

ORDINANCE NO. 22-04

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING § 63-15 THROUGH § 63-15.9 OF THE TOWN CODE RELATING TO SEAWALL CONSTRUCTION; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, § 63-15 of the Town Code (inclusive of its subparts and formerly designated as § 90-15) regulates seawall construction standards; and

WHEREAS, the Town Commission has determined that the current regulations regarding seawall construction standards are not sufficient to address the needs to waterfront property owners, particularly in light of expected sea level rise in the coming decades, and the attendant need to build greater flood and disaster resiliency into the Town's construction standards; and

WHEREAS, the Town has examined standards from other waterfront communities and has identified revised standards which will accomplish the goals of greater flood and disaster resiliency, along with the preservation of property values for the Town's waterfront properties; and

WHEREAS, in addition to incorporation of these new standards, the Town Attorney has recommended additional revisions to this portion of Town Code to eliminate or revise outdated, inconsistent or unlawful provisions; and

WHEREAS, the Town Commission has considered the terms of this Ordinance and, based on the foregoing, has determined that it is in the best interests of the Town, its residents, businesses and property owners to adopt the code amendments set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Shores, Florida, that:

Section 1. Sections § 63-15 through § 63-15.9 of the Town Code are hereby amended to read as follows:

Sec. 63-15. Prohibited acts regarding seawalls.

~~A.~~ It shall be unlawful to ~~build,~~ construct, ~~move,~~ ~~raze,~~ ~~repair,~~ or alter any ~~waterfront~~beachfront seawall or part thereof, or any projections or prolongations thereof, ~~in the town~~ without conforming to ~~the requirements in § 63-15 through § 63-15.8 of this code, as well as any other federal, state, or countywide laws governing seawall construction~~the provisions contained in these specifications. ~~For purposes of § 63-15 through § 63-15.8 of this code, the phrase "waterfront parcel" shall mean a parcel of land which abuts the Gulf of Mexico or the intercoastal waterway, including any extensions or tributaries thereof.~~

~~B.— It shall be unlawful to raze, alter or move any seawall or any part thereof already erected or hereafter erected except as in accordance with the provisions of these specifications.~~

Sec. 63-15.1. Seawalls required for new construction on waterfront parcels.

No building permit shall be issued under any ~~building ordinance~~ of the town's building codes for the erection of any building or structure on a waterfront parcel ~~property~~ which does not have a seawall, bulkhead or retaining wall conforming to the requirements ~~of in § 63-15 through § 63-15.8 of this code, as well as any other federal, state, or countywide laws governing such structures~~ this article. This section shall not apply to any ~~lot, parcel or tract~~ of land for which a building permit to construct a seawall, ~~or bulkhead or retaining wall~~ has been issued, or on which a code compliant ~~seawall, bulkhead or seawall~~ currently exists.

Sec. 63-15.2. Seawall installation and maintenance required ~~Improved property.~~

All developed ~~waterfront lots, parcels or tracts of land which abut the Gulf of Mexico or the interoastal waterway and its extensions or tributaries~~ shall construct and maintain ~~install~~ seawalls, bulkheads or retaining walls in conformance to the standards set forth in chapter 63 of this code ~~this article~~. In all cases where the improvement of existing structures on a waterfront parcel constitutes a substantial improvement, as that term is defined in § 63-34, any seawall, bulkhead or retaining wall on such parcel which, on the date the substantial improvement has been constructed, does not comply with the requirements of § 63-15 through § 63-15.8 of this code, as well as any other federal, state, or countywide laws governing such structures, the building official shall make the owner aware of the nonconformity and the owner shall thereafter ensure the seawall, bulkhead or retaining wall is brought into compliance. To promote the health, safety and general welfare of the citizens and residents of the town, seawalls, bulkheads or retaining walls must be maintained in a manner which ensures their structural integrity and that they continue to effectively prevent erosion and salt water intrusion, and does not present a serious threat to the public health, safety, and welfare ~~the commission may, by resolution, require that any lot, parcel or tract of land not so completed be seawalled or bulkheaded or have a retaining wall installed.~~

