

ORDINANCE NO. 2009-5

**An Ordinance Of The Village Of Key Biscayne, Florida,
Amending Section 30-100 "Single Family And Two-Family
Districts" Relating To Docks And Mooring Piles; Providing For
Severability; Providing For Conflicts; And Providing For An
Effective Date.**

WHEREAS, the Village of Key Biscayne (the "Village") has adopted provisions regulating docks and mooring piles in order to provide for the safety of boaters, protect the environment, and preserve aesthetic visual corridors within the Village; and

WHEREAS, because of Miami-Dade County's regulations governing the construction of docks and mooring piles, several of the Village's residents have been unable to construct new docks and mooring piles along Biscayne Bay; and

WHEREAS, the Village Council desires to modify the Village's regulations, so that the residents along Biscayne Bay will be able to construct docks and mooring piles in accordance with Miami-Dade County's regulations; and

WHEREAS, the Village staff recommends approval of the proposed modifications to the Village's regulations and finds that these regulations are consistent with the Village's Comprehensive Plan; and

WHEREAS, the Village Council finds that the proposed modifications will continue to provide for boater safety, protect the environment, and preserve the aesthetic visual corridors within the Village; and

WHEREAS, the Village Council, sitting as the Local Planning Agency, has reviewed this Ordinance and has recommended approval; and

WHEREAS, the Village Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and advances the public interest.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS¹:

Section 1. The preceding “Whereas” clauses are ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Amendment to Section 30-100 of the Village Code. Section 30-100 “Single Family and Two-Family districts” of the Village Code of Ordinances is hereby amended to read as follows:

ARTICLE V. SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS

Sec. 30-100. Single Family and Two-Family districts.

(a) Purpose and Uses.

(f) Permitted encroachments in Required Yards.

(1) *Boat storage.*

(3) *Docks and mooring piles.*

¹ ¹ Coding: underlined words are additions to existing text, struck through words are deletions from existing text, shaded text reflects changes made from First Reading.

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~~ shall be set back a minimum of ten 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 25 feet or 20 percent 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.

GRAPHIC LINK: [Click here for graphic](#)

4. Mooring piles and Dolphins may not extend more than 20 feet from a dock. Mooring piles and Dolphins on Biscayne Bay shall not extend more than 25 feet from the bulkhead.

5. No dock shall extend from a bulkhead into any canal, lake, or waterway a distance greater than ten feet, or ten percent 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 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 18 inches from the bulkhead.

b. Specific Regulations. The following provisions shall apply only to those properties located along Biscayne Bay at: 200 through and including 398 Harbor Drive.

1. No dock shall extend from a property line into Biscayne Bay a distance greater than 40 feet. The dock shall fit within a triangle with 60 degree angles along the base of the triangle as depicted below. The baseline of the triangle shall not exceed 100 feet.

[CODIFIER TO INSERT BISCAYNE BAY 60 DEGREE TRIANGLE GRAPHIC]

2. No mooring pile shall extend more than 20 feet from a dock and may not extend more than 60 feet from the property line into Biscayne Bay. No more than two (2) mooring piles and one (1) watercraft are permitted outside of the 60 degree triangle.

3. If the property line is a concave or convex arc, the projection of one side of the dock may exceed the 40 ft. maximum by no more than 6 ft.
4. No more than one slip shall be permitted per residence. A watercraft owned by a guest may be moored no longer than 24 hours within a slip.
5. No dock or mooring pile shall project within 60 ft. of a breakwater.
6. A boat lift shall not encroach into the required 10 foot side yard setbacks. Lift arms may extend beyond the 60 degree triangle, but shall not extend beyond the mooring piles.
7. The maximum height for a watercraft on a boat lift is such that the bottom of the watercraft may be no more than six (6) inches above the Mean High Water Level.
8. A watercraft shall not exceed a maximum of 50 ft. in length overall (LOA).
9. The maximum distance between mooring piles shall be 50 ft, and the maximum length of a dock running parallel to the property shall not exceed 50 ft.

Except as modified by this subsection b all other provisions in Section 30-100 shall apply.

Section 3. 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 4. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 9th day of December, 2008.

PASSED AND ADOPTED on second reading this 24th day of March, 2009.

MAYOR ROBERT L. VERNON

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY