

ORDINANCE NO. 22 - 1725

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN OF SURFSIDE CODE OF ORDINANCES BY AMENDING SECTION 90-57. - "MARINE STRUCTURES", TO AMEND REGULATIONS FOR CONSTRUCTION OF DOCKS, PIERS AND MOORINGS ON WATERFRONT LOTS TO MODIFY ALLOWABLE DOCK PROJECTIONS INTO WATERWAYS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

1 **WHEREAS**, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida
2 Statutes, provide municipalities with the authority to exercise any power for municipal purposes,
3 except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

4 **WHEREAS**, the Town Commission of the Town of Surfside ("Town Commission") finds it
5 periodically necessary to amend its Code of Ordinances and Land Development Code ("Code") in
6 order to update regulations and procedures to maintain consistency with state law, to implement
7 municipal goals and objectives, to clarify regulations and address specific issues and needs that
8 may arise; and

9 **WHEREAS**, the Town recently adopted Ordinance No. 2022-1718 amending section 90-57
10 of the Code to provide for specific regulations for marine structures on waterfront lots with water
11 frontage on two sides, specific waterfront lots fronting portions of Point Lake that are particularly
12 vulnerable to obstructions to navigation, other waterfront lots on Point Lake, waterfront lots on
13 Biscayne Bay and Indian Creek, adding setbacks for docks, protecting unobstructed passage on
14 waterways, and requiring owners to provide courtesy notices of a building permit application for a
15 dock to all owners within 300 feet prior to building permit; and

16 **WHEREAS**, in addition to the Code, marine structures are regulated by the Miami-Dade
17 County Department of Environmental Resources Management (DERM) which implements Section
18 403.813, Florida Statutes, and Section 66-302.700, Florida Administrative Code, which together
19 limit marine structures like docks to 500 square feet, and enforces additional limitations such as the
20 D-5 triangle; and

22 **WHEREAS**, the Town finds that DERM’s regulations and enforcement provide ample
23 restrictions that limit the size of marine structures; and

24 **WHEREAS**, given the marine structure area limitations enforced by DERM, the Town
25 Commission seeks to modify the allowable projections of docks into waterways to provide for
26 additional flexibility to waterfront owners located on waterways such as Indian Creek and Biscayne
27 Bay that are wide enough to accommodate marine structure projections without adversely
28 impacting navigability, and finds that such modifications are necessary and in the best interests of
29 the Town and its residents; and

30 **WHEREAS**, on May 10, 2022 at its regular monthly meeting, the Town Commission directed
31 staff to evaluate and prepare an ordinance amending Section 90-57. – Marine Structures, to address
32 such modification; and

33 **WHEREAS**, the Town Commission held its first public hearing on June 14, 2022 and, having
34 complied with the notice requirements in the Florida Statutes, approved the proposed amendment
35 to Section 90-57 of the Code of Ordinances on first reading; and

36 **WHEREAS**, the Planning and Zoning Board, as the local planning agency for the Town, held
37 its hearing on the proposed amendment on June 30, 2022 with due public notice and input, and
38 recommended approval of this proposed amendment by a 3-2 vote; and

39 **WHEREAS**, the Town Commission has conducted a second duly noticed public hearing on
40 these regulations as required by law on July 12, 2022 and further finds the proposed changes to the
41 Code are necessary and in the best interest of the community.

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43 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE**
44 **TOWN OF SURFSIDE, FLORIDA¹:**

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46 **Section 1. Recitals.** The above Recitals are true and correct and are incorporated herein by
47 this reference:

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49 **Section 2. Town Code Amended.** Section 90-57. – “Marine Structures”, of the Surfside
50 Town Code of Ordinances is hereby amended as follows:

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52 **Sec. 90-57. – Marine Structures.**
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56 (d) Maximum Projection of Lots on Biscayne Bay and Indian Creek. For any lot
57 with water frontage on Biscayne Bay or Indian Creek, a marine structure may
58 be constructed to project into the waterway ~~by no more than the lesser of (i)~~
59 10% of the width of the adjacent waterway up to:

- 60 a. 35 feet maximum within Indian Creek, which applies to Lot 13, Block
61 26, of the Second Amended Plat of Normandy Beach (Plat Book 16,
62 Page 44) and all waterfront properties north of it along Biscaya or Bay
63 Drive; or
64 b. 45 feet maximum within Biscayne Bay, which applies Lot 14, Block 26
65 of the Second Amended Plat of Normandy Beach (Plat Book 16, Page
66 44) and all waterfront properties east of it along Biscaya or 88th Street.
67 c. Any portion of a dock or pier that projects more than 15 feet from the
68 sea wall shall be limited to a maximum 8 feet in width, ~~or (ii) 15 feet,~~
69 unless the Miami-Dade County Department of Economic Resources,
70 Department of Environmental Resource Management, or Florida
71 Department of Environmental Protection determines that
72 environmental resources do not allow for a width of greater than 8 feet
73 adjacent to the sea wall, in which case a platform of up to 30 feet in
74 width (dimension parallel to sea wall) and 15 feet in depth (dimension
75 perpendicular to sea wall) may be constructed within 25 feet of the sea
76 wall ~~require a further dock extension, in which case a finger pier not to~~
77 ~~exceed 8 feet in width, and any mooring piles, boat lifts, or other~~
78 ~~appurtenances, shall be allowed to project into the waterway no more~~
79 ~~than 35 feet, and vessels shall be required to dock along the side of the~~
80 ~~finger pier rather than at the end of the finger pier.~~

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83 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is
84 held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall
85 in no way affect the validity of the remaining portions of this Ordinance.

86 **Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is
87 hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of
88 Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to
89 accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other
90 appropriate word.
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92 **Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or
93 resolutions in conflict herewith are hereby repealed.

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95 **Section 6. Effective Date.** This ordinance shall become effective upon adoption.

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97 **PASSED** and **ADOPTED** on first reading the 14th day of June, 2022.

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99 **PASSED** and **ADOPTED** on second reading this 12th day of July, 2022.

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102 **First Reading:**
103 Motion by: Commissioner Landsman
104 Second by: Commissioner Meischeid

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107 **Second and Final Reading:**
108 Motion by: Vice Mayor Rose
109 Second by: Commissioner Meischeid

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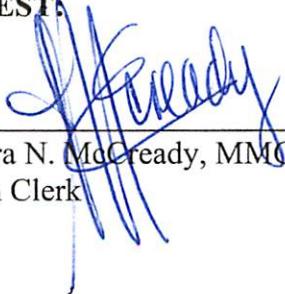
112 **FINAL VOTE ON ADOPTION**

113	Commissioner Fred Landsman	<u>Yes</u>
114	Commissioner Marianne Meischeid	<u>Yes</u>
115	Commissioner Nelly Velazquez	<u>Absent</u>
116	Vice Mayor Jeffrey Rose	<u>Yes</u>
117	Mayor Shlomo Danzinger	<u>Yes</u>

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Shlomo Danzinger, Mayor

121 **ATTEST:**
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124 _____
125 Sandra N. McCready, MMC
126 Town Clerk

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133 APPROVED AS TO FORM AND LEGALITY FOR THE USE
134 AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:

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137 _____
138 Weiss Serota Helfman Cole & Bierman, P.L.
139 Town Attorney
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