DRAFT ORDINANCE, WITH NOTATIONS, FOR DISCUSSION PURPOSES ONLY
DESIGN STANDARDS MUST ADHERE TO THE FLORIDA BUILDING CODE

ORDINANCE NO. __-2025

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING CHAPTER 76 TO CREATE A NEW A NEW ARTICLE VI, ENTITLED "RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, 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, Chapter 76, of the Town Code establishes general waterways regulations; and

WHEREAS, the Community Development Department has recommended that the Town Commission amend the Town code, Chapter 76 to create a new Article VI to create new resiliency standards for tidal flood protection.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true an correct and as the legislative findings of the Town Commission.

Section 2. Chapter 76 is hereby amended to create a new Article VI, and the sections within to read as follows:

ARTICLE VI. RESILIENCY STANDARDS FOR TIDAL FLOOD PROTECTION

Sec. 76-155. Purpose and intent.

The purpose of this article is to establish a consistent minimum elevation for tidal flood barriers that will:

(a) Provide a standard for flood mitigation infrastructure that serves as a barrier to

tidal flooding, not seepage, by accounting for water levels predicted under combined conditions of sea level rise, high tides, and high frequency storm surge through the year 2070; and

(b) Ensure new shoreline structures and major shoreline improvements are designed for use as tidal flood barriers through the application of consistent standards that account for future predicted tidal flood conditions and coastal water levels associated with sea level rise in accordance with the current regional sea level rise projections, as updated and adopted by the Town of Lake Park and/or Palm Beach County.

Sec. 76-156. Applicability.

This article applies to all new tidal flood barriers, the substantial repair or substantial rehabilitation of shorelines and shoreline structures, and the installation of any fixed infrastructure attached to tidal flood barriers (such as mooring structures).

Sec. 76-157. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivation shall have the meanings given herein, except when the context clearly indicates a different meaning. In the interpretation and application of this article, the definitions provided for herein shall control over definitions that may be included in other documents or manuals, including, but not limited to, the Florida Building Code. Words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

Bank means the level space separating a waterway from an inland area, often elevated and constructed of compacted soil.

Berm means an earthen mound designed with impermeability to resist the flow of tidal waters through it to an adjacent property or public right-of-way.

Coastal area means any area that borders the land and that is adjacent to a water body such as a lake or intracoastal waterway.

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

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

Mooring structure means a boat dock, slip, davit, hoist, lift, floating vessel platform, mooring pile, or similar structure attached to land or to a seawall, to which a vessel can be moored.

North American Vertical Datum (NAVD88) means the vertical control for datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

Public nuisance means a condition injurious to the public health or safety of the community or neighborhood, or injurious to any considerable number of persons, or a condition that obstructs the free passage or use, in the customary manner, of any public right-of-way.

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

Seawall means a vertical or near vertical (often interlocking) structure placed between an upland area and a waterway or waterbody for erosion control. For the purposes of Section 76-157, a rip-rap is not considered a seawall.

Seawall cap means a concrete box structure (usually reinforced) that connects seawall panels, piles, and anchoring system (if present) together at the top.

Shoreline means a tidally influenced area where land meets water.

Substantial repair or *substantial rehabilitation* means:

(a) Any modification to the shoreline or a shoreline structure along more than fifty percent (50%) of the length of the property's shoreline; or

(b) Any modification, alteration, or installation of an appurtenant structure (such as a mooring structure) that exceeds fifty percent (50%) of the cost of a tidal flood barrier along the property's shoreline.

Tidally influenced area means the real property adjacent to, or affected by a waterway with water *Tidal* level changes in response to the daily tide.

Sec. 76-158. Minimum elevations, construction and maintenance standards for coastal area infrastructure within tidally influenced areas.

(a) All new or substantially repaired or substantially rehabilitated banks, berms, green-grey infrastructure, seawalls, seawall caps, upland stem walls, or other similar infrastructure shall be designed and constructed to perform as tidal flood barriers. Tidal flood barriers shall have a minimum elevation of five (5) feet NAVD88.

(b) All property owners shall maintain a tidal flood barrier in good repair. A tidal flood barrier is presumed to be in disrepair if it allows tidal waters to flow unimpeded

through or over the barrier and onto adjacent property or public right-of-way. A property owner’s failure to maintain a tidal flood barrier in good repair shall be subject to citation for the violation of this article. A property owner of the tidal flood barrier shall demonstrate progress towards repairing the cited defect within 60 days after receiving a citation. If the required repair or rehabilitation meets the substantial

repair or substantial rehabilitation threshold, the property owner shall design, obtain permits, cause to be constructed, and obtain a final inspection and approval of the seawall improvements that meet the minimum elevation and design requirements no later than 365 days after receipt of the citation.

(c) Tidal flood barriers below a minimum five feet NAVD88 elevation shall be improved, designed, and constructed so as to prevent tidal waters from impacting adjacent properties or any public right-of-way. Causing, suffering, or allowing the trespass of tidal waters onto adjacent property or public right-of-way is hereby declared a public nuisance and a violation of this article which shall be corrected. The property owner shall demonstrate progress toward addressing the cited concern within 60 days after receipt of the citation and complete the construction of an approved remedy no later than 365 days after receipt of the citation of a violation.

