

**ORDINANCE NO. 2002-6**

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100(f)(3) OF THE ZONING AND LAND DEVELOPMENT REGULATIONS RELATING TO THE MAXIMUM PROJECTION OF DOCKS AND RELATED MARINE STRUCTURES INTO VILLAGE WATERWAYS AND BISCAYNE BAY; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, PENALTY, AND AN EFFECTIVE DATE.**

WHEREAS, the Zoning and Land Development Regulations provide for an amendment process; and

WHEREAS, the proposed text amendment is consistent with the review criteria set forth in Section 30-71(b) of the Zoning and Land Development Regulations; and

WHEREAS, the Regulations limit the maximum projection of docks and mooring piles into Village Waterways and Biscayne Bay for purposes of protecting the health, safety, and welfare of the Village; and

WHEREAS, the Miami-Dade County Department of Environmental Resources Management regulates maximum projection of docks and mooring piles into Biscayne Bay for purposes of protecting the natural resources of these bodies of water; and

WHEREAS, there are conflicts between the Village's and County regulations which prevent property owners along Biscayne Bay from having docks; and

WHEREAS, the Local Planning Agency held a public hearing on May 28, 2002 and recommended that this ordinance be approved; and

WHEREAS, the Building, Zoning, and Planning Department has recommended that this ordinance be approved; and

WHEREAS, property owners along Biscayne Bay have a reasonable expectation that the regulatory agencies would permit docks that address the health, safety, and welfare of the Village and the protection of our natural resources.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA:**

**Section 1.** That Section 30-100(f)(3) "Docks and Mooring Piles" of the Zoning and Land Development Regulations is hereby amended as follows:

Sec. 30-100(f)(3) Docks and Mooring Piles.

a. General Regulations. No Docking Facility within the single family districts in the Village of Key Biscayne shall be constructed without prior written approval by the Village of Key Biscayne 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.

1. All Docks, davits, fenders, watercraft and mooring piles must be set back a minimum of ten (10) feet from each side property line extended.
2. No Mooring pile shall have a height exceeding 13 feet above NGVD (National Geodetic Vertical Datum) nor extend into the waterway a distance more than twenty-five (25) feet or 20% of the waterway width at the point of extension, whichever is less.
3. All Docks and mooring piles shall be constructed in accordance with Section D-5.03(2)(a) of the Dade County Public Works Manual (see diagram below). All watercraft or any portion thereof shall be docked or moored inside an area as depicted in the triangle diagramed below, and must be docked parallel to the bulkhead.
4. Mooring piles and Dolphins may not extend more than twenty (20) feet from a Dock. Mooring piles and Dolphins on Biscayne Bay shall not extend more than twenty-five (25) feet from the bulkhead.
5. No Dock shall extend from a bulkhead into any canal, lake, or waterway a distance greater than ten (10) feet, or 10% of the width of the waterway, whichever is less. Notwithstanding the foregoing, no Dock or Mooring pile shall extend into Biscayne Bay a distance of more than twenty-five (25) feet from the bulkhead.
6. Where the width of a waterway does not permit the placement of a Dock or outer Mooring pile, Fender Mooring piles may be placed at a distance not to exceed eighteen (18") inches from the bulkhead.

**Section 2.** 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, 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 3.** Inclusion in the Code. It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and made part of the Code of Key Biscayne, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 4.** Penalty. Pursuant to Sec. 1-14 of the Village Code, any person who violates any provision of the Ordinance shall, upon conviction, be punished by a fine not to exceed \$500 or imprisonment in the County jail not to exceed sixty (60) days or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate violation. Pursuant to Section 2-31 et seq. of the Village Code this Ordinance shall be subject to enforcement under the Local Government Code Enforcement Act, Chapter 162, F.S., as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction.

**Section 5.** Effective Date. That this ordinance shall be become effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this 28th day of May , 2002.

PASSED AND ADOPTED on second reading this 11th day of June , 2002.

**MAYOR JOE I. RASCO**  
**ATTEST:**

**CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

**RICHARD JAY WEISS, VILLAGE ATTORNEY**