

# MIAMI BEACH

## PLANNING DEPARTMENT

### Staff Report & Recommendation

### PLANNING BOARD

TO: Chairperson and Members  
Planning Board

DATE: October 24, 2023

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **Discussion on Uses in Residential Marinas.**

#### **HISTORY**

On April 25, 2023, the Planning Board scheduled a discussion on uses in residential marinas for the June 27, 2023 meeting. On June 27, 2023, the Planning Board discussed the item and continued it to the September 26, 2023 meeting. On September 26, 2023, the Planning Board deferred the item to the October 24, 2023 meeting.

#### **DISCUSSION**

For the purposes of this discussion, staff is providing relevant sections from the City Code, which may be helpful for the board's discussion.

Uses in public docks are regulated by Chapter 66, entitled "Marine Structures, Facilities and Vessels," Article IV, entitled "Vessels." See the excerpt below:

***Sec. 66-151. Launching, hauling and docking at public seawall, etc., prohibited—Unauthorized vessels: enforcement.***

- (a) No person shall launch, dock, or remove any vessel from the waters of the city over any public seawall, sidewalk, street end, or public property except at locations where a regular business of launching, docking and hauling vessels is conducted, which has the necessary equipment to do such work, or in areas designated and posted for such purpose by the city. Any vessel that is docked along a city seawall shall be considered an unauthorized vessel.*
- (b) Docking of unauthorized vessels at public seawalls in residential neighborhoods prohibited.*
  - (1) No person shall dock or otherwise secure any vessel, or embark or disembark any passengers or charter parties, at any municipal or public seawall, wharf, dock, or bulkhead, in a residential neighborhood, except in case of emergency involving safety to life or property.*

Private Marinas are regulated through Chapter 66, Article III, entitled “Piers, Docks and Boat Ramps.” The regulations primarily relate to the projection of such structures into the adjacent waterway. See the excerpt from the City Code below:

**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.*
- (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.*

This City Code does not contain any specific restrictions on uses for private marinas, such as regulations for charter boats or commercial fishing.

Per the Resiliency Code, the WD-1 waterway district does provide more specific regulations as to the permissible marine uses. It specifically allows for the rental of watercraft and wet dockage of pleasure crafts, among others. See the code excerpt below:

**7.2.21.2 Uses (WD-1)**

<b>USES TABLE (WD-1)</b>	
<b>RESIDENTIAL</b>	
<b>LODGING</b>	
<b>OFFICE</b>	
<b>COMMERCIAL</b>	
Kiosks	P

<b>USES TABLE (WD-1)</b>	
<i>Alcoholic beverage establishments</i>	<i>Pro *</i>
<i>Gambling and Casinos pursuant to section <a href="#">7.1.8</a></i>	<i>Pro</i>
<i>Rentals or leases of mopeds, motorcycles, and motorized bicycles pursuant to section <a href="#">7.1.8</a></i>	<i>Pro</i>
<i>Neighborhood and Retail Fulfillment Centers pursuant to section <a href="#">7.1.8</a></i>	<i>Pro</i>
<b>CIVIC</b>	
<b>CIVIL SUPPORT</b>	
<b>EDUCATIONAL</b>	
<b>INDUSTRIAL</b>	
<b>OTHER</b>	
<i>Water transportation stops</i>	<i>P</i>
<i>Rental of watercraft, excluding jet skis and similar uses</i>	<i>P</i>
<i>Wet dockage of pleasure craft</i>	<i>P</i>
<i>Walkways and decks</i>	<i>P</i>

### **UPDATE**

At the June 27, 2023 meeting the Planning Board discussed the item. Board Member Brian Elias has provided the rules and regulations for the operation of the Sunset Harbour Yacht Club, which is attached to this report, for reference.