



# VILLAGE OF KEY BISCAYNE

Office of the Village Manager

## MEMORANDUM

*Village Council*

Franklin H. Caplan, *Mayor*

Michael F. Kelly, *Vice Mayor*

Michael W. Davey

Enrique Garcia

Robert Gusman

Mayra P. Lindsay

James S. Taintor

DATE: June 28, 2011

TO: Honorable Mayor and Members of the Village Council

FROM: Dock Advisory Board

*Village Manager*

Genaro "Chip" Iglesias

RE: Dock Advisory Board Report and Recommendations

Ordinance No. 2011-1 created the Dock Advisory Board with the jurisdiction to evaluate and provide recommendations to the Village Council regarding the existing regulations for docks, watercraft, and other related marine structures within the Village. After the ordinance was approved, the Mayor nominated and the Council confirmed the following committee members: John Dasburg, Carlos de la Cruz, Finlay Matheson, Billy Pesch, and Robert Vernon who was appointed by the Committee as Chair. Councilmember James Taintor was appointed by the Council as their liaison.

The attached recommendations are submitted to the Village Council as required by Ordinance No. 2011-1. The Board is automatically sunsetted upon the submission of their recommendations to the Village Council, unless the Council decides to extend the term of the Board by Resolution.

## DOCK ADVISORY BOARD RECOMMENDATIONS

June 1, 2011

**Meeting Timeframe:** From March 31 to May 13, 2011, the Board held five (5) meetings. During the course of these meetings, the Board reviewed the Village's Official Zoning Map and regulations, County and State regulations, aerial photographs, maps, and other cities methods of regulating docks, watercraft, and related marine structures.

### Policy Decisions:

1. There was a preference to have specific regulations to address as many unique situations as possible in order to minimize variance requests.
2. The work product would be the form of a report as opposed to an ordinance.
3. County and State regulations had too many exceptions. It was recognized there was a need to have local regulations that address the unique situations that arise from an island with canals, bayfront, harbor, and cove properties.
4. The best method to regulate waterfront views is through the use of the building setbacks from property lines extended into the water and through the use of a 60 degree triangle only for bayfront properties.

### Changes to the Existing Regulations

1. The regulations that address 200-398 Harbor Drive would also apply to all bayfront properties, excluding those from 400 Harbor Drive to 485 W. Matheson Drive (Nixon Beach).
2. Perpendicular docks in Hurricane Harbor and Smuggler's Cove are only permitted subject to the following regulations:
  - a. The portion of a dock which is perpendicular to the bulkhead shall exceed the portion of a dock which is parallel to a bulkhead by 50% or more.
  - b. No mooring pile or watercraft shall extend beyond the end of a dock more than 10% the length of the dock.
3. A building permit may be issued for the re-decking, replacement or repair of any legal non-conforming dock or mooring pile as long as it is within the same footprint as the original docks and mooring piles.
4. Legal non-conforming docks and mooring piles which are destroyed by a natural disaster must obtain a building permit within two (2) years of the date of said destruction.

5. The use of a 60 degree triangle to regulate view corridors shall only be used on bayfront properties, excluding those from 400 Harbor Drive to 485 W. Matheson Drive (Nixon Beach).
6. The attached Waterfront Property Map shall be used to distinguish between properties located on Biscayne Bay, canals, Hurricane Harbor, and Smuggler's Cove.
7. The attached illustrations for properties at 400 South Mashta Drive, 420 South Mashta Drive, and 28 Harbor Point shall be used to show where docks and boat lifts may or may not be located.
8. Whenever mangroves are situated on a property, any required measurements shall be from the water's edge of said mangroves.

## PROPOSED

### GENERAL REGULATIONS

These regulations shall apply to all locations unless addressed in the Specific Regulations.

WHAT IS REGULATED	REGULATION
1. Building permit	No docking facility within the single family zoning districts shall be constructed without prior approval by the Building, Zoning, and Planning Department. The Village reserves the right to deny such permit for any docking facility which is determined, under the criteria provided herein and by applicable law, to be detrimental to the equitable, safe, and adequate navigation of all waterways in the Village including Biscayne Bay.
2. All docks, davits, fenders, watercraft and mooring piles	10 ft. setback from the property line extended into the water. No portion of a watercraft, including but not limited to the bow pulpit, engines, and dive platforms, shall encroach into a required setback.
2. Maximum height of mooring pile	13 ft above NGVD (National Geodetic Vertical Datum)
3. A tender shall be considered a watercraft	
4. Fender Piles	Where the width of a waterway does not permit a dock or mooring pile, fender piles may be placed at a distance not to exceed 18 inches from the bulkhead.
5. Boat lift and lift arm projections	(a) along Biscayne Bay the boat lift must be within the 60 degree triangle (b) not encroach into the minimum required landward setback extended into the water (c) along Biscayne Bay lift arms are permitted beyond the 60 degree triangle but not beyond any pilings

