

ORDINANCE NO. 2018-04

**AN ORDINANCE OF THE MIAMI SHORES VILLAGE COUNCIL,  
AMENDING ARTICLE V. SUPPLEMENTAL REGULATIONS, BY  
CREATING DIVISION 23, SEAWALL REGULATIONS,  
ESTABLISHING CONSTRUCTION STANDARDS THAT ENSURE  
SEAWALLS CONTRIBUTE TO COASTAL RESILIENCE AND  
MITIGATE THE EFFECTS OF TIDAL FLOODING AND SEA  
LEVEL RISE, PROVIDING FOR SEVERABILITY, AND  
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, flooding and storm surge have become a significant concern for the Miami Shores Village; and during the summer of 2017, southeast Florida experienced hurricane Irma which resulted in significant flooding and damage;

WHEREAS, Miami Shores Village has been experiencing a significant increase in flooding during King Tides;

WHEREAS, seawalls and similar structures contribute to coastal resilience when constructed in a manner that is substantially impermeable and meets a minimum height standard that addresses tidal flooding, and potential storms;

WHEREAS, Village Staff recommends that the minimum seawall elevation be established at 4.0 NAVD88 or 5.5 NGVD29, which would provide significant protection from the predicted height of seasonal high tides and help protect the Village from future potential storms;

WHEREAS, in accordance with, Sec. 1001 of the Village Code of Ordinances, the administration has requested that the Planning Board, review Article V., and consider amendments to create Division 23 Seawall regulations. Property owners choosing to construct seawalls are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88 or 6.5 NGVD29;

WHEREAS, during the Planning Boards public hearing and deliberations, the Board considered the appropriateness of the proposed seawall regulations;

WHEREAS, the Planning Board held a public hearing on October 12, 2017, and voted to recommend approval of an amendment to Article V. of the Zoning Index, contained in the Code of Ordinances of Miami Shores Village; and

NOW, THEREFORE, BE IT ORDAINED BY THE MIAMI SHORES VILLAGE COUNCIL:

Section 1. That the Zoning Appendix to the Village Code of Ordinances, Article V, is hereby amended by creating Division 23 Seawall Regulations (section 600), as set forth in Exhibit A, attached hereto and made a part thereof.

Section 2. All ordinances or parts of ordinances in conflict herewith or inconsistent herewith, are hereby repealed, but only insofar as such ordinances may be inconsistent or in conflict with this Ordinance.

1 **EXHIBIT A**

2  
3 **DIVISION 23. – SEAWALL REGULATIONS**

4 **Sec. 600 Seawall Regulations.**

- 5 (a) NAVD88 or the North American Vertical Datum means the vertical control datum of  
6 orthometric height established for vertical control surveying in the United States of  
7 America based upon the General Adjustment of the North American Datum of 1988.
- 8 (b) Seawall means vertical or near vertical structures placed between an upland area and a  
9 waterway.
- 10 (c) All seawalls must be designed and built in a substantially impermeable manner to prevent  
11 tidal waters from flowing through the seawall while still allowing for the release of  
12 hydrostatic pressure from the upland direction.
- 13 (d) The minimum seawall elevation shall meet 4.0 feet NAVD88 or 5.5 NGVD29, Property  
14 owners choosing to construct seawalls are strongly encouraged to have the foundation  
15 designed to accommodate a future seawall height extension up to a minimum elevation of  
16 5.0 feet NAVD88 or 6.5 NGVD29.
- 17 (e) Seawall improvements constituting substantial repair at the time of permit application shall  
18 meet the minimum elevation and consider the design recommendations of this section for  
19 the continuous seawall for the length of the property. For the purposes of this section,  
20 *Substantial improvement*, means any combination of repair, reconstruction,  
21 replacement, rehabilitation, addition, or other improvement of the wall taking place  
22 during a one-year period, the cumulative cost of which equals or exceeds 50 percent of  
23 the value of the seawall structure before the improvement or repair is started.
- 24 (f) All property owners must maintain their seawalls in good repair. A seawall is presumed to  
25 be in disrepair if it allows for upland erosion, allows for transfer of material through the  
26 seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties  
27 or any public Right-of-Way

1        Section 3.    If any section, sentence, clause or phrase of this Ordinance is held to be  
2    invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
3    effect the validity of the remaining portions of this Ordinance, which shall be deemed to be  
4    severable therefrom.

5        Section 4.    This Ordinance shall become effective immediately upon adoption on  
6    second reading.

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8    Passed on first reading this 23<sup>rd</sup> day of January, 2018.

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10   Passed and adopted on second reading this 20<sup>th</sup> day of February, 2018.

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12   ATTEST:

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16   Ysabely Rodríguez, CMC  
17   Village Clerk

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MacAdam Glinn, Mayor

APPROVED AS TO FORM:

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23   Richard Sarafan  
24   Village Attorney  
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FINAL VOTE AT ADOPTION:

Council Member Steven Zelkowitz  
Council Member Jonathan Meltz  
Council Member Alice Burch  
Vice Mayor Sean Brady  
Mayor MacAdam Glinn

*Absent*  
*yes*  
*yes*  
*yes*  
*yes*