(d) Tidal flood barriers shall be designed and constructed to prevent tidal waters from flowing through the barrier, while still allowing for the release of upland hydrostatic pressure.

(e) To the extent practicable, tidal flood barriers shall be designed and constructed to adjoin immediately proximate tidal flood barriers to close gaps and prevent trespass of tidal water.

(f) All tidal flood barriers undergoing substantial repair or substantial rehabilitation shall be constructed along the property's entire shoreline.

(g) All tidal flood barriers shall be constructed with natural limerock rip-rap, or other approved habitat enhancement, at the waterward face of the structure.

(h) Property owners are encouraged to use approaches and materials that enhance the biological value of traditional (flat surface) seawalls and flood barriers with the incorporation of living shoreline features, use of hybrid green-grey materials, and the use of biological forms on a case by case basis.

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

(j) Tidal flood barriers capable of automatically being elevated in advance of high tides to prevent tidal flooding are permissible, provided that automation cannot require daily human intervention. However, these will be approved in a case-by-case basis.

(k) Property owners shall ensure that any contractor working on a property installs and maintains an approved turbidity screen during any and all clearing, excavating, jetting and back filling operations which totally encloses any site under construction. Screens are to remain in place 24 hours minimum after construction ceases, or until turbidity level is 20 or less Nephelometric Turbidity Units (NTU) above the pre-construction turbidity level. Screens shall be extended from the water surfaces to, the bottom of the waterway and be adequately weighted such that they are in place during all construction activities and operations. There shall be adequate floatation at the surface of the water to prevent overflow. This floatation must be brightly colored to maximize its visibility.

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(l) Any seawall design of new or existing seawalls shall be designed and sealed by a Florida Registered Professional Engineer.

(m) Design specifications: Design shall be in accordance with the current edition of Florida Building Code, ASCE/SEI 24 flood resistant design and construction, ASCE 7 minimum design loads for buildings and other structures, ACI 318 building code requirements for structural concrete, and U.S. Army Corps of Engineers Engineering and Design Manual EM 1110-2-2504 design of sheet pile walls.

(n) New alternative systems are encouraged, such as 3D concrete printing technology for coastal area infrastructure, flat composite or vinyl form systems with cast-in-place concrete, corrugated composite or vinyl sheet pile wall systems with cast-in-place concrete or other Professional Engineer designed prototype systems.

THIS SECTION HAS BEEN SIMPLIFIED

(o) Any selected method may be installed in front of the existing precast concrete seawall (may remain in place) ~~subject to the following criteria (~~subject to the approval by the U.S. Army Corps of Engineers or other responsible agency for encroachment into the waterway.~~):~~ **A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall, or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way.**

~~i. Existing seawall cap must be sound, within original vertical alignment (+- 1/2"), and within original horizontal alignment (with no outward movement in towards the canal / intracoastal).~~

~~ii. Existing precast seawall panel must have less than 2" horizontal movement (landward) from its original plumb installation. No horizontal movement (waterward) is allowed.~~

~~iii. If the existing precast seawall (to remain in place) does not meet the above criteria, the existing precast wall may be demolished entirely and a new alternative system such as listed above may be installed in the original location meeting the Professional Engineers specifications.~~

(p) Back fill shall be compacted to a stable density such that no appreciable settlement occurs after completion of walls.

(q) All job sites shall have seawall permits posted on an approved permit board with rain shield prior to beginning any construct.

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(r) Contractors shall complete the construction of the seawall within 180 days after commencing work.

(s) Applications for new or substantially repaired or substantially rehabilitated tidal flood barriers ~~submitted prior to January 1, 2035,~~ may be permitted with a minimum elevation **pursuant to the latest inundation mapping projections to ensure a long-term resiliency reconstruction is implemented** ~~of four (4) feet NAVD88, if designed and constructed to accommodate a minimum elevation of five (5) feet NAVD88 by January 1, 2050.~~

(The seawall is already at 4 feet and updated inundation mapping projections already show 6 feet as being required by 2060 therefore, this requires further research and discussion prior to being finalized)

Propose to Remove (this is NOT a requirement per State Statute and is OPTIONAL by the municipality):

~~Sec. 76-159. Required disclosure in contract for sale of real estate.~~

~~Any contract for the sale of real estate located in tidally influenced areas of the Town of Lake Park which is executed after (date), shall include a rider to the contract which contains the following disclosure in not less than fourteen-point, capitalized, bold-faced type:~~

~~THIS REAL ESTATE IS LOCATED IN A TIDALLY INFLUENCED AREA. THE OWNER MAY BE REQUIRED BY COUNTY OR MUNICIPAL ORDINANCE TO MEET MINIMUM TIDAL FLOOD BARRIER ELEVATION STANDARDS DURING CONSTRUCTION OR SUBSTANTIAL REPAIR OR SUBSTANTIAL REHABILITATION OF SEAWALLS, BANKS, BERMS, AND SIMILAR INFRASTRUCTURE OR WHEN REQUIRED TO ABATE NUISANCE FLOODING.~~