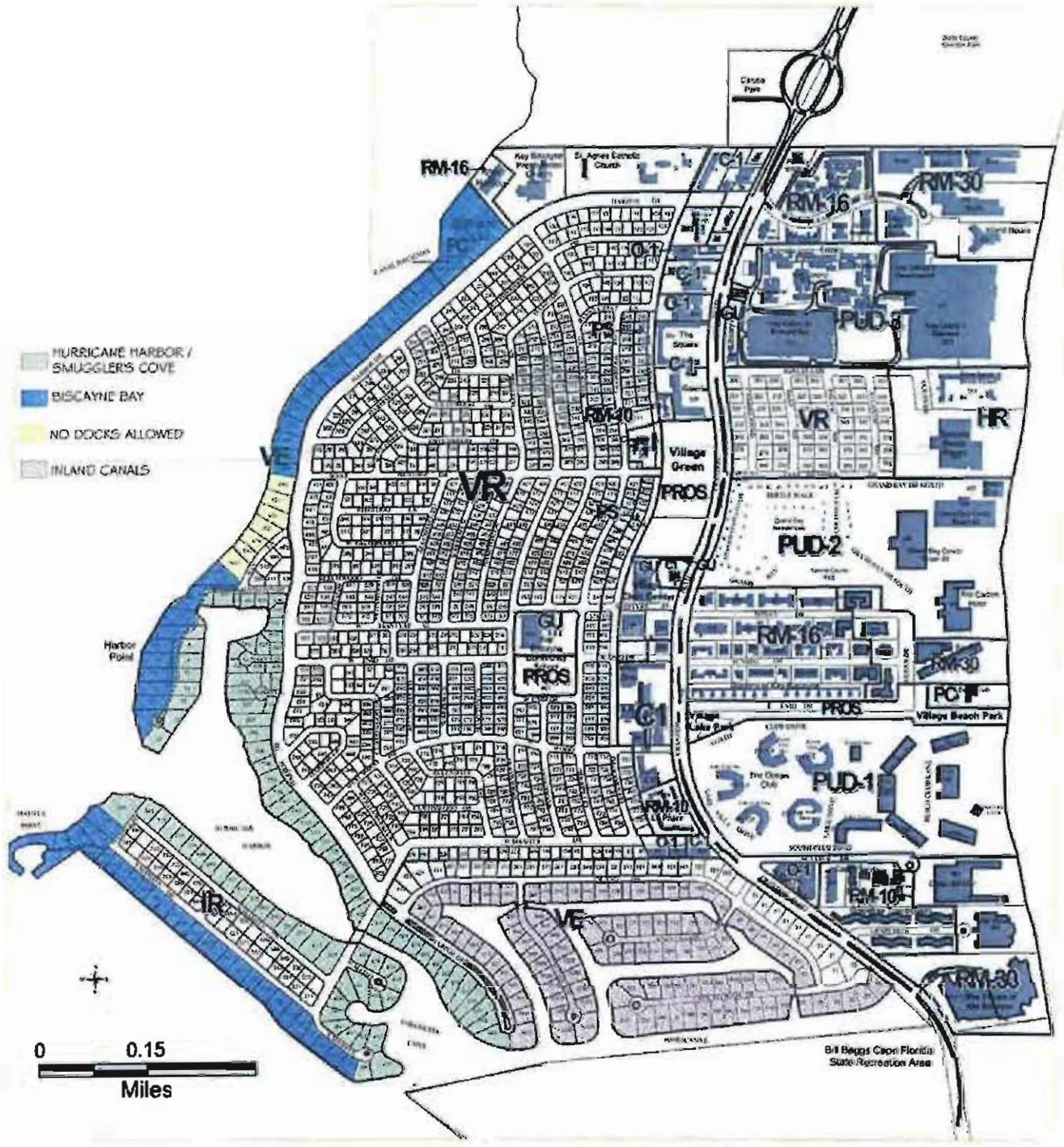
6. Re-decking, replacement or repair of legal non-conforming docks and mooring piles	A building permit may be issued for this work if it is within the same footprint as the original docks and mooring piles.
7. Legal non-conforming docks and mooring piles	Legal non-conforming docks and mooring piles which are destroyed or damaged by a natural disaster must obtain a building permit within two years of the date of said destruction.
8. Waterfront Property Map	The Waterfront Property Map shall be used to identify properties located on Biscayne Bay, canals, Hurricane Harbor, and Smuggler's Cove.
9. Measurements from mangroves	Whenever mangroves are situated on a property, any required measurements shall be from the water's edge of said mangroves.

