



1           **SECTION 2.** Chapter 14, ARTICLE I. – IN GENERAL of City of Oakland Park  
2 Code of Ordinances is hereby amended as follows:

3       **ARTICLE I – IN GENERAL**  
4

5       **Section 14-1. Provision for construction of seawalls.**

6 Whenever it is determined by the building official that a bank or shoreline stabilization  
7 is required in order to abate a public nuisance or abate a condition which is injurious to  
8 the health, safety or welfare of the neighborhood or community or dangerous to the  
9 navigability of any canal, stream or other body of water, the property owner shall make  
10 provision for construction of uniform and substantial seawalls, or other approved  
11 revetment, on property adjacent to or in any natural or artificial canal, stream, lake or  
12 other body of water.

13 (A). Definitions. For the purposes of this section, the following terms, phrases, words,  
14 and their derivation shall have the meanings given herein, except when the context  
15 clearly indicates a different meaning. In the interpretation and application of this  
16 article, the definitions provided for herein shall control over definitions which that  
17 may be included in other documents or manuals, including, but not limited to, the  
18 Florida Building Code. Words used in the present tense include the future tense,  
19 words in the plural number include the singular number, and words in the singular  
20 number include the plural number. The word "shall" is mandatory and the word  
21 "may" is permissive.

22 *Berm* means an earthen mound designed with impermeability to resist the flow of  
23 tidal waters through to an adjacent property or public rights-of-way.

24 *Canal bank or berm* is the level space separating a waterway from an inland area,  
25 often elevated and constructed of compacted soil.

26 *Green-grey infrastructure or materials* is a combination of engineered and natural  
27 features that provide environmental qualities and ecosystem value.

28  
29 *Mooring structure* means a boat dock, slip, boat davit, hoist, boat lift, floating vessel  
30 platform, personal watercraft / jet ski platform, mooring pile or a similar structure  
31 attached to land or a seawall, to which a vessel can be moored.

32  
33 *North American Vertical Datum (NAVD88 or NAVD)* means the vertical control for  
34 datum of orthometric height established for vertical control surveying in the United  
35 States of America based upon the General Adjustment of the North American Datum

1 of 1988. NAVD88 replaced the previously used datum, National Geodetic Vertical  
2 Datum of 1929 (NGVD29).

3  
4 *Public nuisance* means injurious to the safety or health of the entire community or  
5 neighborhood, or any considerable number of persons, or unlawfully obstructs the  
6 free passage or use, in the customary manner, of any public right-of-way.

7  
8 *Rip-rap* means a foundation of unconsolidated boulders, stone, rubble, concrete  
9 without protruding rebar or similar materials placed on or near a shoreline to mitigate  
10 wave impacts and prevent erosion.

11  
12 *Seawall* means the vertical or near vertical (often interlocking) structures placed  
13 between an upland area and a waterway or waterbody for erosion control.

14  
15 *Seawall cap* means the concrete box structure (usually reinforced) which connects  
16 seawall panels, piles and anchoring system (if present) together at the top.

17 *Shoreline* means the tidally influenced area where land meets water.

18  
19 *Substantial repair or rehabilitation* means:

20 (1). Any modification to shoreline or shoreline structures along more than fifty  
21 percent (50%) of the length of the property's shoreline;

22 (2) Any and all repair, reconstruction, rehabilitation, addition or any other form of  
23 improvement of an existing structure or appurtenant structures (such as mooring  
24 structures) the cost of which is fifty percent (50%) or more of the fair market  
25 value of the structure prior to the commencement of the improvement and/or  
26 repair.

27 *Tidal flood barrier* means any structure or shoreline feature, including but not  
28 limited to, berms, canal banks, green-grey infrastructure, mooring structures,  
29 seawalls, seawall caps, upland stem walls, or other infrastructure that impedes tidal  
30 waters from flowing onto adjacent property or public rights- of-way, located within  
31 or along a tidally-influenced area. This definition is not meant to include rip rap,  
32 derelict erosion control structures or permeable earthen mounds that do not provide  
33 an impermeable water barrier to tidal flooding.

34 *Tidally-influenced areas* means a waterway with water level changes in response to  
35 the daily tide.

