



**TOWN OF HIGHLAND BEACH
ORDINANCE NO 18-011 O**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING CHAPTER 6 “BUILDINGS AND STRUCTURES”, ARTICLE V “SEAWALLS; BULKHEADS; RETAINING WALLS”, SECTION 6-128 “APPROVAL REQUIRED FOR BULKHEADS, SEAWALLS, RETAINING WALLS; REQUIRED NOTIFICATION OF ABUTTING PROPERTY OWNERS” BY REMOVING THE REQUIREMENT THAT CONSENT FROM PRIVATE PROPERTY OWNERS MUST BE SUBMITTED TO THE TOWN MANAGER; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town has regulations for the review and approval of seawalls, bulkheads and retaining walls erected in the Town; and

WHEREAS, the Town Commission wishes to remove the requirement that the consent of private property owners must be specifically provided to the Town as situations arise which may preclude all consent letters or documents being submitted to the Town prior to the commencement of construction activities; and

WHEREAS, the Town Commission believes the amendment to the Town of Highland Beach Code of Ordinance as specified in this Ordinance are in the best interest of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Highland Beach Code of Ordinances, Chapter 6 “Building and Structures”, Article V “Seawalls; bulkheads, retaining walls”, Section 6-128 “Approval required for bulkheads, seawalls, retaining walls; required notification of abutting property owners” is hereby amended as follows (deleting is ~~stricken through~~ and adding is underlined):

Sec. 6-128. - Approval required for bulkheads, seawalls, retaining walls; required notification of abutting property owners.

- (a) No bulkhead, seawall, or retaining wall shall be erected or constructed in any water, canal or lake, or on land abutting thereon, within the limits of the town, unless plans and specifications have been submitted to and approved by all federal, state and county agencies with jurisdiction over such construction activities, the town commission and the town consulting engineer, with a copy of such plans and specifications being filed with the town. All property owners abutting the proposed wall within one thousand (1,000) feet on the ocean or on the waterway shall be notified of the project by the town at the applicant's expense. ~~Motorized equipment used to install any of the above walls must stay in the littoral zone or obtain written consent of the owners of each private property whose property will be traversed, which consents must be submitted to the town manager prior to the commencement of such work.~~
- (b) All seawalls west of State Road A1A shall be in excess of plus six (+6.00) feet elevation above mean sea level. All seawalls on the Intracoastal Waterway and the Atlantic Ocean shall, at the discretion of the town engineer, have rip rap at the base to dissipate the wave energy and to protect the berm.

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

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances, or all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. Section 2 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "division," or any other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

Ordinance NO. 18-011 O

The foregoing Ordinance was moved by Commissioner Riesa, seconded by Commissioner Zelniker and upon being put to the vote, the vote was as follows:

	AYE	NAY	
Mayor Carl Feldman	_____	_____	<u>Not available to sign.</u>
Vice Mayor Alysén A. Nila	<input checked="" type="checkbox"/>	_____	<u>Alysen Nila</u>
Commissioner Rhoda Zelniker	<input checked="" type="checkbox"/>	_____	<u>Rhoda Zelniker</u>
Commissioner Elyse Riesa	<input checked="" type="checkbox"/>	_____	<u>Elyse Riesa</u>
Commissioner Peggy Gossett-Seidman	<input checked="" type="checkbox"/>	_____	<u>Peggy Gossett-Seidman</u>

PASSED on first reading at the Regular Commission meeting held on this 6th day of November 2018.

The foregoing Ordinance was moved by Commissioner Riesa, seconded by Commissioner Zelniker and upon being put to the vote, the vote was as follows:

	AYE	NAY	
Mayor Carl Feldman	_____	_____	<u>Absent.</u>
Vice Mayor Alysén A. Nila	<input checked="" type="checkbox"/>	_____	<u>Alysen Nila</u>
Commissioner Rhoda Zelniker	<input checked="" type="checkbox"/>	_____	<u>Rhoda Zelniker</u>
Commissioner Elyse Riesa	<input checked="" type="checkbox"/>	_____	<u>Elyse Riesa</u>
Commissioner Peggy Gossett-Seidman	<input checked="" type="checkbox"/>	_____	<u>Peggy Gossett-Seidman</u>

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this 4th day of December 2018.

ATTEST:

By: Lanelda Gaskins
Lanelda Gaskins, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: Pamela H. Ryan
Pamala H. Ryan, Town Attorney