**PROPOSED  
SPECIFIC REGULATIONS**

REGULATION	CANAL	HURRICANE HARBOR AND SMUGGLER'S COVE	BAYFRONT PROPERTIES
1. Dock projection	10 ft. or 10% of canal width, whichever is less	20 ft. or 20% of the width of the waterway whichever is less	40 ft.
2. Mooring pile projection	25 ft. from bulkhead or 20 % of canal width, whichever is less	35 ft. or 20% of the width of the waterway whichever is less	20 ft. from a dock and 60 ft. from the property line
3. Triangle for view corridor purposes	No triangle	No triangle	60 degree. Baseline of triangle $\leq$ 100 ft.
4. Dock, mooring pile, or watercraft inside or outside of triangle for view corridor purposes	Not applicable	Not applicable	Dock inside 60 degree triangle. Mooring piles and watercraft permitted outside the 60 degree triangle (See illustration)
5. Concave or convex property line	No regulation	No regulation	Projection of one side of a dock may exceed 40 ft. maximum but by no more than 6 ft.
6. Maximum number of slips and guest watercraft	Two; however one guest boat shall be limited to be moored no more than 24 hrs.	Two; however one guest boat shall be limited to be moored no more than 24 hours	Two; however one guest boat shall be limited to be moored no more than 24 hours
7. Additional limitations and restrictions of docks and mooring piles for specific properties	Not applicable	Not applicable	See illustrations for the following properties: 400 S. Mashta Dr., 420 S. Mashta Dr., and 28 Harbor Point Dr. Docks and moorings are not permitted for the following properties: 400 Harbor Dr. to 485 W. Matheson Dr.
8. Maximum height of boat lift for watercraft or boat	No maximum height but bottom of watercraft shall be no more than 6 inches above mean high water mark	No maximum height but bottom of watercraft shall be no more than 6 inches above mean high water mark	No maximum height but bottom of watercraft shall be no more than 6 inches above mean high water mark
9. Max. length watercraft	No regulation	No regulation	50 ft.
10. Maximum distance between mooring piles	No regulation	No regulation	55 ft.
11. Maximum length of a dock parallel to the bulkhead	No regulation	No regulation	50 ft.

12. Perpendicular dock restrictions	Not applicable	The portion of a dock which is perpendicular to the bulkhead shall exceed the portion of a dock which is parallel to a bulkhead by 50% or more. No mooring pile or watercraft shall extend beyond the end of the dock more than 10% the length of the dock	Not applicable
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# VILLAGE OF KEY BISCAYNE WATERFRONT PROPERTY MAP