Sec. 63-15.3. Failure to maintain ~~Costs to constitute lien.~~

In the event the town's building official determines that any seawall, bulkhead or retaining wall is not being maintained as required by § 63-15.2 and that such failure presents a threat to the structural integrity, viable use, or value of any public property or infrastructure, that official shall report the matter to the town commission which may then initiate a civil action for an injunction to remedy the condition. In addition to such civil action, if the commission determines the maintenance failure constitutes a public nuisance, it may request criminal prosecution as provided for in Florida Statutes § 823.01. These remedies are not exclusive, and the town reserves the right to pursue such other enforcement remedies, including the issuance of code enforcement citations, as are allowed by law ~~if the town commission authorizes the seawalling, etc., of property, it shall, by resolution, assess a lien on behalf of the town against such land for the actual cost of such work, including material, as performed by the town. A notice of lien in such form as the town commission shall determine may be filed in the office of the clerk of the circuit court of the county and recorded as other liens are recorded. The same, upon recording, shall be constructive notice of the existence of such lien which may be foreclosed by the town in the manner in which mortgages are foreclosed in the circuit court of the county.~~

Sec. 63-15.4. Seawalls: construction specifications.

All seawalls constructed, altered, projected or prolonged shall conform to or exceed the following minimum standards:

A. *General.*

- (1) All seawalls shall be of concrete construction, utilizing tongue and groove or other approved method of sheet pile construction, with poured-in-place cap. The seawall shall be constructed with portland cement Type II and Class IV concrete. Alternate concrete compositions may be acceptable, provided that they afford equivalent structural strength and protection from deterioration due to exposure to salt water. Use of alternate concrete compositions shall be considered a variance and so specified as required in these specifications. Concrete shall have a minimum test strength of ~~3,54,000~~ pounds per square inch (psi) at 28 days. Reinforcing steel shall consist of ASTM Grade 60 (60,000) psi deformed reinforcing bars. All reinforcing steel shall be epoxy coated for seawall slabs; caps and anchors shall be covered with a minimum of three inches of concrete. This requirement also pertains to cap reinforcement at expansion joints. Steel splices shall have a minimum overlap of not less than 24 times the reinforcing bar diameter. A standard concrete compression cylinder sample shall be taken and tested for each 50 cubic yards or portion thereof for each day during which concrete is poured.
- (2) Backfill between seawalls and anchor blocks shall consist of only clean sand, free of clay or organic material. Surface grades behind seawalls shall not slope greater than ten percent between seawalls and anchor blocks.

~~(3) Stone rubble toe scour protection shall be constructed along the exposed face of all replaced or repaired seawalls.~~

- B. *Slabs.* Concrete sheet pilings shall have a minimum penetration of 60 percent (but no less than 16 feet in length). Sheet piling slabs shall have a minimum thickness of eight inches and shall contain adequate vertical reinforcing steel placed along the central axis of the slabs to withstand an ultimate strength bending moment of not less than 13.7 kips per foot width ($M_u = 13.8$ ft. kips/ft.). Sheet piling shall also contain horizontal reinforcement steel not smaller than No. 5 bars not spaced wider than 12 inches on center. ~~Custom formed sheet pilings shall be fabricated as necessary to ensure tight, snug joints between existing seawall slabs and replacement slabs.~~ In the event that during installation the vertical alignment perpendicular to the axis of the wall of any sheet piling exceeds two percent from true vertical, a custom sheet piling shall be fabricated to correct the vertical alignment. Seawall sheet piling may be fabricated on site. Bottom of slabs, however, shall be cast on plywood or other flat surface covered with a polyethylene vapor barrier. Vapor barriers shall also be used to protect the surface of newly poured slabs against adverse weather. Notches may be fabricated at one bottom corner of each slab to facilitate setting the slabs. Such notches, however, shall not be greater than 18 inches in height or 12 inches in width.

