, alteration or other improvement to a seawall that~~
56 ~~collectively and cumulatively effects more than twenty-five percent (25%) of the linear~~
57 ~~dimensions of the seawall.~~

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¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~. Additions added between first and second reading are shown in double underline.

60 **Section 3. Severability.** That the provisions of this Ordinance are declared to
61 be severable and if any section, sentence, clause or phrase of this Ordinance shall for
62 any reason be held to be invalid or unconstitutional, such decision shall not affect the
63 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but
64 they shall remain in effect, it being the legislative intent that this Ordinance shall stand
65 notwithstanding the invalidity of any part.

66 **Section 4. Codification.** That it is the intent of the Town Council that the
67 provisions of this ordinance shall become and be made a part of the Town's Code of
68 Ordinances, and that the sections of this Ordinance may be renumbered or relettered,
69 and the word "ordinance" may be changed to "section," "article," "regulation," or such
70 other appropriate word or phrase in order to accomplish such intentions.

71 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or
72 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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

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

78	Mayor Glenn Singer	<u>Aye</u>
79	Vice Mayor Jaime Mendal	<u>Aye</u>
80	Councilmember Bernard Einstein	<u>Aye</u>
81	Councilmember Judy Luskin	<u>Aye</u>
82	Councilmember Kenneth Bernstein	<u>Aye</u>
83		

84 **PASSED AND ADOPTED** on first reading this 26th day of April, 2022.

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

87	Mayor Glenn Singer	<u>Aye</u>
88	Vice Mayor Jaime Mendal	<u>Aye</u>
89	Councilmember Bernard Einstein	<u>Aye</u>
90	Councilmember Judy Luskin	<u>Aye</u>
91	Councilmember Kenneth Bernstein	<u>Aye</u>

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93
94 **PASSED AND ADOPTED** on second reading this 14th day of June, 2022.

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MAYOR GLENN SINGER

100 ATTEST:

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LISSETTE PEREZ
TOWN CLERK

109 APPROVED AS TO FORM
110 AND LEGAL SUFFICIENCY:

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STEPHEN J. HELFMAN
TOWN ATTORNEY