36 (B). All new or substantially rehabilitated seawalls, seawall caps, canal banks or berms  
37 shall perform as tidal flood barriers. Tidal flood barriers shall have a minimum  
38 elevation of 5.0 feet NAVD88. Applications for new or substantially rehabilitated  
39 tidal flood barriers submitted prior to January 1, 2035 may be permitted a minimum

- 1 elevation of 4.0 feet NAVD88 if designed and constructed to accommodate a  
2 minimum elevation of 5.0 feet NAVD88 by January 1, 2050.  
3
- 4 (C). All property owners must maintain a tidal flood barrier in good repair. A tidal flood  
5 barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded  
6 through or over the barrier and on to adjacent property or public rights-of-way.  
7 Failure to maintain flood mitigation infrastructure shall be a citable offense. The  
8 owner of the tidal flood barrier shall demonstrate progress towards repairing the cited  
9 defect within sixty (60) days of receiving notification and complete repairs within  
10 three hundred sixty-five days (365) of receipt of the citation. If the required repair  
11 meets the substantial repair threshold, the property owner shall design, obtain  
12 permits, and cause to be constructed seawall improvements that meet the minimum  
13 elevation and design requirements within three hundred sixty-five (365) days of  
14 receipt of the citation.  
15
- 16 (D). Tidal flood barriers below a minimum 5 feet NAVD88 elevation shall be improved,  
17 designed and constructed so as to prevent tidal waters from impacting adjacent  
18 properties or public rights-of-way. Causing, suffering or allowing the trespass of tidal  
19 waters onto adjacent property (public or private) shall be declared a public nuisance,  
20 a citable offense, and require abatement. The owner shall demonstrate progress  
21 toward addressing the cited concern within sixty (60) days of receipt of notification  
22 and complete the construction of an approved remedy within three hundred sixty-five  
23 (365) days of citation.  
24
- 25 (E). Tidal flood barriers shall be designed and constructed to prevent tidal waters from  
26 flowing through the barrier while still allowing for the release of upland hydrostatic  
27 pressure.  
28
- 29 (F). To the extent practicable, tidal flood barriers shall be designed and constructed to  
30 adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass  
31 of tidal water.  
32
- 33 (G). A tidal flood barrier along the property's entire shoreline shall be constructed as part  
34 of substantial repairs or rehabilitation.  
35
- 36 (H). All tidal flood barriers shall be constructed with natural lime rock, rip-rap, or other  
37 approved habitat enhancement, at the waterward face of the structure.  
38
- 39 (I). Property owners are encouraged to consider approaches and materials that enhance  
40 the biological value of traditional (flat surface) seawalls and flood barriers with the  
41 incorporation of living shoreline features and the use of hybrid green-grey materials,  
42 and the use of biological forms, where practicable.  
43

1 (J). This section shall not be construed to require the installation of a seawall where other  
2 flood protection measures serve as an equally effective tidal flood barrier.

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4 (K). Tidal flood barriers capable of automatically being elevated in advance of high tides  
5 to prevent tidal flooding are permissible. Automation cannot require daily human  
6 intervention.

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8 **SECTION 3.** If any clause, section or other part of this Ordinance shall be held by  
9 any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional  
10 or invalid part shall be considered as eliminated and in no way affecting the validity of the  
11 other provisions of this Ordinance.

12  
13 **SECTION 4.** All Ordinances or parts of Ordinances in conflict herewith are hereby  
14 repealed to the extent of such conflicts.

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16 **SECTION 5.** It is the intention of the City Commission of the City of Oakland  
17 Park, that the provisions of this Ordinance shall become and be made a part of the Code of  
18 Ordinances of the City of Oakland Park, Florida, and the Sections of this ordinance may be  
19 renumbered, re-lettered and the word "Ordinance" may be changed to "Section," "Article,"  
20 or such other word or phrase in order to accomplish such intention.

21  
22 **SECTION 6.** This Ordinance shall be effective upon its passage and adoption by  
23 the City Commission of the City of Oakland Park.

1 **PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF**  
2 **OAKLAND PARK, FLORIDA, ON FIRST READING, THIS 18<sup>th</sup> DAY OF MAY**  
3 **2022.**

|   |              |        |
|---|--------------|--------|
| 4 | A. GORDON    | YES    |
| 5 | M. ROSENWALD | YES    |
| 6 | M. SPARKS    | ABSENT |
| 7 | J. BOLIN     | YES    |
| 8 | M. CARN      | YES    |

10  
11 **PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF**  
12 **OAKLAND PARK, FLORIDA, ON SECOND READING, THIS 1<sup>st</sup> DAY OF**  
13 **JUNE 2022.**

14  
15 CITY OF OAKLAND PARK, FLORIDA

16  
17  
18  
19 \_\_\_\_\_  
20 MAYOR MICHAEL CARN

|    |              |       |
|----|--------------|-------|
| 21 | A. GORDON    | _____ |
| 22 | M. ROSENWALD | _____ |
| 23 | M. SPARKS    | _____ |
| 24 | J. BOLIN     | _____ |
| 25 | M. CARN      | _____ |

26  
27 ATTEST:

28  
29  
30 \_\_\_\_\_  
31 RENEE M. SHROUT, CMC, CITY CLERK

32  
33 LEGAL NOTE:

34 I hereby certify that I have approved the form of this Ordinance (O-2022-015):  
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36  
37

38 \_\_\_\_\_  
39 DONALD J. DOODY, CITY ATTORNEY