- C. *Cap.* The seawall cap shall be poured in place and shall have a minimum width of 22 inches and a minimum depth of 16 inches. Embedment of sheet pilings into the cap shall be six-eighths inches. Finished seawall cap elevations shall be ~~equal to or greater than~~

the elevation of five feet North American Vertical Datum (NAVD) but shall not exceed 16 inches above the seawall on adjacent properties between seven and one-half feet and eight and one-half feet N.G.V.D.

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- D. Expansion joints. Expansion joints between one-half inch and three-fourths inch shall be provided at spacings not to exceed 40 feet. Expansion joints shall be located no less than one foot from slab joints, and expansion joints shall be filled with proper expansion material. Seawall caps shall contain four longitudinal reinforcing bars not less than No. 56 size and No. 35 stirrups not more than nine inches on center within a quarter span of anchor rods and 18 inches on center for the remaining span.
- ED. Anchor rods. Anchor rods shall be spaced at intervals of not more than ten feet along the length of the seawall. Anchor rods shall be protected from exposure to air by either encasing the rods in a concrete jacket not less than eight inches by eight inches in section or by completely coating the bars with epoxy and encasing them in a heavy gauge SCH.40 continuous PVC sleeve. If PVC sleeves are used, they shall be embedded three inches into both the seawall cap and the anchor blocks. Double anchor rods shall be used to secure the seawall cap on both sides of expansion joints. Anchor hooks (90°) within the seawall cap shall be embedded to a distance of not less than 18 times the anchor rod diameter. The minimum length of anchor rods, as measured between the seawall cap and the seawall face of the anchor block, shall be 16 feet.
- FE. Anchor blocks (deadmen). ~~All anchors shall be poured-in-place concrete, containing not less than four and one-half cubic feet of concrete, and have not less than four and one-half square feet of vertical surface perpendicular to the alignment of the tie rod. Each anchor shall contain vertical and horizontal steel reinforcement equivalent in cross-sectional area to two no. 4 deformed reinforcing bars per square foot, in each direction. Concrete anchor blocks may be prefabricated or formed on site. Anchor blocks shall be placed or formed on compacted fill or undisturbed soil. The bottom of anchor blocks shall be not less than five feet below the seawall cap elevation. Anchor blocks shall have a minimum width of five feet, a minimum surface area perpendicular to the anchor rods of seven and one-half square feet and a minimum thickness of one foot. Anchor blocks shall contain six reinforcing rods each way at six inches OC not less than No. 5 size and welded together. Anchor rods shall be attached to the center of the anchor blocks between one-third and one-half the height of the block above the bottom of the block and shall be welded to anchor block mat.~~
- GF. Return walls. Anchored return walls not less than 20 feet in length shall be provided at a spacing not to exceed 200 feet. In the event that a seawall is to be rebuilt or replaced adjacent to an existing seawall which does not have a return wall, then a return wall shall be installed at the end of the rebuilt or replacement wall.
- HG. Joints between sheet piling. Joints between sheet piling shall not be sealed but shall be left open for drainage purposes. Poly filter-X or filter fabric of equivalent quality shall be secured to the landward side of the joints and shall be extended down to an elevation not higher than minus two (-2) feet N.G.V.D. Filter fabric shall also be placed behind weep holes, form holes or any other openings in the sheet pilings.
- IH. Toe scour protection. Stone rubble shall be used to provide toe scour protection for all replacement or repaired seawall. Individual stones shall be between 50 (six-inch) and

