

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS", AT ARTICLE 5, DIVISION 6, ENTITLED "BOATS, DOCKS, SEAWALLS, ETC.", SPECIFICALLY AT SECTION 5-601, ENTITLED "BOATS" AND SECTION 5-602, ENTITLED "DOCKS", TO ALLOW THE PLACEMENT OF BOATS ON LIFTS THROUGHOUT THE CITY WITH CONDITIONS; REQUIRING EXPRESS WRITTEN PERMISSION OF ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION OF A BOAT LIFT; AND LIMITING THE EXTENSION INTO WATERWAYS OR CANALS FROM TWENTY (20) PERCENT TO A MAXIMUM OF TWENTY-FIVE (25) PERCENT; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, on April 28, 2009, the Mayor and City Council adopted the City of North Miami ("City") Land Development Regulations under Chapter 29, City Code of Ordinances ("LDRs"); and

WHEREAS, applicable provisions of the LDRs are designed to protect and regulate residential and commercial uses, as reflected in the various residential and commercial zoning districts within the City, and are consistently used to implement the intent of the City Comprehensive Plan; and

WHEREAS, members of the public have increasingly raised several issues concerning the use of properties adjacent to waterways, and the use and maintenance of boats, slips, docks, seawalls and other marine structures; and

WHEREAS, public workshops were held by City administration, i.e., April 11, 2016, and June 7, 2016 ("Workshops") in which members of the public aired their issues and concerns, addressing the need to modify certain sections of the LDRs; and

WHEREAS, as a result of the Workshops and essential public input, the City administration respectfully recommends the approval of the proposed amendments to the current LDRs.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Amendments to Chapter 29, North Miami Code of Ordinances. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled "Land Development Regulations", at Article 5, Division 6, entitled "Boats, Docks, Seawalls, etc.", specifically at Section 5-601, entitled "Boats" and Section 5-602, entitled "Docks", to allow the placement of boats on lifts throughout the City with conditions; requiring express written permission of adjacent property owners prior to construction of a boat lift; and limiting the extension into waterways or canals from twenty (20) percent to a maximum of twenty-five (25) percent, as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

* * * * *

ARTICLE 5. DEVELOPMENT STANDARDS

* * * * *

DIVISION 6. BOATS, DOCKS, SEAWALLS, ETC.

* * * * *

Sec. 5-601. Boats.

- E. Mooring of boats. The following regulations shall apply to the mooring of boats within the city:
- ~~1. In all residential districts, where boats are permitted to be moored in canals or inland waterways, all boats shall be moored parallel to the property line abutting the canal or waterway.~~
 - 2.1. In all residential districts, where boats are permitted to be moored in canals or waterways, all boats shall be moored to mooring piles, docks, boatlifts, boat davits, hoists or similar mooring structures, and at no time shall boats or vessels be moored to another boat or vessel. No boats shall be moored to floating vessel platforms, hydro-hoists or similar structures. All boats (excluding personal watercraft) on perpendicularly situated lifts shall be positioned sternway, such that the stern is closest to the property line.
 - ~~3.2. No boat shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the lot line of any adjacent property, unless there is a written agreement from the adjacent property owner(s) to allow such an extension.~~

- 4.3. No boat slips, docks, boat davits, hoists, mooring pilings and similar mooring structures may be constructed by any owner of any single family lot unless a principal residence exists on such lot.
4. No boat lift may be constructed by any owner of any townhouse without the express written permission of adjacent property owner(s).
5. The renting of docks, dock space, or moorings, and the rental of boats or any portion thereof, for any purpose whatsoever shall be specifically prohibited in residential districts.
6. In all residential districts, where boats, which were permitted prior to the adoption of these LDRs are properly permitted and allowed to be moored to mooring piles perpendicular to the property line abutting the canal or waterway, said mooring shall be considered non-conforming uses and can continue to be moored in such manner as long as the boat does not exceed the maximum waterway encroachment for that specific canal.
7. Nothing in this division shall relieve any property owner from complying with any applicable federal, state or county regulations or requirements.
8. A property owner may request a variance from the provisions of this section upon a showing that any required approval from any federal, state or county agency requires that the provisions of this section be varied.

Sec. 5-602. Docks.

- A. [Regulation.] The regulation of boat docks, piers, wharves, floating vessel platforms, hydro-hoists, boatlifts, dolphins and mooring piles or piers of any nature shall be in accordance with any applicable Florida State, City, or Miami-Dade County laws.
- B. Projection into waterways.
 1. No dock, wharf or similar structure shall be constructed over or in any navigable canal or waterway, or on abutting land which extends more than six (6) feet outward from either the property line or the bank of such navigable canal or waterway, or the face of the seawall cap whichever is closest to the edge of water, or greater than fifteen (15) feet into Biscayne Bay from either the property line or the established bulkhead line, or the face of the seawall cap, whichever is closest to the edge of water.
 2. The extension of mooring piles (dolphins), floating vessel platforms, hydro-hoists, boatlifts and watercraft shall be limited as follows:
 - a. Waterways or canals: No more than ~~twenty (20)~~ twenty five (25) percent of the width of the waterway or canal, or a maximum of twenty-five (25) feet, whichever is less, as measured from the property line.
 - b. Biscayne Bay: no more than thirty-five (35) feet from the property line.
 - c. Nighttime reflectors shall be affixed to all docks and mooring piles that extend more than five (5) feet into any waterway.

* * * * *

Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

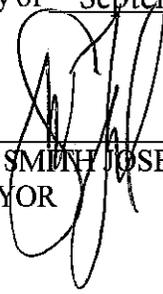
Section 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 13th day of September, 2016.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 27th day of September, 2016.



DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Keys

Sponsored by: Galvin

Vote:

Mayor Dr. Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilman Carol Keys, Esq.
Councilman Philippe Bien-Aime

<u> </u>	(Yes)	<u> X </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.