Mashta Island

S. Mashta Dr.

Smugglers Cove

Dock & boatlift permitted here

400

420

Biscayne Bay

No dock or boatlift permitted here

Pines Canal

Dock & boatlift permitted here

Bill Baggs State Park

N

**400 & 420  
South Mashta Drive**

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Harbor Point

Biscayne Bay

28

No dock or boatlift permitted here

Dock & boatlift permitted here

Hurricane Harbor

N

28 Harbor Point

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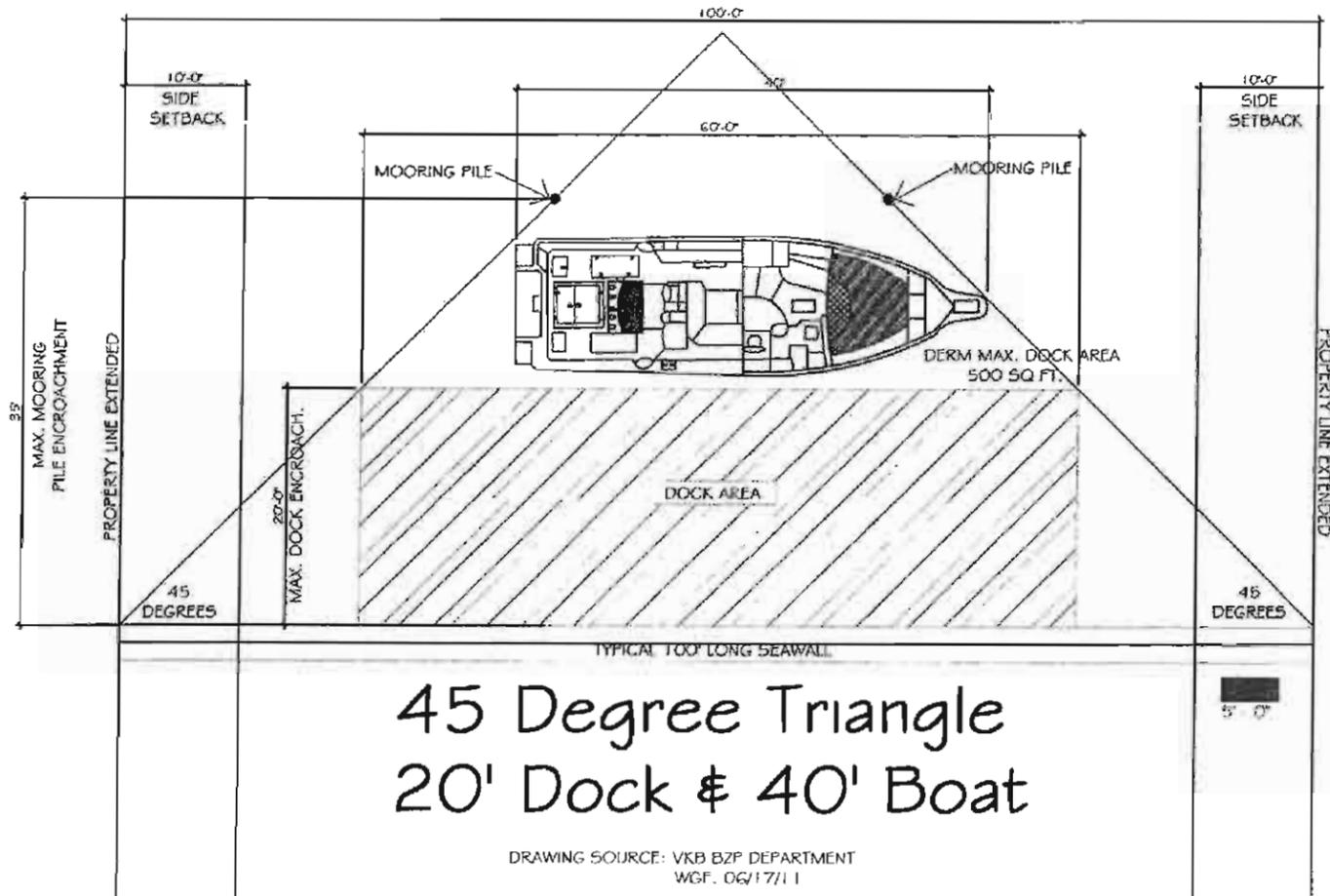
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© 2011 Google  
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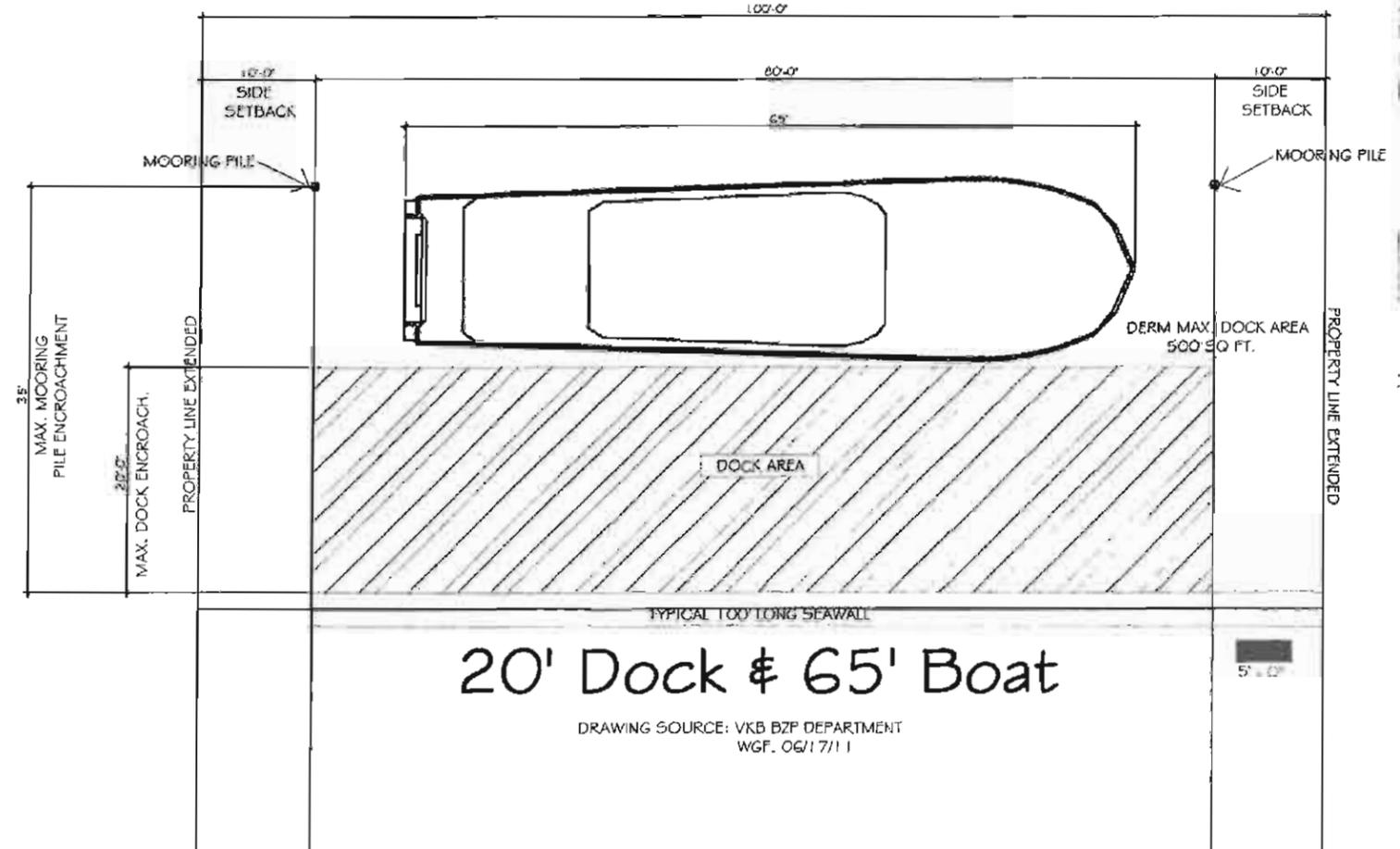
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# HURRICANE HARBOR & SMUGGLER'S COVE