500 (eighteen-inch) in size and shall consist of sound angular units free of cracks or scars. Stones five pounds to 50 pounds may be used to fill voids between larger stone units. Such smaller stone shall not be used as cover stone. The maximum dimension of any stone unit shall not exceed the minimum dimension by a factor greater than three. Stone units shall be individually placed so as to obtain maximum density of stone units (saturated surface dry) and shall be greater than 140 pounds per cubic foot. The toe scour protection shall extend a minimum of 14 feet seaward of the wall, and the grade elevation under the seaward units shall not be above minus one (-1) foot N.G.V.D. Poly filter-X or equivalent filter fabric shall be placed loosely on grade before stone placement. Seams shall have a minimum overlap of two feet, and seams shall be oriented perpendicular to the seawall alignment. The elevation of the crown stone shall not be less than plus five (+5) feet N.G.V.D. if sixteen-foot sheet piling slabs are used. The height of the crown stone units may be lowered to plus four (+4) feet N.G.V.D. if the length of the sheet piling slabs is 18 feet or greater. The height of the rubble adjacent to the seawall shall not be less than four feet. The slope of the armor units shall not exceed one vertical to two horizontal.

J. Stormwater Outfalls. All seawalls with existing stormwater outfalls shall be clearly identified on designs and surveys and shall not be adversely affected by seawall restoration or rebuilding. The outflow pipe diameter shall not be reduced in diameter. Forms. No forms for seawall cap or slab may be moved or removed for a period of seven days after pour without the written approval of the building inspector.

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K. Variances. The building official is authorized to grant an administrative variance to one or more of the construction conditions set forth in this § 63-15.4 the provisions contained in these specifications may be granted, provided that the owner submits a written, signed, sealed certification to the building official from a Florida licensed and registered professional engineer who shall provide proof of her or his specialized knowledge and training in marine engineering, that the requested such variance does not lessen the structural integrity of the seawall, bulkhead or retaining wall structure or exposed adjacent structures to increased risk of damage during severe storm conditions. Certification by a registered architect or professional engineer must accompany any variance requests.

L. Inspections. It shall be the duty of the building official, or his or her licensed and qualified designee, inspector or such other person as may be designated by the town commission to is authorized to periodically inspect the existence and condition of all seawalls, bulkheads, retaining walls, groins, docks, spiles, piling, tie poles or other structures above or in the waters thereof within the town, obtaining an inspection warrant in any cases where such warrant is necessary. Should the building official or designee it be found that any of the same or any portion thereof are not in compliance with the requirements of § 63-15 through § 63-15.8 of this code, as well as any other federal, state, or countywide laws governing such structures in such a state of disrepair or deterioration or were originally constructed in such a manner as to pose a possible threat of loss or damage to adjacent properties and seawalls during storm conditions, or that any of the same or any portion thereof create a safety hazard to the public, including pedestrians, boaters or swimmers, the that official building inspector or other person designated to make such inspection shall inform the town's code enforcement deputy.

~~and so advise the town commission of the condition so that the commission may, in its discretion, take such other actions as are set forth in § 63-15.3. If the board of commissioners determines that there is probable cause to believe that a violation of this section exists, the mayor or his or her designee will give notice, in writing, to the owner or agent of the lot or parcel where the violation exists stating the date, time and place that the board of commissioners will hold a hearing on the alleged violations. If the board finds that a violation exists, a directive will be sent to the owner or agent of the lot giving notice of such determination and the owner shall have an additional 30-day period to remove and replace such seawall, and failure or neglect to so remove and replace or repair such seawall shall constitute a further violation of this section; and thereafter, the town may remove the same and the cost shall be deemed a lien against the land to which said seawall is appurtenant.~~

~~L. *Conformance; alternative materials and aluminum seawalls.* All seawalls constructed, altered, projected or prolonged on property fronting the bay waters in the town shall conform to or exceed the above minimum standards, except that, at the discretion of the property owner, alternative material seawalls shall be allowed on property fronting the bay waters.~~

Sec. 63-15.5. Extension into water.

No groin, jetty, dock, boat lift or davits shall extend into the waters of Boca Ciega Bay as will deter the normal flow or boat traffic or impede or project into any channel. No structure shall be constructed upon any seawall, bulkhead, retaining wall, jetty, groin or dock whatsoever, except railings, ornamental fixtures or boat lockers not exceeding four feet in height above the top of the nearest seawall cap or crown of the nearest road, street or thoroughfare.

