

ORDINANCE NO. 14- 1622

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" OF THE CODE OF THE TOWN TO AMEND SECTION 90-57 "MARINE STRUCTURE" TO EXTEND THE LENGTH OF THE DOCK PROJECTION INTO BISCAYNE BAY AND TO PROVIDE FOR A COURTESY NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town has previously regulated the length docks that project into Biscayne Bay, Indian Creek, and Point Lake; and

WHEREAS, DERM and the Corp of Engineers have expressed an interest in preserving and not disturbing the sea-grass the presently grows at the point where the Code currently requires docks to be built in Biscayne Bay; and

WHEREAS, the Town has received requests to extend the length of docks in Biscayne Bay and those requests are not inconsistent with recommendations from the applicable approving government agencies and this amendment will therefore promote the health, safety, and welfare of the Town; and

WHEREAS, the Town Commission held its first public reading on April 8, 2014 and recommended approval of the proposed amendments to the Code of Ordinances having complied with the notice requirements by the Florida Statutes; and

WHEREAS, the Planning and Zoning Board, as the local planning agency for the Town, has held a public hearing on May 29, 2014 and recommended approval of the proposed amendments to the Code of Ordinances and also found the proposed Code amendments to be consistent with the Comprehensive Plan; and

WHEREAS, The Town Commission has conducted a second duly noticed public hearing on these regulations as required by law on June 10, 2014 and further finds the proposed change to the Code necessary and in the best interest of the community.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Code Amendment. The Code of the Town of Surfside, Florida is hereby amended as follows:

Sec. 90-57. Marine structures.

The following regulations shall apply to boat docks, piers, and mooring piles, in any district:

(1) Projection of docks and piers into waterways beyond the waterway line, lot line, or established bulkhead lines shall be limited as follows, subject to final approval by ~~DERM and any other applicable agency~~ Miami-Dade County and any other authority having jurisdiction:

a. *Biscayne Bay*: 35 feet except if the applicant provides evidence that Miami-Dade County requires a greater dock length to avoid or minimize adverse environmental impact to marine resources.

(3) For all properties requesting a Marine Structure permit as described in this Section, the Town Manager or designee shall send a mailed courtesy notification to all property owners within 300 feet of the property requesting the permit submitted to the Building Department.

Section 3. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Conflict. All sections or parts of sections of the Town of Surfside Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

Section 5. Inclusion in the Code of Ordinances. It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Section 6. Effective Date. This Ordinance shall be effective ten (10) days after adoption on second reading.

PASSED and ADOPTED on first reading this 13th day of May, 2014

PASSED and ADOPTED on second reading this 10th day of June, 2014



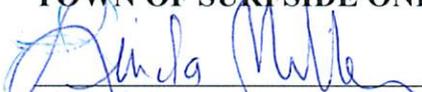
Daniel Dietch, Mayor

ATTEST:



Sandra Novoa
Town Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
TOWN OF SURFSIDE ONLY:**



Linda Miller, Town Attorney

On Final Reading moved by: Vice Mayor Tourgeman
On Final Reading seconded by: Commissioner Olchyk

FINAL VOTE ON ADOPTION

Commissioner Barry R. Cohen
Commissioner Michael Karukin
Commissioner Marta Olchyk
Vice Mayor Eli Tourgeman
Mayor Daniel Dietch

Absent
yes
yes
yes
yes



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