

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE CITY CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 66, ENTITLED "MARINE STRUCTURES, FACILITIES AND VESSELS," ARTICLE III, ENTITLED "PIERS, DOCKS AND BOAT RAMPS," SECTION 66-113, ENTITLED "LIMITATION ON PROJECTION OF STRUCTURES; PUBLIC HEARING," TO ALLOW MARINE STRUCTURES ADDITIONAL FLEXIBILITY TO PROJECT INTO WATERWAYS DUE TO ENVIRONMENTAL REQUIREMENTS FROM STATE AND COUNTY AGENCIES AND TO CLEANUP LANGUAGE IN THE SECTION; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.**

**WHEREAS**, these regulations will accomplish these goals and ensure that the public health, safety and welfare will be preserved.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**Section 1.** That Chapter 66, entitled "Marine Structures, Facilities and Vessels," Article III, entitled "Piers, Docks and Boat Ramps," Section 66-113, entitled "Limitation on projection of structures; public hearing," is hereby amended, as follows:

**Sec. 66-113. - Limitation on projection of structures; public hearing.**

- (a) ~~Boat slips, docks, wharves, dolphin poles, mooring piles or structures of any kind shall not be constructed or erected that extend into any canal or waterway in the city more than ten percent of the width of such canal or waterway at a specific location measured from the seawall or property as shown by recorded plat line if no seawall exists; but if a canal or waterway is more than 100 feet in width, the structure may extend into such canal or waterway a distance not greater than 15 percent of the width of such canal or waterway at that specific location, but not to exceed a distance greater than 40 feet. However, subject to the review and approval of the applicable state and county authorities, a dock, wharf, dolphin pole, mooring pile or other structure may extend from a lot zoned for residential use into any part of Biscayne Bay or other waterway in excess of 1,000 feet in width, a distance no greater than 125 feet and may extend from a lot zoned for business use into Biscayne Bay or other waterways a distance not greater than 250 feet. It is further provided that any boat, ship or vessel of any kind shall not be docked or moored so that its projection into the waterway would be beyond the permissible projections for such docks, wharves, dolphin poles, mooring piles or other structures, and the mooring of any type of vessel or watercraft shall be prohibited along either side of the walkway leading from the seawall to a boat dock. Notwithstanding the foregoing, in the event any dock, wharf, dolphin pole, mooring pile or other structure is proposed to extend greater than 40 feet from a seawall adjacent to, or abutting the WD-1 or WD-2 district, conditional use approval from the planning board, in accordance with chapter 118, article IV of the City Code, shall also be required.~~

Boat slips, docks, wharves, dolphin poles, mooring piles or structures of any kind used for the docking or mooring of boats (the structure) may be constructed or erected that extend into any canal or waterway at a specific location measured from the seawall, or rear property line as shown by recorded plat line if no seawall exists, as follows:

- (1) For canals or waterways less than 100 feet in width, the structure may extend into such canal or waterway a distance not greater than ten (10) percent of the width of such canal or waterway at that point.
  - (2) For canals or waterways more than 100 feet, but less than 1,000 feet in width, the structure may extend into such canal or waterway a distance not greater than 15 percent of the width of such canal or waterway at that point, but not to exceed a distance greater than 40 feet.
  - (3) For canals or waterways less than 1,000 feet, and due to environmental requirements and limitations from applicable state and county authorities, the structure may extend from a lot into any canal or waterway a distance not greater than 25 percent of the width of such canal or waterway at the point, but not to exceed a distance greater than 40 feet.
  - (4) For any part of Biscayne Bay or other waterway in excess of 1,000 feet in width from a lot zoned for residential use, and subject to the review and approval of the applicable state and county authorities, the structure may extend into that part of Biscayne Bay or waterway, a distance not greater than 150 feet. It is further provided that any boat, ship or vessel of any kind shall not be docked or moored so that its projection into the waterway would be beyond the permissible projections for such docks, wharves, dolphin poles, mooring piles or other structures, and the mooring of any type of vessel or watercraft shall be prohibited along either side of the walkway leading from the seawall to a boat dock.
  - (5) For any part of Biscayne Bay or other waterway in excess of 1,000 feet in width from a lot zoned for commercial use (not including WD-1 or WD-2 districts), and subject to the review and approval of the applicable state and county authorities, the structure may extend into that part of Biscayne Bay or waterway, a distance not greater than 250 feet. It is further provided that any boat, ship or vessel of any kind shall not be docked or moored so that its projection into the waterway would be beyond the permissible projections for such docks, wharves, dolphin poles, mooring piles or other structures, and the mooring of any type of vessel or watercraft shall be prohibited along either side of the walkway leading from the seawall to a boat dock.
  - (6) Notwithstanding the foregoing, for any canal or waterway adjacent to or abutting the WD-1 or WD-2 district, a structure may extend greater than 40 feet into the canal or waterway, subject to conditional use approval from the planning board, in accordance with chapter 118, article IV of the City Code.
- (b) Permits for erection of any of the above structures must be obtained from the building department, the state internal improvement fund, or any other government agency having jurisdiction over the construction of these structures, if necessary, and if abutting navigable streams, the approval of the U.S. Army Corps of Engineers must be secured.

#### **SECTION 6. REPEALER.**

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

#### **SECTION 7. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of the City of Miami Beach, as amended; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

**SECTION 8. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall take effect ten (10) days following adoption.

**PASSED** and **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Dan Gelber  
Mayor

\_\_\_\_\_  
Rafael E. Granado  
City Clerk

First Reading: \_\_\_\_\_, 2019

Second Reading: \_\_\_\_\_, 2019

(Sponsored by: Commissioners John Elizabeth Aleman)