Sec. 63-15.6. Application for permit.

- A. Before the erection, construction or alteration of any seawall or any projections or prolongations thereof in the town, there shall first be submitted to the town an application in such form as may be prescribed by the town. Applications shall be accompanied by ~~the established permit fee, and by~~ a set of design plans and specifications signed, sealed and certified by a ~~Florida licensed and registered architect or a professional engineer who shall provide proof of her or his specialized knowledge and training in marine engineering, registered in the State of Florida, who is qualified by education and experience to prepare such plans.~~ Applications shall also be accompanied with a site plan showing the location of the subject seawall, property lines and coastal construction control line on the Gulf front and other structures which may affect the construction or modifications to the seawall. If a variance to any of the provisions contained within these specifications is requested, it shall be specifically stated in the application and the application shall be accompanied by ~~thea certification required by § 63-15.4(K) by the design engineer that the variance will not lessen the structural integrity of the design nor present any additional risk to adjacent properties.~~
- B. Applications shall contain the name, property address and telephone number of the applicant. If the application is to be submitted by an agent for the property owner, the application shall also contain the name, address and telephone number of the agent, and the contractor's license number.

- C. The ~~town building official or qualified, licensed designee will~~department shall thereafter analyze the plans and specifications and, upon determination that the contemplated work shall be done in conformity to all relative construction codes, shall issue a building permit. The work shall be subject to all necessary construction inspections and must ~~pass a receive final inspection approval by~~of the building ~~official or designee~~inspector before the project can be classified as being completed.
- D. *Posting of permit.* The permit issued hereunder shall be prominently and openly posted at the front right-of-way line.
- E. *Expiration of permit.* All approvals of applications, plans and specifications and permits issued thereon shall expire by limitation six months from the date of the original approval or issuance thereof, but this limitation shall not apply when work thereunder had been begun and carried on with reasonable diligence and continuity, but in no event for a period longer than one year from the original approval or issuance thereof.

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F. ~~Permit fees. See article V of this chapter for the permit fee schedule.~~

Sec. 63-15.7. Emergency repairs and enforcement.

~~Pursuant to Florida Statutes § 162.09(1) and § 70-8 of this code, if the special magistrate informs the commission that a violation of the maintenance requirements in § 63-15.2 presents a serious threat to the public health, safety, and welfare, the commission may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs. It shall be the duty of the building inspector to periodically inspect the existence and condition of all seawalls, bulkheads, retaining walls, groins, docks, spiles, piling, tie poles or other structures above or in the waters within the town, and should he or she find any of the same or any portion thereof to be hazardous to the public for safe pedestrian, boating or swimming purposes, the building inspector shall so advise the town clerk, who shall thereupon order the removal or repair thereof in the name of the town by the owner of such structure so condemned or person having jurisdiction thereover within 30 days, and failure or neglect so to remove or repair such structure shall constitute a violation of this part I, and thereafter the town may remove or repair the same and the cost thereof shall be paid by the owner thereof, and such cost shall be deemed a lien against the land to which such structure is appurtenant, together with costs of collection thereof and reasonable attorney's fees.~~

~~Sec. 63-15.8. Appeals.~~

~~All variances in establishment of bulkhead or seawall lines shall be subject to the approval or disapproval of the board of commissioners of the town.~~

~~Sec. 90-15.9. Penalties for offenses.~~

~~Any person or persons violating any of the terms of this article, upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Every person who aids, abets or assists in the violation of any of the terms or provisions of this article shall be punished as a principal. Each and every day that a violation of this article continues shall constitute a separate and distinct offense.~~

Section 2. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 3. The Codifier shall codify the substantive amendments to the Redington Shores Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 4. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ___ day of February, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 9th day of March, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ATTEST:



Mary Palmer, MMC, Town Clerk



Marybeth Henderson, Mayor