## 100' WIDE LOT EXISTING REGULATIONS

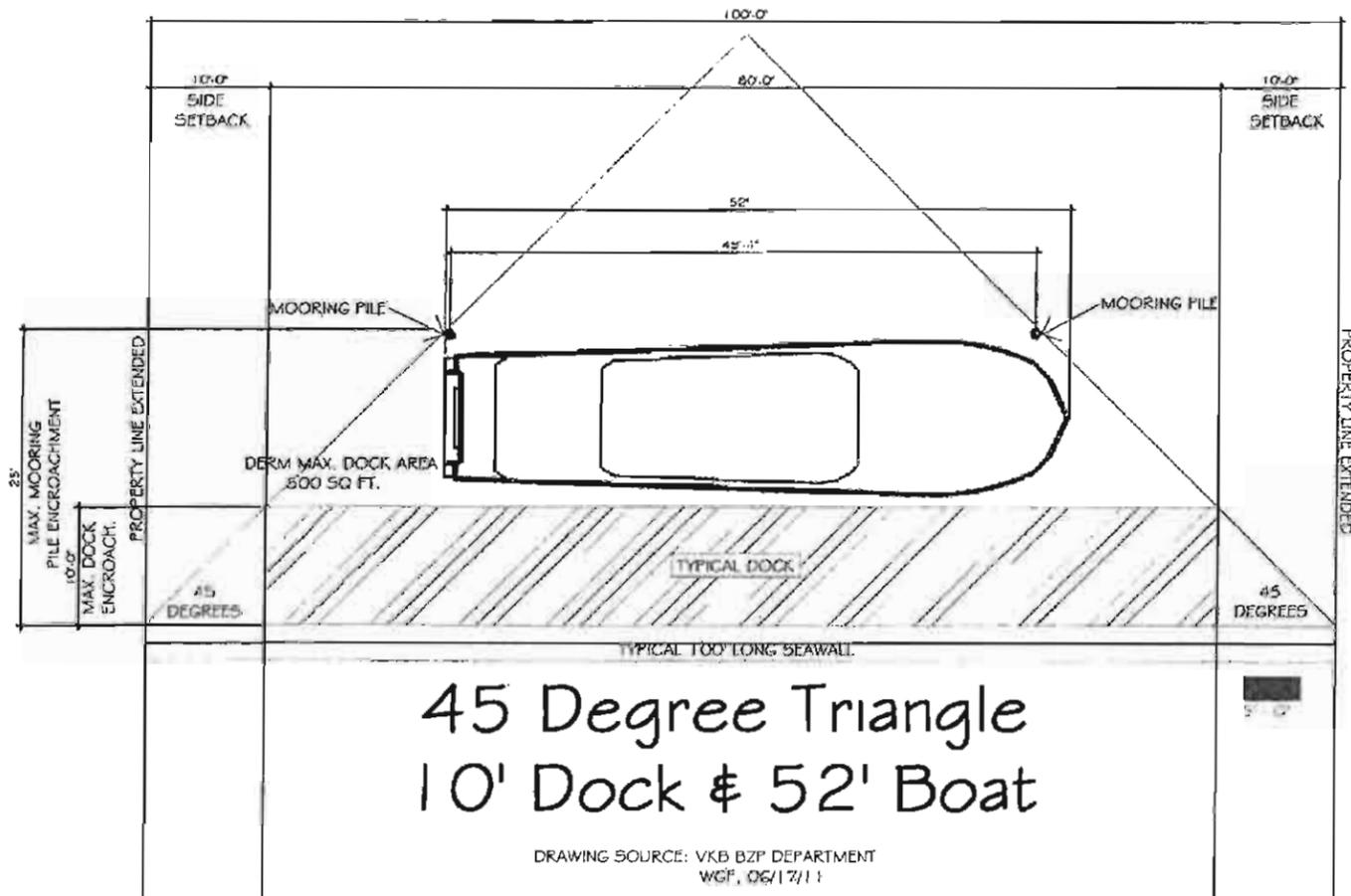


## 100' WIDE LOT PROPOSED REGULATIONS

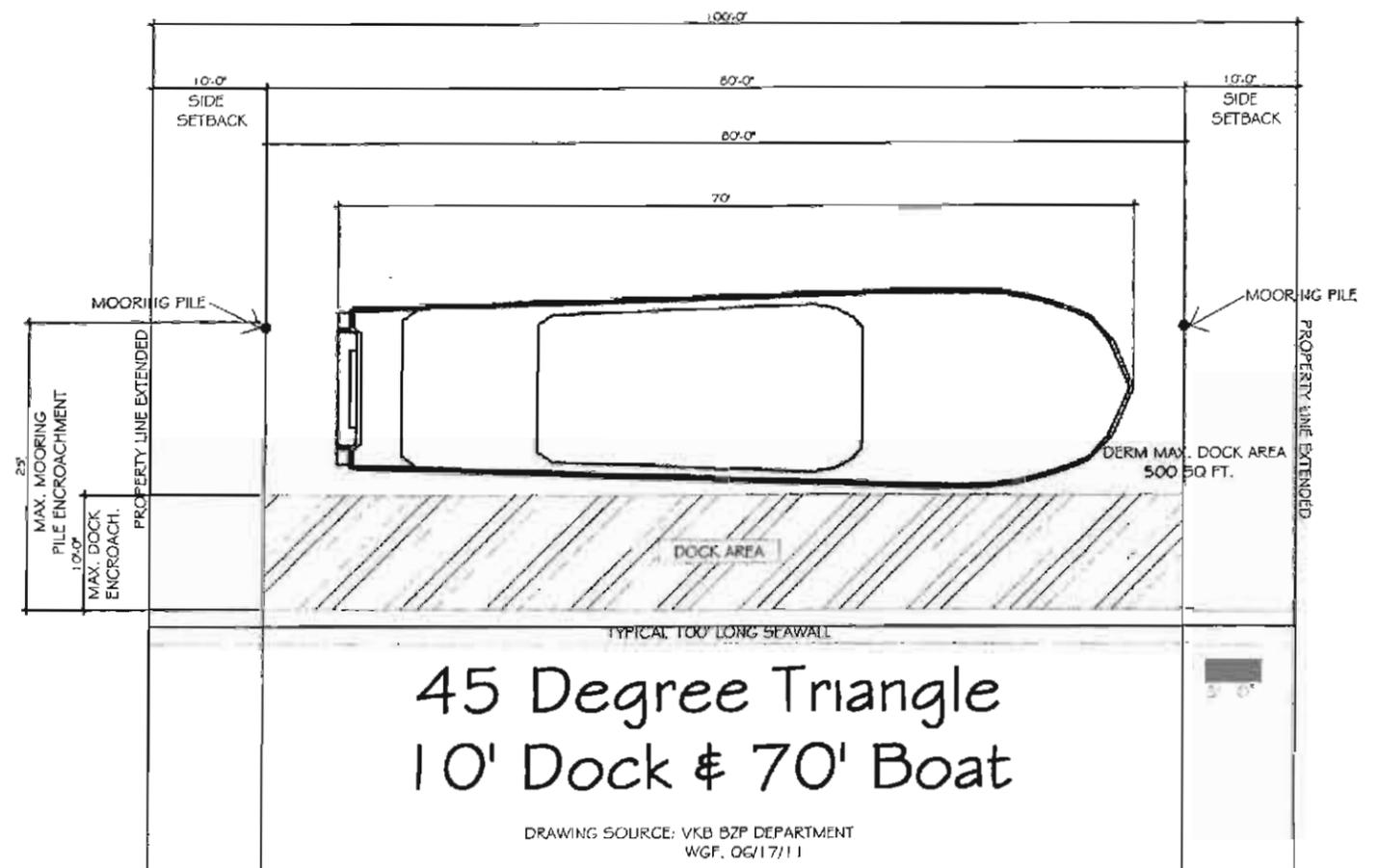


