

1 TOWN OF GOLDEN BEACH, FLORIDA

2  
3 ORDINANCE NO. 605.24

4  
5 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN  
6 OF GOLDEN BEACH, FLORIDA, AMENDING THE TOWN'S  
7 CODE OF ORDINANCES BY REVISING ARTICLE VI  
8 "SEAWALLS AND DOCKS", SECTION 46-81,  
9 "EXTENSION OF SEAWALL INTO WATERWAYS",  
10 WITHIN CHAPTER 46 "WATERWAYS", TO ALLOW FOR  
11 THE REPAIRS, RECONSTRUCTION OR REPLACEMENT  
12 OF LEGAL NON-CONFORMING SEAWALLS WHICH  
13 ENCROACH INTO WATERWAY; PROVIDING FOR  
14 SEVERABILITY; PROVIDING FOR CODIFICATION;  
15 PROVIDING FOR CONFLICTS; AND PROVIDING AN  
16 EFFECTIVE DATE.

17  
18 WHEREAS, the Town of Golden Beach, Florida (the "Town") is a barrier island  
19 community located between the intercostal waterway and the Atlantic Ocean; and

20 WHEREAS, most of the lots within the Town have been historically improved with  
21 seawalls, which in many instances encroach beyond the lot lines into the adjacent waterway;  
22 and

23 WHEREAS, generally these encroachments do not materially impact the  
24 surrounding properties or the use of the waterways; and

25 WHEREAS, the Town wishes to encourage the repair, reconstruction or replacement  
26 of the existing seawall system to protect the Town from sea level rise and other tidal events;  
27 and

28 WHEREAS, the Town wishes to facilitate the repair, reconstruction and replacement  
29 of deficient seawalls by allowing the new seawall structures to be placed within the  
30 boundaries of the existing seawalls.

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

33 Section 1. Recitals. That the recitals set forth above are hereby adopted and  
34 confirmed.

35 Section 2. Amending Code. That the Code of Ordinances of the Town of  
36 Golden Beach, Florida is hereby amended by revising Section 46-81, "Extension of  
37 seawall into waterways" of Article IV, "Seawalls and Docks" within the existing Chapter  
38 46, "Waterways", which section shall read as follows:<sup>1</sup>

39 **ARTICLE IV. – SEAWALLS AND DOCKS.**

40 \* \* \*

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

42 No part of any seawall, including slabs may extend beyond any lot property line  
43 into any waterway in the Town; however, an encroaching legal non-conforming seawall,  
44 and supporting structures may be repaired, reconstructed or replaced in its current  
45 location so long as the location does not pose a threat to navigation as determined by the  
46 Village Manager or his designee. ~~The piles and cap beam may encroach into the~~  
47 ~~waterway, if approved by the agency having jurisdiction. If during the construction of a~~  
48 ~~new seawall or renovation of an existing seawall it is found that portions of the existing~~  
49 ~~seawall encroach into a public waterway adjoining a lot, those portions of the seawall~~  
50 ~~encroachment shall be modified or removed, unless a Variance is granted by the Town.~~  
51 ~~See section 46-86 below for the definition of legal nonconformity, and requirements for~~  
52 ~~modification, removal, and compliance with the new standards.~~

53 \* \* \*

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<sup>1</sup> Additions to the text are shown in underline. Deletions to the text are shown in ~~striketrough~~. Additions added between first and second reading are shown in double underline.

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

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

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

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

69           The Motion to adopt the foregoing Ordinance was offered by Councilmember  
70 Luskin, seconded by Councilmember Mendal, and on roll call the following vote ensued:

71	Mayor Glenn Singer	<u>Aye</u>
72	Vice Mayor Bernard Einstein	<u>Aye</u>
73	Councilmember Jaime Mendal	<u>Aye</u>
74	Councilmember Judy Luskin	<u>Aye</u>
75	Councilmember Kenneth Bernstein	<u>Absent</u>
76		

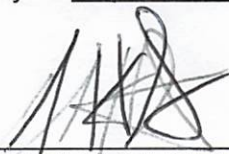
77           **PASSED AND ADOPTED** on first reading this 27<sup>th</sup> day of August, 2024

78 The Motion to adopt the foregoing Ordinance was offered by Councilmember  
79 Luskin, seconded by Councilmember Mendal, and on roll call the following vote  
80 ensued:

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

86  
87 **PASSED AND ADOPTED** on second reading this 30<sup>th</sup> day of September 2024.

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MAYOR GLENN SINGER

93 ATTEST:

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98 LISSETTE PEREZ  
99 TOWN CLERK

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APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
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STEPHEN J. HELFMAN  
TOWN ATTORNEY



# TOWN OF GOLDEN BEACH

100 Ocean Boulevard  
Golden Beach, FL 33160

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## MEMORANDUM

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**Date:** September 30, 2024

**To:** Honorable Mayor Glenn Singer &  
Town Council Members

**From:** Alexander Diaz, *Alex B*  
Town Manager

**Subject:** Ordinance No. 605.24 – Revising Town Code Section 46-81,  
“Extension of Seawall into Waterways”

Item Number:

1

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### Recommendation:

It is recommended that the Town Council adopt the attached Ordinance No. 605.24 as presented.

### Background and History:

Historically, permit documentation demonstrates numerous seawalls were installed outside the lot property lines into the Town’s and Intracoastal waterways in contradiction to the Town code requiring seawalls be installed within a lot property line.

The town’s procedures for approval of seawall encroachments are an extensive process requiring the applicant to first make an application to the Building Advisory Board and to the Town Council for approval of the encroachment by process of a variance, which have historically all approved, as the Town’s code calls for all seawalls to be contiguous.

This procedure is counterproductive to the Town’s efforts in effectively getting homeowners to upgrade, repair, or reconstruct their seawall due to the time-consuming process.

This Ordinance will simplify the permitting process and expedite the repair, reconstruction, and/or replacement of any deficient existing seawall systems by allowing the seawalls that are currently a legal non-conforming structure to be repaired, reconstructed, or replaced within its current location as long as that location does not pose a threat to navigation as approved by the Town Manager or his designee.

**Financial Impact:** None