# CANAL PROPERTIES

## 100' WIDE LOT EXISTING REGULATIONS

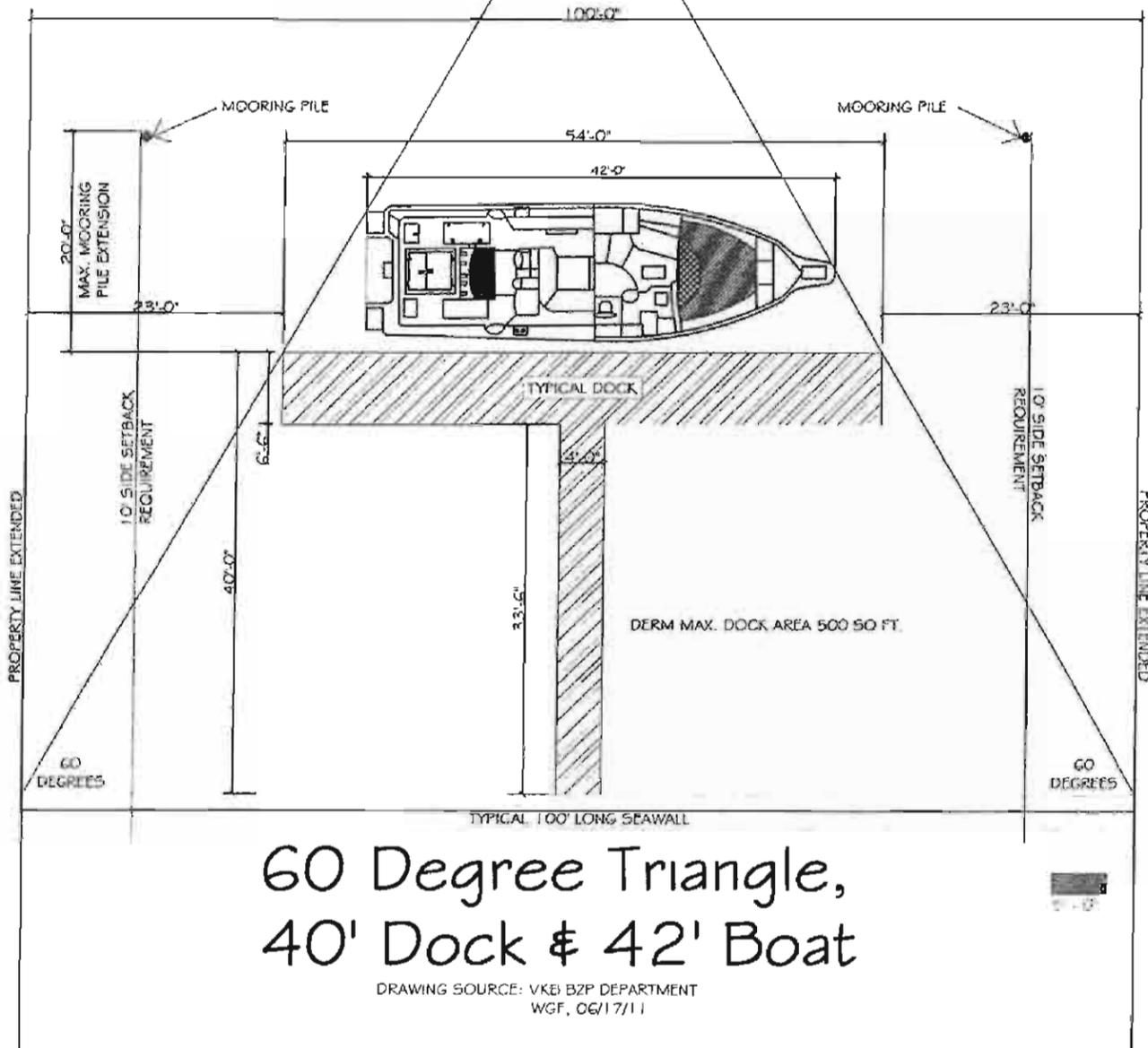


## 100' WIDE LOT PROPOSED REGULATIONS

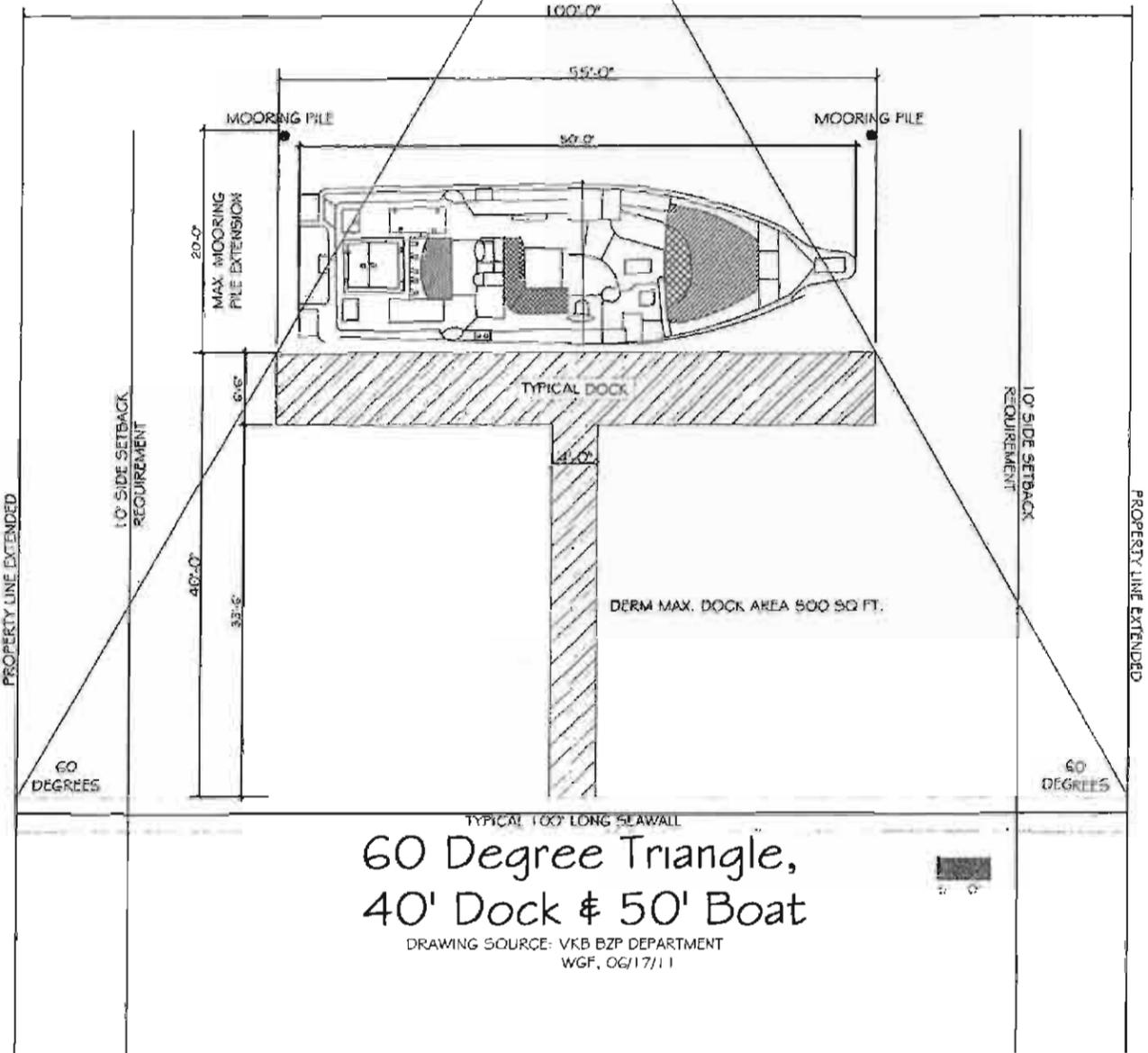


# BAYFRONT PROPERTIES

100' WIDE LOT  
 EXISTING REGULATIONS  
 EXCLUDING 200-398 HARBOR DR.



100' WIDE LOT  
 PROPOSED REGULATIONS



# 200 - 398 HARBOR DRIVE EXISTING REGULATIONS - NO CHANGE

